

ATTACHMENT #3
RESOLUTION NO. 2025 ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING THE IMPLEMENTATION OF A COMMERCIAL KITCHEN FIRE COMPLIANCE ASSESSMENT PROGRAM AND CONFIRMING INSPECTION FEES PURSUANT TO THE ADOPTED COMPREHENSIVE FEE SCHEDULE.

WHEREAS, the City of Indian Wells contracts with the Riverside County Fire Department (“CalFire”) to provide fire prevention services, including inspections of State Fire Marshal-regulated occupancies such as schools and care facilities; and

WHEREAS, commercial kitchens located in restaurants, hotels, country clubs, and similar facilities are required by the California Fire Code to maintain certified hood and hood suppression systems, but such kitchens are not subject to recurring inspections under the City’s current fire service contract or Fire Code mandates; and

WHEREAS, to improve life-safety outcomes without expanding the City’s fire service contract or duplicating CalFire’s enforcement responsibilities, the City has developed a Commercial Kitchen Fire Compliance Assessment Program (“Program”) as part of its business licensing framework as described in the accompanying staff report; and

WHEREAS, this Program directly supports the City Council’s Strategic Goals as established during the City Council Strategic Planning Session held on April 17, 2025, which directed staff to develop a compliance verification program for commercial kitchen hood and hood suppression systems; and

WHEREAS, the Indian Wells Public Safety Committee reviewed and unanimously recommended approval of the Program at its June 10, 2025, meeting; and

WHEREAS, the City Council of the City of Indian Wells established the Inspection Fees pursuant to the Comprehensive Fee Schedule by adopting Resolution No. 2023–29 on July 6, 2023; and

WHEREAS, the City has complied with the procedural requirements pursuant to California Government Code, section 66018 which requires the City to hold a noticed public hearing as part of a regularly scheduled meeting, at which oral and written presentations regarding the implementation of fees may be made; and

WHEREAS, notice for the public hearing notified all interested persons that the public hearing will take place at 1:30pm on October 16, 2025 at the Indian Wells Council Chambers located at 44-950 Eldorado Drive, Indian Wells, CA 92210, and said notice was provided pursuant to Government Code, section 6062a which requires at least ten (10) days’ notice prior to the date of the public hearing published twice with at least five (5) days intervening between each publication; and

WHEREAS, the City Council of the City of Indian Wells now desires and intends to approve the Implementation of A Commercial Kitchen Fire Compliance Assessment Program and confirm the

Inspection Fees pursuant to the Adopted Comprehensive Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Program Approval. The City Council **APPROVES** the implementation of the Commercial Kitchen Fire Compliance Assessment Program as outlined in the October 16, 2025, staff report and summarized herein. The Program applies to any business operating a commercial kitchen required by the California Fire Code to maintain a hood and fire-suppression system. The Program is effective January 1, 2026 and shall be administered through the City's existing Business license issuance and renewal process.

SECTION 3. Administration. The City Council **AUTHORIZES** and **DIRECTS** the City's Code Enforcement Division, in coordination with the Finance Department, to administer the Program as follows:

- A. Fees. The fire compliance assessment fee shall be in addition to the currently established city business license fee, and shall be collected at the time of issuance and/or renewal of business licenses for any business with a commercial kitchen hood suppression system. This fee shall be assessed in accordance with Item 5.d of the City's Comprehensive Fee Schedule, at the current hourly rate of \$224.47. Businesses with a single hood system will be charged for one hour of inspection time. Businesses with multiple hood systems will be charged a minimum of two hours. For inspections that exceed two hours, an additional one-hour fee shall be charged for each additional hour or portion thereof beyond the initial two hours.
- B. Inspection. The City's Code Enforcement Division shall conduct unannounced, annual spot inspections of commercial kitchen fire suppression systems to verify certification and maintenance compliance.
- C. Enforcement. Upon verified non-compliance, the City may take one or more of the following actions: referral to the Fire Department for potential fire hazard review; issuance of administrative citations under the Indian Wells Municipal Code ("IWMC"), including section 8.08.060(t) for nuisance conditions; and suspension or revocation of the business license until compliance is achieved. Nothing herein expands the City's fire services contract or limits CalFire's independent enforcement authority.
- D. Roles. The Finance Department shall be responsible for collecting the applicable inspection fees, as outlined in Section 2, during the issuance and/or renewal of business licenses and shall ensure that all applicable businesses are properly identified and billed.

SECTION 4. The City Council further finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 6. The City Clerk shall certify the adoption of this Resolution, which shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 16th day of October, 2025.

**BRUCE WHITMAN
MAYOR**

CERTIFICATION FOR RESOLUTION NO. 2025-____

I, Angelica Avila, City Clerk of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 16th day of October, 2025, by the following vote:

AYES:

NOES:

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY**