



FIRE PREVENTION MANUAL

ADMINISTRATIVE REQUIREMENTS

401.009 COST RECOVERY PROGRAM

EFFECTIVE: MARCH 2016

SCOPE

This policy clarifies the Fresno Fire Department's (FFD or Department) requirements for a cost recoverable incident.

PURPOSE

This policy has been established to provide direction for pursuing cost recovery for incidents, and issuance of demand letters and invoices.

BACKGROUND

The *Fresno Municipal Code (FMC)* identifies when the Fire Chief (or designee) may seek recovery of any direct or indirect costs for a variety of services performed. The consumption of Department resources and services is a serious issue, having a number of wide reaching impacts including Department staffing levels, fire station placement, etc. Cost recovery is an integral part in the Department's overall strategy to reduce the impacts of unwanted fires, and where necessary, have those responsible pay for consumption of limited resources.

REQUIREMENTS

When a person or firm causes a fire and/or hazardous materials release (or other incident identified in the *FMC*) the responsible party is liable for the fire department response needed to maintain a safe environment.

As noted in *FMC* Chapter 10, Article 5, Section 109. 5:

Cost Recovery. The fire code official or designee is authorized to recover any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards.

109.5.1. *Fire prevention cost recovery.* Any person who fails to, or refuses to, correct, within the time allotted for correction, any fire hazard prohibited by code, regulation or law, for which a public agency

has issued a notice of violation or correction respecting the hazard, or failure to comply with a written notice of violation is liable for the fire prevention costs, and any other costs, incurred in furtherance of the abatement of the fire hazard, and those costs shall be a charge against that person.

109.5.2. *Fire suppression cost recovery.* Any person who causes a fire, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property, is liable for the fire suppression costs, rescue or emergency medical services costs, and any other costs incurred as a result of fighting the fire.

109.5.3. *Hazardous materials release cost recovery.* Any person who releases a hazardous material, allows a hazardous material to be released, causes, or allows a hazardous material attended by him or her to escape onto any public or private property, is liable for the hazardous material incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the hazardous material release.

109.5.4. *Protection of the public cost recovery.* Any person who creates a fire or life safety hazard to the public, allows a fire or life safety hazard to the public, causes, or allows a fire or life safety hazard to the public to escape onto any public or private property, is liable for the fire or life safety hazard incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the fire or life safety hazard to the public.

109.5.5. *Action and administration.* Cost recovery actions and administration pursuant to this section shall be as set forth in Fresno Municipal Code, Chapter 1, Article 5, and the Master Fee Schedule.

109.5.6. *Hearings.* Cost recovery hearings shall be conducted as set forth in Fresno Municipal Code, Chapter 1, Article 4.

109.5.7. *Other laws.* The provisions of this section shall not be deemed to nullify or prevent the application, either cumulatively, concurrently, or separately, of the provisions of the California Health and Safety Code or any other law related to liability.

As noted in the *FMC* Chapter 10, Article 5, Section 109.4:

Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued or used under provisions of this code shall be guilty of a misdemeanor. Upon failure to comply with a written notice of violation, the fire code official is authorized to impose penalties and, or seek legal action in accordance with Fresno Municipal Code, Chapter 1, Article 3. Each day that a violation continues shall be deemed a separate offense.

109.4.1. Abatement of Violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Such action is subject to the cost recovery provisions of Section 109.5.

PROCEDURES

- When completing an incident report, the company officer shall make a preliminary determination if an incident should be pursued for cost recovery. When the company officer finds sufficient justification exists, the reasons for the justification and the person/s responsible for causing the event should be identified in the narrative of the incident report. The associated report shall be forwarded to the Fire Chief (or designee) who is responsible for the cost recovery program (CRP).
- Once the member responsible for the CRP receives an incident report meeting the criteria above, the member shall further review all applicable materials related to the incident to determine if pursuit of Department costs meets the intent of the cost recovery section of the *FMC*, and are likely to be recovered.
- If the member responsible for the CRP determines that the incident meets the intent of the cost recovery section of the *FMC* and is recoverable, an invoice worksheet shall be prepared to determine the cost of the Department's response. Each charge shall be in accordance with the applicable *Master Fee Schedule* category and the time the Department resource was assigned to the scene. Additional time allotments for preparation of the appropriate documents for invoicing will be determined and added to the cost of the response. Additional invoice rates shall be retrieved from the applicable

Department rate sheets. The completed Department cost worksheet shall then be forwarded to Accounts Receivable, where an invoice will be prepared, then returned to the member responsible for the CRP. The member responsible for the CRP shall then prepare and complete a letter of demand for services rendered.

- The letter of demand, pro-forma invoice and invoice worksheet shall be reviewed and approved per the Fire Chief's direction. Once approved, the completed cost recovery package shall be forwarded to Accounts Receivable for final invoice and mailing of documents to the liable party.

CROSS REFERENCES

[Fresno Municipal Code](#)
Master Fee Schedule