

**Union City Municipal Code**

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**Chapter 7.20 EMERGENCY COMMUNICATION SYSTEM RESPONSE FEE**

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**7.20.010 Title/purpose.**

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A. In order to ensure and improve the performance of the City's 911 communication system, the City must impose a fee. This chapter shall be known as the "emergency communication system response fee ordinance" and the fee imposed herein shall be known as the "emergency communication system response fee."

B. The purpose of this chapter is to require subscribers to telephone service in the City to pay a fee which is directly related to the benefit subscribers derive from the improvements to and operation of the 911 communication system that will be financed by fee revenues.

C. The emergency communication system response fee is the most practical and equitable revenue mechanism to finance the acquisition and construction of equipment, software, and facilities which are needed to provide an adequate and reliable 911 communication system under a single uniform management structure and to operate that 911 communication system. The fee is intended to recover costs related to the benefits the 911 system will provide to nonexempt telephone subscribers.

D. The fee imposed by the provisions of this chapter is intended solely to provide revenue for eligible project costs and eligible operating costs, as defined in this chapter. Fee revenues shall be deposited by the Administrative Services Director in the 911 emergency response fund established pursuant to Section 7.20.080 of this Code. The provisions of this chapter are not enacted for regulatory purposes or for general revenue purposes. (Ord. 617-03 § 1 (part), 2003)

**7.20.020 Definitions.**

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Except where the context or particular provisions require otherwise, the following definitions shall govern the construction of this chapter.

A. "911 communication system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an answering point established by the City and shall incorporate all aspects of the call delivery system, the call processing system and the call dispatch system, including, but not limited to, selective routing, automatic number identification (ANI), automatic location identification (ALI), and wireless 911. "911 communication system" includes the functions of the Union City Emergency Communications Center; however, it does not include the City Police Department or Fire Department staff who respond to requests for assistance by traveling to a site to which they are dispatched as a result of an emergency call.

B. "Access line" means any connection from a customer location within the City to a provider of local telephone service offered to the public for compensation. Within the meaning of this chapter, and without limitation, access lines include connections providing residential basic exchange service, business basic exchange service, PBX service (private branch exchange), foreign exchange service and Centrex service. "Access line" also includes a connection from a single mobile telephone to a commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as this section existed on October 1, 2002, and which has as its place of primary use, as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 124(8), a location within the City of Union City.

C. "Eligible operating costs" means the portion of operating costs attributable to the operation of the 911

communications system to telephone subscribers who are required to pay the fee imposed by the provisions of this chapter on access lines, trunk lines and high capacity trunk lines subject to the fee. Eligible operating costs shall not include exempt operating costs.

D. "Exempt operating costs" means the portion of operating costs attributable to the operation of the 911 communications system to telephone subscribers who are exempted from the fee by Section 7.20.050 or are otherwise not required to pay any fee imposed by the provisions of this chapter.

E. "Eligible project costs" means the portion of project costs attributable to a project to modify the 911 communications system to telephone subscribers who are required to pay the fee imposed by the provisions of this chapter on access lines and trunk lines subject to the fee. Eligible project costs shall not include exempt project costs.

F. "Exempt project costs" means the portion of project costs attributable to a project to modify the 911 communications system to telephone subscribers who are exempted from the fee by Section 7.20.050 of this chapter or are otherwise not required to pay any fee imposed by the provisions of this chapter.

G. "Fee" means the emergency communication system response fee imposed under the provisions of this chapter.

H. "Lifeline service" means discounted telephone service available to eligible low-income residential customers.

I. "Local telephone service" means access to a local telephone system, providing two-way telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of the local telephone system, whether or not the service uses transmission wires. "Local telephone service" shall include wireless telephone service. For the purposes of the emergency communication system response fee, a person shall be construed to subscribe to "local telephone service" within the City of Union City if he or she has a "place of primary use," as such term is defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 124(8), within the geographic boundaries of the City of Union City.

J. "Operating costs" means any costs to operate, repair or maintain the 911 communication system or backup 911 communication system, including but not limited to costs for personnel, planning, training, software and hardware maintenance and upgrades, facility maintenance and repair, depreciation equipment replacement, technical infrastructure, and attorneys' fees.

K. "Project costs" means any costs of acquiring, re-financing and installing computerized call delivery processing and dispatch equipment and software, and/or any other acquisition necessary to house 911 communication system equipment and staff in a seismically safe and fire retardant facility, including any debt service payments related thereto.

L. "Service location" means the premises of a telephone subscriber at which a working service point or primary station set provides the subscriber with basic exchange service and to which extension services are charged. For wireless telephone service, "service location" is the "place of primary use," as such term is defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 124(8).

M. "Service supplier" means any person supplying local telephone service, pursuant to authority granted by the California Public Utilities Commission, to any telephone subscriber at a location within the City of Union City. Service suppliers may include, without limitation, local exchange carriers, interexchange carriers, competitive access providers, cable television providers offering telecommunications services, providers of wireless telephone service and any other entity offering direct connections between premises and the premises of telephone subscribers.

N. "Telephone corporation" shall have the same meaning as defined in Section 234 of the Public Utilities Code of the State of California or the most comparable successor definition. It also includes any person or corporation providing wireless telephone service.

- O. "Telephone subscriber" means any person who receives local telephone service.
- P. "Trunk line" means a line between a service supplier's switching device and a private branch exchange, automatic call distributing system, or other similar device, at a telephone subscriber location.
- Q. "Wireless telephone service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations as this section existed on October 1, 2002. (Ord. 617-03 § 1 (part), 2003)

### **7.20.030 Findings.**

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A. The 911 communication system provides immediate access to emergency services for telephone subscribers. Subscribers to telephone service derive significant benefit from ongoing operation of the modernized integrated system installed at the Union City Consolidated Emergency Communications Center. This improved 911 communication system has enhanced call delivery, call processing and call dispatch and has provided for more speedy and reliable emergency response. Telephone subscribers will benefit from maintaining and upgrading the improved 911 communication system so it continues to operate at a state-of-the-art level. A portion of the costs associated with operating, maintaining and upgrading the 911 communications system and facility should be allocated among all telephone subscribers because telephone subscribers will reap this significant benefit.

B. Every telephone access line can provide independent access to the 911 communication system. Therefore, allocating operating costs on a per line basis fairly distributes these costs according to the benefit telephone subscribers derive from availability of a modernized 911 communication system.

C. The concentration of a large number of access lines in a single location diminishes the marginal benefit of improved access provided by each additional access line, therefore, it is appropriate to place a cap on the number of access lines per account per service location on which the fee is charged.

D. Subscribers who maintain trunk lines derive more benefit, in terms of access to emergency communication service, from each telephone line than other subscribers and should pay a higher fee. Based on information from the California Public Utilities Commission and the Federal Communications Commission, the City Council finds that, on average, a trunk line provides nine times more access to the 911 communication system than does a single access line, and that a high capacity trunk line provides up to twenty-four times the benefit provided by a trunk line.

E. The portion of operating costs reflecting the benefits estimated to be provided by operation of the 911 communication system to telephone subscribers who are subject to the fee ("eligible operating costs") may be financed from emergency communication system response fee revenues. The portion of operating costs reflecting the benefits estimated to be provided by operation of the 911 communication system to telephone subscribers who are exempted from the fee may not be financed from emergency communication system response fee revenues. (Ord. 617-03 § 1 (part), 2003)

### **7.20.040 Imposition of emergency communication system response fee.**

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A. There is hereby imposed an emergency communication system response fee on every person who maintains access to the 911 communication system by subscribing to local telephone service within the City of Union City. For purposes of this chapter, with respect to wireless telephone services, a person shall be construed to subscribe to local telephone service within the City of Union City if he or she has a "place of primary use," as such term is defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 124(8), within the geographic boundaries of the City.

B. The amount of the fee imposed by this section shall be established by City Council resolution and shall be paid, on a per-line basis, by the person paying for such local telephone service; however, no telephone

subscriber shall be required to pay fees in excess of five thousand dollars per account per service location in any calendar year. The amount of the cap established by this subsection shall be adjusted annually by the Consumer Price Index: All Urban Consumers for the San Francisco; Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics.

C. Only one payment of the fee herein imposed shall be required for any access line, trunk line, or high capacity trunk line, notwithstanding that access lines of more than one service supplier are used in furnishing local telephone service to a telephone subscriber.

D. Revenues generated by the emergency communication system response fee shall be deposited in the 911 emergency communication system response fund pursuant to Section 7.20.080 and shall be used exclusively to pay for eligible operating costs. (Ord. 617-03 § 1 (part), 2003)

### **7.20.050 Exemptions.**

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Nothing in this chapter shall be construed as imposing a fee upon the access lines of:

- A. A lifeline customer of a service supplier; or
- B. A telephone corporation; or
- C. Coin-operated telephones; or
- D. A nonprofit hospital which is exempt from federal income tax under Section 501(a) of the United States Code; or
- E. A nonprofit educational organization which is exempt from federal income tax under Section 501(a) of the United States Code; or
- F. Any person when imposition of such fee upon that person would violate the Constitution of the United States, the Constitution of the State of California, or preemptive federal or State law; or
- G. A nonlocal cell phone with a non-510 area code phone number; or
- H. Any business whose total 911 fee exceeds twenty percent of the business' total monthly phone bill for any given month. (Ord. 633-04 § 1, 2004; Ord. 617-03 § 1 (part), 2003)

### **7.20.060 Annual report.**

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A. No later than March 1st of each year, the Administrative Services Director shall estimate the percentage of access lines that were subject to payment of the emergency communication system response fee during the immediately prior fiscal year. This percentage shall be identified as the percentage of project costs and operating costs that are eligible project costs and eligible operating costs for the following fiscal year. The Administrative Services Director's report shall also identify the adjusted amount of the fee cap established by Section 7.20.040 (B) that will apply in the following fiscal year.

B. No later than March 1st in each odd numbered year, the Administrative Services Director will evaluate information from industry sources, regulatory bodies and City experience to determine whether the fee rates for trunk lines and high capacity trunk lines continue to reasonably reflect the increased estimated access to the 911 communication system provided to trunk line subscribers relative to access line subscribers. (Ord. 617-03 § 1 (part), 2003)

### **7.20.070 Collection of fee.**

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- A. The fee imposed by this chapter shall be collected from the telephone subscriber by the service supplier.

Service suppliers shall hold fee revenues in trust for the City and shall remit the fee revenues collected to the City Administrative Services Department on a monthly basis on or before the last day of the month following the month in which they were collected.

B. The fee required to be collected by service suppliers under this chapter shall be added to and stated separately as the City of Union City emergency communication system response fee in the service supplier's billings to telephone subscribers.

C. If the amount paid by a telephone subscriber is less than the full amount of the charges for service and the emergency communication system response fee which have accrued for the billing period, a proportionate share of both the charges for service and the fee shall be deemed to have been paid.

D. The duty to collect the fee from a telephone subscriber shall commence with bills issued on or after the effective date of this chapter.

E. The service supplier, at its option, may assess a service charge of up to one-eighth of one percent of emergency communication system response fees actually collected by the service supplier and remitted to the City at the time of remission. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.080 Emergency communication system 911 emergency response fund.**

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A. Establishment of Fund. The emergency communication system 911 emergency response fund is hereby established to receive all monies collected pursuant to this chapter, and any other monies transferred into the fund.

B. Use of Fund. The fund shall be used solely for the following purposes:

1. For the payment of and installation of computerized call delivery processing and dispatch equipment and software, and/or any other acquisition necessary to house 911 communication system equipment and staff in a seismically safe and fire retardant facility, including any debt service payments related thereto;

2. For the payment of operating, repair and maintenance expenses for the 911 communication system, including but not limited to costs for personnel, planning, training, software and hardware maintenance and upgrades, facility maintenance and repair, depreciation, equipment replacement, technical infrastructure and attorneys' fees.

C. Administration of Fund. Expenditures from the fund shall be made upon the recommendation of the Director of Emergency Services/City Manager. Expenditures and encumbrances from this fund shall be subject to the budget and fiscal provisions of the City. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.090 Liability for fee.**

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A. A telephone subscriber is liable for any fee required to be paid by a telephone subscriber to the City until it has been paid to the City, except that payment to a service supplier is sufficient to relieve the subscriber from further liability for the fee.

B. Any fee required to be collected under the provisions of this chapter shall be deemed a debt owed to the City of Union City by the person required to collect and remit such fee.

C. Nothing in this section shall impose any duty on a service supplier to take any legal action to enforce the collection of the fee hereinabove imposed. However, whenever a service supplier remits funds collected as an emergency communication system response fee to the City, the service supplier shall also provide the City with the name and address of any telephone subscriber who has explicitly refused to pay the fee for four or more billing periods and shall state the amount of such fee remaining unpaid. The Administrative Services Director may, at his or her discretion, then assume the responsibility to collect the fees due for the stated periods, in which

case the Administrative Services Director shall notify the telephone subscriber that the Administrative Services Director has assumed the responsibility to collect the fees due for the stated periods and may demand payment from the telephone subscriber of such fees. In this circumstance, the Administrative Services Director may also, at his or her discretion, relieve the service provider of the application of Section 7.20.070(C).

D. Any person owing money to the City under the provisions of this chapter shall be liable in any action brought in the name of the City for the recovery of such amount. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.100 Registration, reporting and remitting.**

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A. Each service supplier providing local telephone service to telephone subscribers within the City shall register with the Administrative Services Director upon a form prescribed by the Administrative Services Director and shall set forth the name under which the service supplier transacts or intends to transact business, and such other information as the Administrative Services Director may require.

B. Each service supplier shall, on or before the last day of each month, make a return to the Administrative Services Director, on forms provided by the Administrative Services Director, stating the amount of fees collected by the service supplier during the preceding month. At the time the return is filed, the full amount of the fee collected shall be remitted to the Administrative Services Director. The Administrative Services Director may require further readily attainable information in the return. Returns and remittances are due immediately upon cessation of business for any reason. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.110 Interest and penalties.**

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A. Fees required to be collected from a telephone subscriber which are collected by a service supplier but are not remitted to the Administrative Services Director on or before the due date provided in this chapter are delinquent.

B. Service Suppliers. Interest and penalties for delinquency in remittance of any fee not remitted shall be assessed as follows:

1. Any service supplier who fails to remit any fee imposed by this chapter within ten days after receipt of written notice from the Administrative Services Director of such failure shall pay a penalty of ten percent of the amount of the fee.
2. If the Administrative Services Director determines that the nonpayment of any remittance due hereunder is due to fraud, a penalty of one hundred percent of the amount of the fee shall be added thereto in addition to the penalty stated in subsection (B)(1) of this section.
3. In addition to the penalties imposed in this subsection B, any service supplier who fails to remit any fee imposed by this chapter, shall pay interest on the amount of the fee, exclusive of penalties, from the date on which the remittance first became delinquent until paid. Interest shall be paid at the rate of one percent per month, or fraction thereof.

C. Telephone Subscribers. Failure by a telephone subscriber to pay any fee herein imposed shall result in the following interest and penalties on the telephone subscriber:

1. Any telephone subscriber who fails to pay any fee imposed by this chapter within one hundred twenty days of the date of the receipt of notice of the amount of fee due from the service supplier is delinquent and shall pay a penalty of ten percent of the amount of the fee.
2. Any telephone subscriber who fails to pay any delinquent remittance within one hundred eighty days after the date of the receipt of notice of the amount of fee due from the service supplier shall pay a second delinquency penalty of ten percent of the amount of the fee in addition to the ten percent penalty first imposed.

3. In addition to the penalties imposed in this subsection C, any telephone subscriber who fails to pay any fee imposed by this chapter, shall pay interest on the amount of the fee, exclusive of penalties, from the date on which the fee first became delinquent until paid plus an additional collection charge for each delinquent account in an amount to be determined by rules and regulations of the Administrative Services Director. The Administrative Services Director shall establish collection charges which reimburse the costs incurred by the City for collecting delinquent fees. Interest shall be paid at the rate of one percent per month, or fraction thereof.

4. The penalties, interest and collection charges imposed in this subsection C shall not be collected by the service supplier, but shall be determined and collected by the City as set forth hereinafter.

D. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the fee herein required to be paid. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.120 Failure to collect and report fee—Determination of fee by Finance Director.**

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If any service supplier shall fail or refuse to collect any fee imposed by this chapter and to make, within the time provided in this chapter, any report and remittance of said fee or any portion thereof required by this chapter, the Administrative Services Director shall proceed in such manner as the Administrative Services Director deems best to obtain facts and information on which to base an estimate of the fee due. As soon as the Administrative Services Director is able to procure facts and information upon which to base the assessment of any fee imposed by this chapter and payable by any service supplier who has failed or refused to collect the same and to make such report and remittance, the Administrative Services Director shall proceed to determine and assess against such service supplier the fee, interest and penalties provided by this chapter. In case such determination is made, the Administrative Services Director shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the service supplier at its last known place of business. The service supplier may within ten days after the serving or mailing of such notice make application in writing to the Administrative Services Director for a hearing on the amount assessed. If application by the service supplier for a hearing is not made within the time prescribed, the fee, interest and penalties, if any determined by the Director shall become final and conclusive and immediately due and payable. If such application is made, the Director shall give not less than five days' written notice in the manner prescribed herein to the service supplier to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such fee, interest and penalties. At the hearing, the service supplier may appear and offer evidence and/or legal authority as to why the specified fee, interest and penalties should not be so fixed.

After such hearing, the Administrative Services Director shall determine the proper fee to be remitted and shall thereafter give written notice to the service supplier in the manner prescribed herein of the determination and the amount of the fee, interest and penalties. The amount determined to be due shall be payable within fifteen days. Failure to make payment within the allowable time shall subject the service supplier to additional fines, penalties and interest, as determined by resolution of the City Council. (Ord. 617-03 § 1 (part), 2003)

#### **7.20.130 Refunds.**

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A. Whenever the amount of any fee has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Administrative Services Director within one year of the date of payment. No refund may be made except upon a written claim verified by the person who paid the fee or by his or her guardian or conservator or the executor or administrator of his or her will or estate.

B. A service supplier may claim a refund or claim a credit against fees to be collected and remitted of the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Administrative Services Director that the person from whom the fee has been collected was not a telephone subscriber or was being charged an improper or incorrect fee. In the case of a fee illegally or erroneously collected by the service supplier, neither a refund nor a credit shall be allowed unless the telephone subscriber or other person from whom the amount collected has submitted a written claim to the service supplier in the form prescribed above and the amount of the fee so collected has either been refunded to the person entitled thereto or credited to the charges subsequently payable by such person to the service supplier.

C. A telephone subscriber may obtain a refund of fees overpaid or paid more than once or erroneously or illegally collected or received by the City by filing a claim in the manner provided in subsection A of this section, but only when the fee was paid by the telephone subscriber directly to the Administrative Services Director, or when the telephone subscriber having paid the fee to the service supplier, establishes to the satisfaction of the Administrative Services Director that the telephone subscriber has been unable to obtain a refund from the service supplier who collected the fee.

D. No refund shall be paid under the provisions of this section unless the claimant established his/her right thereto by written records showing entitlement thereto. The City shall be solely responsible for administering refund claims arising out of the fact that the telephone subscriber, pursuant to Section 7.20.040(B), has paid in excess of ten thousand dollars in emergency communication system response fees during a single calendar year, or where the telephone subscriber, pursuant to Section 7.20.050(G), has paid for a nonlocal cell phone, or where the business telephone subscriber, pursuant to Section 7.20.050(H) has paid emergency communication system response fees that exceed twenty percent of the total monthly telephone billing for the business.

E. All claims shall further be subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the City. No suit for money, damages, or a refund may be brought against the City until a written claim therefore has been presented to the City and has been acted upon or has been deemed to be rejected by the City, in accordance with this section. Only the person who filed the claim may bring such a suit and if another person should do so, judgment shall not be rendered for the plaintiff. (Ord. 633-04 § 2, 2004; Ord. 617-03 § 1 (part), 2003)

#### **7.20.140 Failure to pay fee.**

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Whenever the Administrative Services Director determines that a telephone subscriber has deliberately withheld the amount of the fee owed by that telephone subscriber for the amounts remitted to a service supplier or that a telephone subscriber has failed to pay the amount of the fee for a period of four or more billing periods, the Administrative Services Director may relieve the service supplier of the obligation to collect fees due under this chapter from certain named service users for specified billing periods and may grant the service supplier an exemption from Section 7.20.070(C). The Administrative Services Director shall notify the telephone subscriber that the Administrative Services Director has assumed responsibility to collect the fees due for the stated periods and demand payment of such fees. The notice shall be served on the telephone subscriber personally or by United States mail, postage prepaid thereon, addressed to the telephone subscriber personally or by United States mail, postage prepaid thereon, addressed to the telephone subscriber at the address to which billing was made by the service supplier, or, should the telephone subscriber have changed address, to the subscriber's last known address. If a telephone subscriber fails to remit the fee to the Administrative Services Director within fifteen days from the date of the service of the notice, which shall be the date of mailing if service is not accomplished in person, a penalty of one hundred percent of the amount of the fee set forth in the notice, but no less than five dollars, shall be imposed. The penalty shall become a part of the fee herein required to be paid. Such penalty shall be in addition to any other penalty imposed by this chapter. (Ord. 617-03 § 1 (part), 2003)

**7.20.150 Administrative agreements.**

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The Administrative Services Director may make administrative agreements with service suppliers to vary the strict requirements of this chapter so that collection of any fee imposed herein may be made in conformance with the billing procedures of a particular service supplier so long as the overall result of said agreements results in collection of the fee in conformance with the general purpose and scope of this chapter. A copy of each agreement shall be on file and available for public examination in the Administrative Services Director's office. (Ord. 617-03 § 1 (part), 2003)

**7.20.160 California Public Utilities Commission jurisdiction.**

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Nothing contained in this chapter is intended to conflict with applicable rules, regulations and tariffs of any service supplier subject to the jurisdiction of the California Public Utilities Commission. In the event of any conflict, the provisions of those rules, regulations and tariffs shall control. (Ord. 617-03 § 1 (part), 2003)

**7.20.170 Appeals of decision of the Administrative Services Director.**

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A. Who May Appeal. Any person aggrieved by any decision of the Administrative Services Director regarding the amount of fee owed or the duty or obligation to collect, report or pay a fee, pursuant to this chapter may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen days of the serving or mailing of such decision. The notice of appeal shall be accomplished by an appeal fee in an amount established by resolution of the City Council and shall state the grounds for the appeal. The City Council may hear the appeal itself or designate a representative to hear the appeal and provide the council with his/her findings and recommendation.

B. Public Hearing. The City Clerk shall set a time and place for a public hearing of such appeal before the City Council or designated representative and shall give the appellant not less than ten days' written notice thereof in the following manner:

1. By serving personally; or
2. By depositing it in the United States mail, postage prepaid, addressed to such person at the address appearing on his last business license or application.

At the public hearing the City Council or designated representative shall consider the evidence presented by the appellant, the Administrative Services Director, and other interested parties prior to making a decision. The hearing may be continued from time to time.

C. Findings of City Council. The findings of the City Council or designated representative shall be final and conclusive. They shall be served upon the appellant in the manner prescribed in subsection B of this section by the City Clerk.

D. Due Date of Fee. The amount of any fee finally determined as provided in this section shall be due and payable as of the date the original fee, together with any penalties that may be due thereon; provided, however, that if the amount of such fee is fixed in accordance with the original statement of the appellant no penalty shall attach by reason of any delinquency. (Ord. 617-03 § 1 (part), 2003)