

Model Fire Alarm Ordinance



False Alarm Reduction Association

10024 Vanderbilt Circle, Unit 4
Rockville, MD 20850
(301) 519-9237
Fax: (301) 519-9508
www.faraonline.org

FARA MODEL FIRE ALARM ORDINANCE GOVERNING ALARMS RESPONDED TO BY FIRE OFFICIALS

INTRODUCTION

The attached Model Fire Alarm Ordinance (the "Ordinance") has been prepared by the False Alarm Reduction Association (FARA). FARA is an organization comprised of law enforcement and fire officials from across the United States and Canada, who administer and implement false alarm reduction programs.

FARA strongly believes that false alarm reduction should be a cooperative effort among all parties involved (i.e., the alarm industry, fire department officials, and the property owner). To that end, we strongly suggest that, **before** attempting to implement any ordinance designed to reduce the incidence of false alarms, your municipality form a fire alarm advisory board. The fire alarm advisory board should be comprised of representatives from the alarm industry, fire department officials, community and business groups, and any other entity that has a stake in the reduction of false alarms. We believe that the fire alarm advisory board represents a fundamental step in the development and implementation of a good, effective false alarm reduction ordinance. It fosters cooperative relations and provides every group with ownership of the final product.

The Ordinance is based on a registration system with appropriate controls to facilitate false alarm reduction. Local authorities should consider software systems to track and enforce the Ordinance. The Ordinance contains fire official control and administration, fire alarm company responsibilities, and requires the disciplined use of fire alarm systems by owners.

Specific amounts of fees are not listed in the text of this document in order to encourage a dialogue among enforcement official, municipal leaders, alarm owners and alarm companies on the appropriate fee to fit the circumstances of your jurisdiction. FARA and your state alarm association can assist you in establishing the appropriate fees for your jurisdiction.

PLEASE NOTE: The Ordinance is intended to serve as a **BASE FRAMEWORK** for fire officials and the fire alarm industry. It contains features that have been proven to reduce false alarms. **It is important that the Ordinance be reviewed carefully before endorsing or recommending that it be adopted either in whole or in part.** There may be aspects of the Ordinance that will pose potential problems in your locale, and you may decide that those characteristics should not be included in your local fire alarm ordinance. As the Ordinance is intended for use as a guide, it is a working draft, subject to changing times, and designed to help you successfully develop and implement a good fire alarm ordinance.

Throughout the Ordinance there are italicized notes to aid you in drafting an ordinance that best suits your jurisdiction. Anything italicized should not be adopted as part of your ordinance and should be deleted after being considered.

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WHEREAS, this jurisdiction finds that a high incidence of False Fire Alarms and/or Nuisance Fire Alarms causes a significant misuse of the manpower and resources of the fire department by causing the dispatch of emergency units to the scene of a Nuisance Fire Alarm or False Fire Alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and,

WHEREAS, this jurisdiction finds that the continued high incidence of False Fire Alarms and/or Nuisance Fire Alarms are a threat to the health, safety and welfare of the citizens of the City/County of _____ ; and,

WHEREAS, this jurisdiction finds that the procedures and Fees for multiple False Fire Alarms and Nuisance Fire Alarms would serve the public health, safety and welfare.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY/COUNTY OF

SECTION 1. Purpose

- (A) The purpose of this Ordinance is to encourage Owners and Fire Alarm Businesses to properly use and maintain the operational effectiveness of Fire Alarm Systems in order to improve the reliability of Fire Alarm Systems and reduce or eliminate False Fire Alarms and Nuisance Fire Alarms.
- (B) This Ordinance governs Fire Alarm Systems intended to summon fire department personnel, and requires registration, assessment of fees for excessive False Fire Alarms and Nuisance Fire Alarms, provides procedures for repeat offenders, provides for the severability of the parts hereof if declared invalid, and provides an effective date.

SECTION 2. Definitions

As used in this Ordinance, the following words and terms shall have the following meanings:

- (A) **Adopted Code(s)** means code adopted by the jurisdiction and in the absence of adopted code, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72) and the National Fire Protection Association Life Safety Code 101 (NFPA 101).
- (B) **Alarm Initiating Device** means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.
- (C) **Enforcement Official** means the Fire Chief or his designated representative.
- (D) **False Fire Alarm** means the activation of any Fire Alarm System which results in a response by the fire department and which is caused by the negligence or intentional misuse of the Fire Alarm System by the Owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire, exclusive of a Nuisance Fire Alarm.
- (E) **Fee** means the assessment of a monetary charge payable to the City/County, Enforcement Official or jurisdiction authorized pursuant to this Ordinance, to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm.
- (F) **Fire Alarm Activation Report** means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of a fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- (G) **Fire Alarm Business** means any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services (including Runner Services) any Fire Alarm System.
- (H) **Fire Alarm System** means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
- (I) **Fire Watch** means an Enforcement Official approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional

security guard(s) to walk the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.

- (J) **Monitored System** means the process by which a Fire Alarm Business receives signals from a Fire Alarm System and notifies emergency forces.
- (K) **Nuisance Fire Alarm** means the activation of any Fire Alarm System, which results in a response by the fire department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other response for which the fire department personnel are unable to determine the apparent cause of the alarm activation.
- (L) **Owner** means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons who lease, operate, occupy or manage the Premises.
- (M) **Premises** means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.
- (N) **Qualified Fire Alarm Technician** means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be: a) factory trained and certified; b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or c) licensed or certified by state or local authority.
- (O) **Record of Completion** means the completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm Code (NFPA 72)
- (P) **Registration** means the notification by an Owner to the Enforcement Official that a Fire Alarm System has been installed and is in use.
- (Q) **Report of Service/Repair** means appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance have been performed by both the Fire Alarm Business and the Owner.
- (R) **Runner Service** means the service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location.
- (S) **Serve** shall mean hand-delivery of written notification by a representative of the jurisdiction to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within one (1) hour, Serve shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the Owner or authorized representative.

SECTION 3. Registration of Fire Alarm System

- (A) A one-time Registration shall be required for Fire Alarm Systems and whenever a Record of Completion is prepared, in accordance with Adopted Codes.
- (B) The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.
- (C) Registrations shall not be transferable from one Premises to another or from one Owner to another.
- (D) Every Fire Alarm Business shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.
- (E) The Registration form shall include the following information:
 - (1) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed;
 - (2) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Enforcement Official, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof;
 - (3) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration with the Enforcement Official, if required. Proof of proper state licensing may be a valid state licensing number.

- (4) The date the Registration is signed or the Fire Alarm System is placed in operation for any reason; and
- (5) Any other documentation that is required by Adopted Codes.
- (F) When any of the information required in Section 3(E)(1), 3(E)(2), or 3(E)(3) has changed, it shall be reported to the Enforcement Official by the Owner within fifteen (15) days of the Owner becoming aware of such change;
- (G) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Enforcement Official before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Enforcement Official.

SECTION 4. System Certification

All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Enforcement Official. The certification shall indicate that the Fire Alarm System is in compliance with Adopted Codes. The certification shall be signed by a Qualified Fire Alarm Technician.

SECTION 5. Inspection, Testing and Maintenance

- (A) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes.
- (B) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.

SECTION 6. Fire Alarm Activation; Response

- (A) The Owner shall be responsible for the activation of a Fire Alarm System.
- (B) A response to the activation of a Fire Alarm System shall result when any officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.
 - (1) At the time of response, the Enforcement Official shall notify any person identified in the Registration required pursuant to Section 3(E)(1-3) of the activation of the Fire Alarm System and shall require such person to respond to the Premises.
 - (2) In the event the Fire Alarm System is a Monitored System, it is the responsibility of the company monitoring the Fire Alarm System to notify any person identified in the Registration at the request of the Enforcement Official.
 - (3) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to offer the Owner the option to verify the Fire Alarm signal before dispatch, as allowed by Adopted Code.
 - (4) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to forward cancellation of a Fire Alarm signal to the fire department.
- (C) The officer or member of the fire department who responded to said Premises shall Serve the Owner or authorized representative with a Fire Alarm Activation Report.

SECTION 7. Nuisance Fire Alarms

- (A) In the event the activation of a Fire Alarm System is deemed by the Enforcement Official to be a Nuisance Fire Alarm, the Owner shall be Served with a Fire Alarm Activation Report by an officer or member of the fire department, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.
 - (1) This shall require the Owner to return a completed Report of Service/Repair within fifteen (15) days of receipt of the Fire Alarm Activation Report to verify, to the reasonable satisfaction of the Enforcement Official, that:
 - (a) the Fire Alarm System has actually been examined by a Qualified Fire Alarm Technician; and
 - (b) a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Fire Alarm System which was identifiable as the cause of the Nuisance Fire Alarm.

- (2) Failure to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the Owner of a Fee of **(See Appendix A – Service Fees)** for the Nuisance Fire Alarm.

SECTION 8. Service Fees

- (A) The provisions of this Section shall not apply to any newly installed Fire Alarm System for a period of forty-five days (45)* from the date of installation, but shall apply from and after the expiration of the initial forty-five day (45)* period following installation.

**While timeframes have been recommended throughout this Ordinance, all timeframes should be determined on a local basis. Please call FARA and your state alarm association for sample timeframes that are used by other jurisdictions that are similar to yours.*

- (B) Should any Fee assessed pursuant to this Ordinance remain unpaid in excess of ninety (90) days from the date Fee is billed, a late Fee in the amount of **(See Appendix A – Service Fees)** shall be assessed and shall be payable by the Owner of the Premises in addition to the original Fee.

- (C) False Fire Alarm

- (1) No Fee shall be assessed for the first three (3) False Fire Alarms at the same Premises responded to by the fire department during each calendar year. Thereafter, the Owner shall pay the following Fees for False Fire Alarms responded to by the fire department at the same Premises during each calendar year, except when the Fire Alarm Business is responsible for the False Fire Alarm per Section 8(C)(2).
- (2) The Fire Alarm Business shall be assessed a Fee of **(See Appendix A – Service Fees)** if an Enforcement Official determines that a False Fire Alarm was directly caused by an onsite employee or representative of the Fire Alarm Business. In this event, no False Fire Alarm shall be counted against the Owner.
- (3) False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this subsection.
- (4) The activation of a Fire Alarm System will not be considered a False Fire Alarm if the alarm is activated due to malicious causes beyond the control of the Owner.
- (5) The following fees shall be assessed for False Fire Alarms:

Number of False Fire Alarms	Service Fee Per False Fire Alarm
First to Third	(See Appendix A – Service Fees)
Fourth	(See Appendix A – Service Fees)
Fifth	(See Appendix A – Service Fees)
Sixth and above	(See Appendix A – Service Fees)

- (D) Nuisance Fire Alarms

- (1) The following fees shall be assessed when a Report of Service/Repair has been returned to the Enforcement Official, but the Nuisance Fire Alarms continue:

Number of Nuisance Fire Alarms	Service Fees
First to Third	(See Appendix A – Service Fees)
Fourth	(See Appendix A – Service Fees)
Fifth	(See Appendix A – Service Fees)
Sixth and above	(See Appendix A – Service Fees)

- (2) In the event the Premises are equipped with a Fire Alarm System with over one hundred (100) Alarm Initiating Devices, the Enforcement Official may waive one Nuisance Fire Alarm per calendar year.

SECTION 9. Remedies and Penalties

- (A) The Enforcement Official has the authority to order a Fire Watch in accordance with Adopted Codes, due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, until corrective action is taken, or

to revoke the occupancy certificate for the premises by written notice to the Owner of the Premises, for any of the following reasons:

- (1) Failure to meet all requirements or pay the Fees provided for in this Ordinance within fifteen (15) days after the notice is mailed to the Owner;
 - (2) Failure of the Owner to provide a written Report of Service/Repair required by this Ordinance;
 - (3) A fourth False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fee is charged pursuant to this Ordinance as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or
 - (4) The failure of a person notified pursuant to Section 3(E)(2) and Section 6(B)(1) of this Ordinance to appear within one (1) hour after being notified to respond, if such failure to timely response occurs four or more times within a calendar year.
- (B) The written notice to disconnect or deactivate shall be mailed by certified mail, return receipt requested to the Owner and shall specify the date on which the Owner shall be required to disconnect or deactivate the Fire Alarm System. This date shall be at least fifteen (15) days after the notice is mailed to the Owner. The Owner may appeal the order of the Enforcement Official pursuant to Section 10.
- (C) Each building affected because the signal from the Fire Alarm System has been disconnected or deactivated shall be required to establish a Fire Watch until the Fire Alarm System has been returned to service. Duties of the Fire Watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.
- (D) The Owner is responsible for paying all costs associated with establishing a Fire Watch.
- (E) The Enforcement Official has the authority to temporarily suspend the occupancy certificate of the Premises until all outstanding repairs are made on the Fire Alarm System or if the Fire Watch is not maintained to the satisfaction of the Enforcement Official.
- (F) The Enforcement Official shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.
- (G) Anyone convicted of falsifying reports as required under this Ordinance is subject to maximum penalty as established by state or local law.

SECTION 10. Appeals

- (A) An Owner or Fire Alarm Business may appeal the assessment of fees to the Enforcement Official. An appeal fee of **(See Appendix A – Service Fees)** will accompany the appeal. Appeal fees will be returned to the Owner or Fire Alarm Business if the appeal is upheld. The filing of an appeal with the Enforcement Official stays the assessment of the Fee until the Enforcement Official makes a final decision. The Owner or Fire Alarm Business shall file a written appeal to the Enforcement Official by setting forth the reasons for the appeal within fifteen (15) days after notice is mailed.
- (B) An Owner to whom a notice to disconnect or deactivate a Fire Alarm System was mailed, pursuant to Section 9 (B), shall be entitled to appeal the order to the Enforcement Official. An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. The appeals shall be made within fifteen (15) days after notice to disconnect is mailed to the Owner. The Enforcement Official or his designee shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. If the Enforcement Official affirms the order to disconnect or deactivate a Fire Alarm System, the Owner shall have fifteen (15) days after the written decision is mailed to the Owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Enforcement Official.
- (C) In the event the appeal is not upheld, the Owner or Fire Alarm Business shall also be responsible for any Fee assessed to reimburse the Enforcement Official for any legal fees or costs incurred by the Enforcement Official in enforcement of this Ordinance.

SECTION 11. Reconnection of Fire Alarm System

- (A) A Fire Alarm System may be reactivated upon a finding by the Enforcement Official that the Owner of the Premises has taken corrective action to remedy the cause of the False Fire Alarms or Nuisance Fire Alarms at the Premises.

- (B) In making a request for such a reactivation, the Owner shall have the burden of showing what corrective action has been taken.
- (C) The Enforcement Official shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or reactivate the Fire Alarm System.
- (D) A reconnection fee of **(See Appendix A – Service Fees)** shall be assessed to the Owner before any reconnection of a Fire Alarm System may be made.
- (E) The Enforcement Official shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee pursuant to this Ordinance.

SECTION 12. Confidentiality

Any information supplied to the Enforcement Official shall be held in confidence by all employees or representatives of the Enforcement Official and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 13. Government Immunity

Registration of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering a Fire Alarm System, the Owner acknowledges that fire department response may be based on factors such as: availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The City/County, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Owner of the Premises.

SECTION 14. Severability

The provisions of this Ordinance are severable. If a court determines a word, phrase, clause, sentence, paragraph, subsection, section, or other provision invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provision and the application of those provisions to other persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.

Appendix A:

Service Fees

Specific amounts of fees are not listed in the text of this document in order to encourage a dialogue among fire officials, municipal leaders, alarm users and alarm companies on the appropriate fee to fit the circumstances of your jurisdiction.

FARA and your state alarm association can assist you in establishing the appropriate fees for your jurisdiction.

Administration of the ordinance will be simpler if the jurisdiction adopts a uniform period of time (i.e. one year) for the counting of multiple occurrences and the length of the registration period.

Fees

Fees are one of several tools to discourage False Fire Alarms and Nuisance Fire Alarms, encourage compliance and hasten the application of corrective actions to avoid False Fire Alarms and Nuisance Fire Alarms. In general;

- Fees should be directed at the individual or company whose behavior you desire to change, even if assess another would be more efficient or easier (i.e. assess the user if the user caused the fire alarm not the alarm company)
- Each fee should be high enough to discourage the behavior that resulted in the fee, but reasonable enough so as to not create an undue hardship on the violator.
- Fees for False Fire Alarms and Nuisance Fire Alarms should begin after the third alarm. Allowing a greater number of "free" False Fire Alarms and Nuisance Fire Alarms will only postpone the resolution of the problem(s) causing the False Fire Alarm and/or Nuisance Fire Alarm.
- Fees that are attached to multiple occurrences of the same act (i.e. multiple False Fire Alarms) should escalate after each occurrence. This will further encourage the violator to correct the problem.
- Fees can allow a jurisdiction to recoup some or all of the cost of administering the Ordinance and/or providing response. Some jurisdictions only allow cost recovery to be used as the basis for the fee, in other cases additional fees may be allowed.

Decisions Required on Fees

We believe that adopting a consistent ratio of fees will enhance the acceptance of your ordinance and make it more defensible over any objections. We have considered the severity of an offense and the difficulty involved in an action in applying our ratios. As with all other sections of the ordinance you are encouraged to modify this approach to meet the local needs. In the suggested ratios below "X" is used to represent a number selected by the local jurisdiction. A multiplier is used to establish the ratio.

Description	Reference	Suggested Ratio	Example
Failure to Return a Report of Service/Repair	7(A)(1) & (2)	10 X	\$500
False Fire Alarm Caused By On Site Alarm Company Employee	8(C)(2)	10 X	\$500
Service Fee – 1st False Fire Alarm	8(C)(5)	0	\$0
Service Fee – 2nd False Fire Alarm	8(C)(5)	0	\$0
Service Fee – 3rd False Fire Alarm	8(C)(5)	0	\$0
Service Fee – 4th False Fire Alarm	8(C)(5)	X	\$50
Service Fee – 5th False Fire Alarm	8(C)(5)	2 X	\$100
Service Fee – 6th and above False Fire Alarm(s)	8(C)(5)	4 X	\$200
Service Fee – 1st Nuisance Fire Alarm	8(D)(1)	0	\$0
Service Fee – 2nd Nuisance Fire Alarm	8(D)(1)	0	\$0
Service Fee – 3rd Nuisance Fire Alarm	8(D)(1)	0	\$0
Service Fee – 4th Nuisance Fire Alarm	8(D)(1)	½ X	\$25
Service Fee – 5th Nuisance Fire Alarm	8(D)(1)	X	\$50
Service Fee – 6th and above Nuisance Fire Alarm(s)	8(D)(1)	2 X	\$100
Late Fee	8(B)	½ X	\$25
Appeal Fee	10(A)	½ X	\$25
Reconnection Fee	11(D)	½ X	\$25