

COUNCIL COMMUNICATION

	Number:	20-211	Meeting:	May 18, 2020
	Agenda Item:	35	Roll Call:	20-0842
	Submitted by:	John F. TeKippe, Fire Chief		

AGENDA HEADING:

Rescinding current Schedule of Administrative Penalties for violations of Chapter 46, Fire Prevention and Protection, and approving and adopting an updated Schedule of Administrative Penalties Applicable to Chapter 46, Fire Prevention and Protection.

SYNOPSIS:

Recommend rescission of the current Schedule of Administrative Penalties for violations of Chapter 46 and replacement with an updated Schedule by approval of the proposed Schedule of Administrative Penalties concerning first and second and subsequent violations, within a calendar year, of Chapter 46, Fire Prevention and Protection, of the Municipal Code. The Council's approval of this updated Schedule of Administrative Penalties applicable to the Fire Prevention Code will allow the Fire Department to more effectively enforce the current code requirements. Municipal Code Section 46-5 authorizes the imposition of administrative penalties adopted by City Council resolution.

FISCAL IMPACT:

Amount: \$0-5,000 increase in anticipated revenue

Funding Source: Payments from Ordinance Violators

ADDITIONAL INFORMATION:

- Municipal Code Chapter 46 presents various requirements and prohibitions for City residents and businesses to comply with the Fire Prevention and Protection Code. Section 46-5 authorizes a Notice of Violation and administrative penalty to be issued for violations with the amount of the administrative penalties to be adopted by Council resolution. A Schedule of Administrative Penalties for violations of Chapter 46 were adopted by the City Council on August 20, 2007.
- In February 2020, the City Council approved a comprehensive updating of Chapter 46. The proposed new Schedule of Administrative Penalties updates Chapter 46 section numbering and includes violations not present in the current Schedule. The penalty of \$250 for the first offense in a calendar year, and a penalty of \$500 for the second or subsequent offense in a calendar year have not been changed in this updated Schedule.

- The Fire Department intends to continue to use these administrative penalties to encourage violators of the Fire Prevention Code, and specifically repeat offenders, to comply with Fire Prevention Code requirements, such as obtaining valid permits and Fire Department inspections when required and to further prevent the unlawful use of fireworks, hazardous substances, flammable and combustible liquids, and large quantities of liquefied petroleum gas. These administrative penalties are in addition to any applicable inspection or permit fees.

PREVIOUS COUNCIL ACTION(S):

Date: February 10, 2020

Roll Call Number: [20-0261](#) and [20-0262](#)

Action: [Amending](#) Sections 46-1, 46-5, 46-61, 46-62, 46-63, 46-65, 46-67, 46-68, 46-70, 46-279, 46-457, 46-469, 46-485, 46-487, 46-498, 46-510, 46-556, 46-581, and 46-582, by repealing Section 46-458, 46-484, and 46-486, and by adding and enacting new Sections 46-71, 46-72, 46-73, 46-441, 46-488, 46-489, 46-490, 46-522, 46-523, 46-584, 46-585 and 46-586, relating to fire prevention and protection. ([Council Communication No. 20-049](#)) Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above (waiver requested by the Fire Chief), requires six votes. Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,860](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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