

ORDINANCE NUMBER O- 19862 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 28 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 25.0205, RELATING TO FIRE-RESCUE DEPARTMENT FEES

WHEREAS, Government Code section 50076 allows cities to set cost recovery fees for services; and

WHEREAS, the Council of the City of San Diego desires that the City Manager and or the City Manager’s designee, including the Fire Chief, have the authority to set fees for service, so long as those fees are set in compliance with Council Policy and San Diego Administrative Regulations; and

WHEREAS, this action is not intended to allow fees for any service when the fee is otherwise prohibited by case law or any applicable statute, including the California Constitution, San Diego Charter, and San Diego Municipal Code; and

WHEREAS, this action is not intended to allow the Fire Chief to override the City Manager’s authority under the San Diego Charter; and

WHEREAS, the Park and Recreation Department Director has similar authority in San Diego Municipal Code section 22.1502; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 5, Division 2 of the San Diego Municipal Code is amended by adding section 25.0205 titled “Fire-Rescue Department Fees” to read as follows:


**§25.0205 Fire-Rescue Department Fees**

The Chief of the Fire-Rescue Department, including in his or her capacity as Fire Marshal, and after consultation with and approval of the City Manager, shall have the authority to establish fees for the use of Fire-Rescue Department facilities, equipment, and services. Fees shall be established in accordance with City Council Policy and Administrative Regulations governing such fees. The services and fees shall be posted in the City Clerk's Composite Ratebook. No fee shall be established in contravention of any applicable statute or regulation, or case law.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
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Mary T. Nuesca  
Chief Deputy City Attorney

MTN:ar  
04/22/09  
Or.Dept:Fire-Rescue  
O-2009-136

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 19 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5-26-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor