NORTH LINCOLN FIRE & RESCUE DISTRICT #1
ORDINANCE NO. 2027-01

AN ORDINANCE REPEALING ORDINANCE; ADOPTING COST-BASED FEES AND RATES FOR NON-EMERGENCY SERVICES AND EXTRATERRITORIAL OR EXTRAORDINARY RESPONSES; ALLOWING FOR FUTURE BOARD AMENDMENT OF FEES AND RATES BY RESOLUTION

WHEREAS, the North Lincoln Fire & Rescue District #1 (District) Board of Directors (Board) desires to repeal its current ordinance and adopt a revised ordinance to enable District to recover its actual costs for non-emergency response services and emergency response services that take place on transportation routes and unprotected areas outside the Fire District, recover the cost for inspections and plan reviews and other costs that are provided by District personnel and equipment; and

WHEREAS, ORS 478.410(4) authorizes the District to adopt, by ordinance, fees for any services provided by the District to reimburse the District for costs incurred to provide those services, and said fees established may not exceed the actual cost to the District of providing the service; and

WHEREAS, ORS 478.310 authorizes the District to recover its reasonable actual expenses for responses in unprotected areas outside of the Fire District, including the contract or reasonable value of use, including repairs and depreciation of equipment and other expenses reasonably incurred in furnishing the firefighting or public safety service; and

WHEREAS, in 2024, the District adopted Ordinance No. 2024-01, which authorized certain fees for services in compliance with Oregon law and the Board of Directors now wishes to repeal Ordinance No. 2024-01 with the goal of amending existing fees, adopting new fees, and clarifying the process for future amendment of such fees; and

WHEREAS, the District desires to recover costs pursuant to ORS 478.310 and ORS 478.410(4); and

WHEREAS, the Board has examined the current Oregon State Fire Marshal's Standardized Cost Schedule from the Oregon Fire Service Mobilization Plan and determined that such costs are reasonable and would satisfactorily reimburse District for costs incurred when responding to unprotected or inadequately protected areas outside of District; and

WHEREAS, the fees established by this Ordinance have been evaluated by the Board and they have reviewed and approved the actual costs of providing such services, responses, or permits; and

WHEREAS the Board has determined that the fees do not exceed the actual cost of providing such services, responses, or permits; and

WHEREAS, the Board has determined that it is fair, reasonable, and appropriate to adopt a cost recovery mechanism to collect the costs of providing such services or responses, and the Board has determined that such fees will be limited to cost recovery only and will not be used to generate revenue for the District; and

WHEREAS, the Board wishes to equitably distribute District resources among all District citizens and has further determined that District plan review for county and city jurisdictions and responses to repeated false alarms and egregious open burning violations are a drain on District resources that may impede legitimate emergency responses; and

WHEREAS, District desires to establish a published system of regulations, including fees and charges, to recover District's reasonable estimate of its actual costs, including labor and material, repairs and depreciation of capital assets, and other overhead; and

WHEREAS, the fees and charges imposed by this Ordinance are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution; and

WHEREAS, pursuant to ORS 294.160, members of the public were provided an opportunity to comment on the proposed new and/or increased fees at the District Board meeting held on November 11, 2026.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. REPEAL OF ORDINANCE NO. 2024-01. The Board of Directors of the North Lincoln Fire & Rescue District hereby repeals, in its entirety, Ordinance No. 2024-01. Fees assessed for District costs previously incurred remain due and owing to the extent unpaid on the effective date of this ordinance.

2. ADOPTION OF RATE SCHEDULE. The Board of Directors of North Lincoln Fire & Rescue District #1 hereby adopts the rates set forth in the Rate and Fee Schedule attached hereto and by this reference incorporated within this Ordinance as Appendix A. The Board further directs that such rates and fees, other than penalties for late payments, shall not be imposed as a penalty, but shall be calculated to recover the reasonable estimate of the District's actual costs. The Board may, from time to time, amend the Rate and Fee Schedule by resolution, as provided in Section 5 herein.

3. FEES ESTABLISHED. The Board hereby establishes and adopts the following cost-based fees, which shall be imposed subject to the Fire Chief's, or their designee's, sole assessment of financial hardship or reciprocal benefit to the District in compliance with this Ordinance and any applicable administrative rules or procedures. The Fire Chief may waive or reduce fees if, in the Fire Chief's discretion, any of the extenuating circumstances identified in Appendix A justify a waiver or reduction in a particular instance. The Board hereby established and adopted the following cost-based fees:

a. False Fire and Medical Alarm Fee

A cost-based fee may be imposed for responses to repetitive false (nuisance) fire and medical alarms, as provided in this section. No cost recovery fee shall be imposed for the initial three (3) fire alarm or medical responses to any residential or commercial occupancy during a 12-month period. No cost recovery fee shall be charged if the fire alarm is a result of a fire or results in medical treatment being provided by EMS personnel. Cancelled enroute false alarms are billable events subject to this fee. Fees under this section will be based upon the rates in Appendix A, as well as other documented actual costs of responding to the violation.

b. Open Burning Violation Fee

A cost-based fee may be imposed for open burning violation responses as provided in this section. Open burning violations are defined as violations of any locally adopted fire code or violations of any applicable Oregon Revised Statute or DEQ regulation. Such fees may be imposed for repeated violations, egregious or purposeful violations, or for any open burning during a District-wide advertised burn ban. Fees will be based upon the rates in Appendix A, as well as other documented actual costs of responding to the violation.

c. Transportation Route Response Fee

A cost-based fee may be imposed for responses on certain transportation routes, as further provided in this section. "Transportation route" means any roadway, railway right-of-way, or waterway, against which no taxes or assessments for fire protection are levied by the District. Such cost-based fees may be imposed for responses to incidents, responses, or occurrences on such Transportation Routes, including aircraft crashes. Transportation Route fees for responses within District boundaries will be imposed only when the required response lasts longer than twenty minutes (20) and requires any fire response vehicles at the scene. District residents will have their insurance billed for cost of response however, no out of pocket expenses for deductibles or policy limits will be collected.

Transportation Route response invoices will use dispatch time records to determine the commitment of apparatus and personnel and will, if applicable, use the rates as listed in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon scene documentation of the officer in charge.

d. Unprotected or Inadequately Protected Area Response Fee

A cost-based fee may be imposed for responses to incidents in unprotected or inadequately protected areas outside of District boundaries as provided in this section. These responses will be billed on a "per hour" basis using dispatch time records to determine the commitment of apparatus and personnel, as well as rates in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon the rates provided in Appendix A as well as scene documentation of the officer in charge.

e. Ambulance Transport Fee

A cost-based fee may be imposed for ambulance transports as provided in this section. If the District transports a patient using a District ambulance, it may invoice the patient and/or the patient's insurance using the contracted ambulance transportation billing agent. Fees for such ambulance transport will be based on the established fee schedule in Appendix A.

f. Non-Emergency Facility Response Fee

A cost-based fee may be imposed for certain non-emergency requests for assistance from assisted living, residential care, or nursing facilities as provided in this section. If District staff or resources are requested by a commercial assisted living, residential care, or nursing facility to provide assistance to the facility's staff for non-emergency situations (such as physically moving a non-injured resident), the District may impose the fees provided in this Section. In determining whether to impose such fees, the Fire Chief shall, at their sole discretion, consider whether the response was: 1) a result of a non-emergency situation; 2) caused by or related to a lack of adequate staffing or lack of adequate facility resources necessary to meet the resident's non-emergency needs, or 3) requested by a facility who has repeatedly requested non-emergency assistance. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. Cancelled enroute requests are considered billable events.

g. Temporary Membrane Structures, Tents, Canopies; Special Events

(i) Definitions.

A. Temporary Membrane Structure: an air-inflated, air-supported, cable- or frame-covered structure as defined by the International Building Code and not otherwise defined as a tent.

B. Tent: a structure, enclosure or shelter, with sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents it protects.

C. Canopy: a structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or

supported by attachment to a building on one end and by not less than one stanchion on the other end.

D. Special Event: special events meet one or more of the following:

1. Occur on public or private property that do not fall within the designated use of the building or property.

2. Events that involve the use of or closure of public right-of-way or public-owned property, use of public personnel or resources for planning, inspections, prevention, emergency response, or any combination of these elements.

3. Organized athletic events such as but not limited to walk/run/bike events, that involve the use of and/or closure of streets or public right-of-way.

4. Special events that take place in non-assembly buildings (tents, warehouses, parking garages, vacant buildings, etc.) when the occupant load exceeds 49.

5. Fenced outside events when the occupant load exceeds 49.

6. All events with 6 or more vendor booths.

7. All haunted houses, regardless of occupant load.

8. All outdoor concerts, regardless of occupant load.

9. Open areas where the event will require crowd managers (500+ people).

(ii) Temporary Membrane Structure, Tent or Canopy Sizes. A permit will be required for any temporary membrane structure or tent that is over four hundred (400) square feet, or canopies whose area is over seven hundred (700) square feet. (OFC 105.7.25). Associated fees for permit processing, onsite inspection, and reinspection, if needed, are set in the attached Appendix A.

(iii) Special Events. A permit will be required for a special event. Associated fees for permit processing, onsite inspection, and reinspection, if needed, are set in the attached Appendix A.

h. Site Development, Building Plan Review and Inspection Fees

A cost-based fee for site development, building permit plan reviews and site inspections may be imposed for each plan review and inspection conducted. Such fees will be based upon the actual cost of conducting such reviews and inspections for conformance with the Oregon Fire Code or performing any related work and shall be calculated, as applicable, using rates provided in Appendix A.

i. Fire Code Inspection and Enforcement Fees

A cost-based fee for fire code inspections and code enforcement may be imposed for any fire and life safety occupancy inspections; for re-inspections for previously identified fire code violations; or for the documented actual costs of enforcing the fire code to correct previously identified violations as provided in this section. Fees assessed may include any District-incurred costs to obtain necessary inspection warrants, including attorney costs. Such fees will be based upon the actual cost of conducting such inspections, enforcing the code, or performing any related work and shall be calculated, if applicable, using the rates provided in Appendix A. Requests from contractors or business owners for maintenance inspections after 5 pm or on the weekend may result in higher cost recovery fees due to the District's increased personnel costs for such requests.

j. Public Records Request Fee

A cost-based fee may be imposed for public records requests as provided for in this section. The District will follow its Policy 5.1 "Public Records". Requests for disclosure of public documents shall be in writing, on a District form, and shall state the name and mailing address and email address of the requestor. The Fire Chief or designee shall be responsible for reviewing requested materials prior to disclosure and will determine whether the records are statutorily exempt from disclosure. Public records requests received from an opposing party or its legal counsel during pending litigation will be referred to District legal counsel.

The District will not impose a fee for public record requests for incident reports from District residents or patients if the work entails less than one quarter hour of staff time and the documents pertain to or involve the requestor. All requests require confirmation of requestor's identification and must comply with the Federal and Oregon HIPAA laws.

k. Facility Rental and Training Classes

A cost-based fee may be imposed for District facility rentals or District training classes. Such fee will be imposed at the discretion of the Fire Chief or designee, based upon fees set in Appendix A. Profits realized through outside class participants or acquired structure live fire events will be deposited into the District's General Fund.

l. Acquired Structure Live Fire Event

Occasionally, homeowners request assistance from the District to demolish an existing home by fire. This can benefit the District by turning it into a live fire training event. Although there is a training benefit, this benefit comes at a cost to the District that the homeowner may be requested to pay. The District would calculate and enter into an agreement with the homeowner based on fees as set in Appendix A.

m. Hazmat Response Fees
A cost-based fee may be imposed for responses to Hazardous Materials incidents within or outside District boundaries as provided in this section. These responses will be billed on a “per hour” basis using dispatch time records to determine the commitment of apparatus and personnel, as well as rates in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon the rates provided in Appendix A as well as scene documentation of the officer in charge.

n. Technical Rescue Fees
A cost-based fee may be imposed for responses to Technical Rescue incidents within or outside of District boundaries as provided in this section. These responses will be billed on a “per hour” basis using dispatch time records to determine the commitment of apparatus and personnel, as well as rates in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon the rates provided in Appendix A as well as scene documentation of the officer in charge.

o. Service Fees for Lands Within Coverage Area Not Included in a District
Pursuant to ORS 478.702, the District may from time to time establish a coverage area that includes lands within seven road miles of District’s fire station, or within seven road miles of another district’s fire station. Provided the District establishes said coverage area pursuant to the procedures under ORS 478.702(3), and notifies landowners in accordance with ORS 478.702(4), the District may decide to not protect certain lands within that coverage area. Pursuant to ORS 478.702(4)(b), fees associated with services provided to these unprotected lands will be billed at three times the rate established by the State Fire Marshal.

p. Event Standby Fees
A cost-based fee may be imposed for contracted event standbys. These fee’s will be billed on a “per hour” basis for equipment and personnel using the established fee schedule in Appendix A.

r. EMS Treatment No-transport Fees
A cost-based fee may be imposed for Fire/EMS responses that require a patient evaluation, treatment, or lift assist where the patient either refused transport or transport was not medically necessary. District residents will have their insurance billed for cost of response however, no out of pocket expenses for deductibles, coverage, or policy limits will be collected.

4. INVOICES; WAIVER. The District shall address the invoices for fees to the responsible party, which may be: a registered property owner, a service recipient, an occupant, a driver or passenger, a vehicle or plane owner, or a person requesting services, depending upon the circumstances. The Fire Chief, or designee, shall be responsible for determining the responsible party and for reviewing all the cost recovery invoices. The Fire Chief may waive or amend fees assessed in compliance with this Ordinance and any applicable administrative rules.

5. REVIEW AND AMENDMENT. The Fire Chief will present the fees or rates adopted under this Ordinance to the Board for review and possible amendment at least once every two years, or sooner at the Fire Chief's discretion. The fees set forth in Appendix A, which are adopted and approved by the Board of Directors in this Ordinance, may be amended from time to time by Board resolution at a duly noticed and public Board meeting. Prior to adoption of any new or amended fees, the Board shall hold an opportunity for the public to comment on the proposed fees per ORS 294.160.

6. RULES. The Board hereby grants to the Fire Chief the discretion to interpret and apply this Ordinance and to develop administrative rules to apply this Ordinance equitably. Such administrative rules must be consistent with this Ordinance and with applicable Board policy.

7. APPEALS. To file an appeal of a fee assessed under this Ordinance, the appellant must provide a written statement to the Fire Chief within ten days of receipt of the fee invoice. The statement must clearly explain the basis of the appeal, stating why the appellant thinks the fee was improper, noting specifically whether it was properly assessed or calculated. The Fire Chief will issue a written decision within ten days. Decisions of the Fire Chief are final and not appealable.

8. COLLECTION PROCEDURES. Fees are immediately due and payable at the time of application or will be invoiced within forty-five (45) days of the service delivery date. Payment is due upon receipt. If payment or reasonable payment arrangements are not made when due, the invoice shall be considered delinquent and the District will proceed with the collections as deemed appropriate by the Fire Chief. Costs of collection shall be charged to the persons responsible. Collection costs may include penalty fees or interest payments on the amounts due and owing, as determined by the District.

ADOPTED this __ day of _____ 2026, by action of the District Board of Directors.

NORTH LINCOLN FIRE & RESCUE DISTRICT #1
BOARD OF DIRECTORS

ATTESTED:

_____

Tim Beatty
Board President

_____

Nancy Oksenholt
Board Secretary