

Resolution

A RESOLUTION OF THE BOARD OF TRUSTEE OF DELAWARE TOWNSHIP, IOWA, related to fire inspection fees; and establishing an effective date.

WHEREAS, proactive fire inspections enhance the safety of persons and property within Delaware Township; and

WHEREAS, Delaware Township has experienced significant growth necessitating the need for additional fire inspection resources; and

WHEREAS, the Delaware Township desires to create a funding mechanism for the cost recovery of the fire inspection program;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby places a resolution establishing the following:

Section 1. Inspection fee

The fire chief, or their designee, is authorized to assess a fire inspection fee for inspections made of commercial and multifamily buildings under International Fire Code Chapter 1, Section 104. The fire inspection fee shall be assessed at the time the inspection is made. The fire chief or their designee shall calculate the inspection fee based on the following formula for each building or occupancy.

$(\text{Square Foot Factor}) * \text{multiplied by } (\text{Degree of Difficulty Factor}) ** \text{ multiplied by } (\text{Base Rate}) *** = \text{Inspection Fee}$

***Square Foot Factor:**

- #0 = Under 1,000 Sq. Ft.
- #1 = 1,000 Sq. Ft. or larger up to;
- #2 = 3,000 Sq. Ft. or larger up to;
- #3 = 10,000 Sq. Ft. or larger up to;
- #4 = 40,000 Sq. Ft. or larger up to;
- #5 = 80,000 Sq. Ft. or larger up to;
- #6 = 100,000 Sq. Ft. or larger.

**** Degree of Difficulty Factor:**

#1 - Low. All buildings or portions of buildings classified as Group B, M, R (not to include Group R Division 3) and U occupancies.

#2 - Medium. All buildings or portions of buildings classified as Group A, E, S or LC occupancies

#3 - High. All buildings classified as high-rise buildings; all buildings or portions of buildings classified as Group F, H or I occupancies.

All occupancy classifications are in accordance with the International Building Code (IBC) as amended by Polk County Building Code Chapter 20. Accessory occupancies ancillary to the main occupancy or incidental uses shall be classified for the purpose of the degree of difficulty factor as the main occupancy.

*** Base Rate = \$180.00 commencing January 1, 2020.

The Square Foot Factor and Degree of Difficulty Factor shall be determined by the fire chief, or their designee performing the inspection.

Section 2. Exemptions from Inspection Fee

Nonprofit organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, recognized federal, state, and county agencies, and business occupying less than 1,000 square feet are exempt from the fire inspection fees established in Section 1.

Section 3. Reinspection and Special Inspections

The fire inspection fee shall cover the initial inspection and one follow-up visit, if necessary to determine correction of any violations.

Any additional follow-up inspections necessitated by noncompliance shall be assessed a fee at the time of the inspection and at 150% the rates established in Section 1.

For organizations exempt from inspection fees under Section 2, any additional follow-up inspections necessitated by noncompliance shall be assessed a fee at the time of the inspection and at the rates established in Section 1.

Section 4. Adjustments to Base Rate

The base rate used in Section 1 shall be set by Board of Trustees and reviewed every two years, or as otherwise necessary, to accomplish cost recovery for the fire inspection program. The base rate shall be adjusted to account for inflation, additional commercial and multifamily square footage subject to fire inspection which has been added within the Township, and additional fire inspection resources or personnel necessary to perform fire inspections on a regular basis.

Section 5. Inspection fee -- Payment obligation

The obligation to pay the fee assessed pursuant to this resolution shall be initially the responsibility of the occupant of the space subject to inspection. If the space subject to inspection is the common area of a building, or is unoccupied, the fee shall be assessed to the property owner.

If more than 50% of any floor within a building consists of occupancies exempt from inspection fees under Section 2, the inspection fee shall be assessed to the property owner based on the total square footage of the floor regardless of occupancy, unless such property owner is exempt pursuant to Section 2.

If the occupant does not pay the assessed fee(s) within 30 days, the property owner shall be notified of the unpaid fee. If the assessed fee is not paid within 90 days of the original assessment date, the property owner and occupant shall be jointly responsible for the inspection fee.

Section 6. Inspection fee -- Collection procedure

The fees established in Section 1 and Section 3 shall be billed directly to the party responsible. All balances 120 days or greater past the date of original assessment shall incur late charges of 1%, with a minimum charge of \$25 per month.