

## ARTICLE III. FIRE ALARMS

### Sec. 6-56. Purpose.

It is the intent of this article to reduce the number of false alarms occurring within the city and the resultant waste of fire department resources. Through the responsible use of resources, the article is designed to provide more effective fire services to the public. This article provides corrective administrative action, including the imposition of fines.

(Ord. No. 20, 2008, 3-25-08)

### Sec. 6-57. Definitions.

For the purposes of this article, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Activation* means making the alarm system operational for purposes other than testing that may result in a city fire department response to a site.

*Agent* means any employee, sales, service, installation or monitoring person of an alarm business who is under the direction of or receives remuneration directly or indirectly from an alarm business.

*Alarm* means any and all types of fire alarms and is used as a general term unless a specific type of alarm is used as a precedent.

*Alarm administrator* means the individual designated by the fire chief to enforce the administrative provisions of this article.

*Alarm authority* means an employee of the city designated by the fire chief, usually the assistant chief over the alarm program, to act as an impartial arbitrator to hear appeals related to the enforcement of this article.

*Alarm business* means the business of any individual or entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility for profit. This definition includes but is not limited to all of the following: installation companies, maintenance companies and monitoring companies even if they are not the same company.

*Alarm site* means a single premises, structure or location served by an alarm system or systems, but excluding vehicles, vessels and aircraft not permanently located at the site. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

*Alarm system* means an assembly of equipment or devices which is designed, arranged or used for the detection of a fire or hazardous condition or for alerting persons of a hazardous condition within a building, structure or facility and which emits a sound or transmits a signal or message when activated, to which annunciation, the fire department is expected to respond.

*Alarm user* means the person, occupant, firm, partnership, association, corporation, company or organization holding the contract or agreement of any kind with an alarm business or being monitored by any entity to dispatch city fire department to the alarm site. Alarm user also means the owner of the real property on which the alarm system is located in the event the alarm system is non-

monitored. The term as used in this article includes both monitored alarm users and non-monitored alarm users unless otherwise specifically provided.

*Automatic dialing system* means an alarm system that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message or other signal indicating the existence of an emergency situation.

*Calendar year* means from January 1st to December 31st.

*Dispatch record* means the event chronology, which lists the alarm as it is called in to the fire department, is dispatched out and is closed out, including the date, times, fire companies and comments, if applicable.

*False alarm* means the activation of an alarm system under circumstances where no fire emergency exists at the alarm site and when activation results in a response by the fire department. This definition includes signals activated intentionally in non-emergency situations and signals for which the actual cause is unknown.

*Fire emergency* means a fire, smoke, gas, heat or other or fire-related emergency.

*Key holder* means the alarm user or a representative of the alarm user having access to the alarm site, the ability to physically respond, and the capability of deactivating the alarm system.

*Monitored alarm* means an alarm system that is monitored by an alarm business.

*Monitored alarm user* means an alarm user with a monitored alarm.

*Non-monitored alarm* means an alarm system that is not monitored by an alarm business.

*Non-monitored alarm user* means an alarm user with a non-monitored alarm.

(Ord. No. 20, 2008, 3-25-08)

## **Sec. 6-58. Licensing required of alarm business.**

(a) Every alarm business which shall engage in the business of altering, installing, maintaining, moving, repairing, replacing, servicing, selling or leasing onsite, furnishing or monitoring alarm systems in the city shall be required to possess a state license under the alarm industry licensing act, R.S. 40:1664.1 et seq. and any applicable city ordinances.

(b) Licenses shall be kept and maintained at the central station or office of an alarm business and shall be made available to city representatives, upon request, at any time during normal business hours.

(c) All alarm businesses shall annually register with the alarm administrator. Registration shall be on company letterhead, requires no fee and must be on file with the alarm administrator by January 31st of every year. Registration shall include the following information:

(1) The proper business or trade name, address and telephone number of the alarm business.

(2) The state license number and city occupational license number, or information indicating that a state license number and/or city occupational license number is not required.

(3) All of the names, addresses and telephone numbers under which the company or corporation conducts business.

(4) If an unincorporated association, the name, addresses and telephone numbers of the owner and responsible associates.

(5) If a corporation, the name, address and position of all officers, directors and

registered agents.

(6) A statement that the alarm business shall maintain a 24-hour emergency service, seven days a week, including holidays.

(7) Federal tax ID number of business or social security account number of owner.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-59. Alarm business requirements to alarm user.**

(a) Every alarm business altering, installing, maintaining, moving, repairing, replacing, servicing, selling or leasing onsite, furnishing or monitoring alarm systems shall furnish the alarm user with written instructions and training that provides adequate information to enable the alarm user to operate the alarm system properly and avoid false alarms. Proof of this instruction on a standard form established by the alarm administrator shall be kept and maintained by the alarm business and made available to city representatives, upon request, during normal business hours.

(b) The alarm business shall provide each alarm user with the following information:

(1) A copy of this article.

(2) The toll free or local number of the monitoring station.

(3) Instructions, to include written instructions, which provide adequate information to enable the alarm user to operate the alarm system properly and avoid false alarms.

(c) When an activation of an alarm user's monitored alarm occurs, after requesting fire department dispatch, the alarm business shall attempt to contact the alarm user by telephone to determine whether an alarm signal is valid. For the purpose of this section, telephone verification shall require, as a minimum, that a second call be made to a different telephone number for the alarm user or key holder if the first attempt fails to reach an alarm user or key holder who can properly identify himself to determine whether an alarm signal is valid. A first and/or second call are not required where it can be reasonably determined that a fire emergency is in progress.

(d) Within seven days after an alarm occurs, the alarm business shall mail a written notification to the alarm user, which shall include the location, date and time of the alarm, and inform the alarm user of the fine schedule. This requirement shall not apply if the alarm business notified the alarm user or keyholder by telephone or other means with confirmation prior to the mail out deadline.

(e) The alarm business shall maintain a written record of its compliance with the verification and notification requirements of this section, which shall be maintained for at least two years and shall be subject to inspection by the fire chief or his designee.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-60. General alarm user requirements.**

(a) The alarm user(s) are required to take actions to avoid false alarms.

(b) The alarm user shall pay all fines for false alarms as provided by this article.

(c) The alarm user shall ensure the alarm system is in good working order.

(d) The alarm user shall be responsible for displaying the correct numerical address of the protected property in such a manner as to be readily visible from the street by fire department

personnel responding to that address.

(e) The alarm user shall maintain the alarm site in a manner that precludes confusion concerning the existence of a fire emergency and allows responding officers to distinguish old fire damage from new damage.

(f) An alarm user shall maintain at each alarm site, a set of written operating instructions, quick reference card or alarm user manual for each alarm system. The user shall familiarize him/herself with the particular system.

(g) An alarm user shall:

(1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.

(2) Maintain the premises and the alarm system environment in a manner that will minimize or eliminate false alarm dispatches.

(3) Not manually activate an alarm for any reason other than the occurrence of an event for which the alarm system was intended to be activated. However, the alarm may be activated for periodic testing provided a fire department response is not requested.

(4) Instruct all personnel who are authorized to place the system or device into operation of the appropriate methods of operation.

(5) Not modify the alarm system in such a manner as to cause a false alarm or false alarms.

(h) The alarm site and alarm system is the responsibility of the alarm user and the activation of an alarm system or a fire department response to the site does not relieve the alarm user of primary responsibility.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-61. Additional monitored alarm user requirements.**

(a) The monitored alarm user shall keep the alarm business informed of current alarm user and keyholder information. The monitored alarm user or a designated keyholder, shall respond when requested by the fire department, as expeditiously as safety permits, but without unnecessary or unreasonable delay. The monitored alarm user shall be subject to the fine provided in subsection 6-60(c) if, when requested by the fire department, the alarm user or a designated keyholder does not arrive within 50 minutes after fire personnel arrive on the scene. Alarm users not requested by the fire department shall be required to resolve false alarm issues at the alarm site with due diligence.

(b) The alarm user directly or indirectly hires the alarm businesses, including monitoring and maintenance companies. This private contractual relationship for mutual gain between the alarm business and the alarm user is prima facie evidence that the alarm businesses are representatives of the alarm user and further evidence of the alarm user's ultimate responsibility for activities including false alarms at the alarm site.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-62. Additional non-monitored alarm user requirements.**

(a) Non-monitored alarm users, or a keyholder, shall respond to the alarm site, as expeditiously as safety permits, but without unnecessary or unreasonable delay when requested by fire department dispatch.

(b) Non-monitored alarms shall be recorded as an alarm when reported to the fire department by any citizen and verified as audible for a specific location by a responding fire department officer. Non-monitored alarms shall also be recorded as alarms when an alarm user or keyholder calls for fire dispatch based on any electronic signal received from the alarm system.

(c) Non-monitored alarm users shall ensure the alarm site does not cause a disturbance to other citizens due to multiple alarms or a continuous audible alarm.

(d) All non-monitored alarm users, except those with only a residential smoke detector, shall provide the fire department's alarm administrator with a letter annually containing the address of the non-monitored alarm system and current names and numbers for the non-monitored alarm user and other keyholders who shall respond to the location.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-63. Alarm business requirements to fire department.**

(a) At the time of requesting a fire department response to any alarm, the alarm business shall provide fire dispatch with the following:

(1) Date and time of activation of the alarm system.

(2) Alarm user's name, including the name of the business if the alarm user is a business.

(3) Physical address of the alarm site which must be complete and include applicable building, apartment and suite numbers.

(4) Telephone number at the alarm site.

(5) Type of alarm.

(6) Information about the specific common location of the activated alarm or alarms. Alarm businesses cannot use terms, such as, zone 1, area 3, but must use common, understandable location terms, such as kitchen, living room, etc.

(7) A toll-free telephone number for contacting the alarm business monitoring facility and the name of the alarm business employee or the operator number calling.

(8) Name of the alarm user or keyholder responding to the alarm site. The alarm businesses may call back with updated alarm user or keyholder information to include an estimated time of arrival to the alarm site and the responding individual's vehicle description.

(9) The name of the alarm business under contract with the alarm user.

(b) Alarm businesses shall maintain current and valid notification information for the alarm user, and keyholder(s) for each alarm site and shall inform the fire dispatcher of changes when a fire department response is requested.

(c) Alarm businesses shall inform the alarm user of any and all fire department response alarms in a timely manner.

(d) An alarm business shall immediately notify fire dispatch if it determines that an alarm is a false alarm after contacting the alarm user or keyholder.

(e) Alarm businesses shall not call fire dispatch for dispositions or information concerning specific alarm action. Alarm businesses shall contact the specific alarm user or keyholder who responds to the alarm for such information.

(f) It shall be unlawful to maintain, operate, connect or allow any maintaining, operating or

connecting, any automatic dialing device, which automatically dials the fire department in response to any alarm signal or other emergency. This section does not prohibit the installation of an alarm system that notifies the fire department when a fire emergency has occurred, or is in progress, on a signal line directly to the fire department when such a system is required by law.

(g) It is the responsibility of the alarm businesses and their agents to prevent false alarms during installation, system repairs or system service of alarm systems. It is a violation of this article to request a fire department response during installation, system repairs or system service of an alarm system unless a bona fide emergency has occurred, which requires fire department response. If the fire department personnel responding to the false alarm determine that an on-site employee of the alarm business caused the false alarm, the false alarm will not be counted against the alarm user; the alarm business shall be fined.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-64. Fire department requirements.**

(a) The fire department shall provide the necessary administrative support and methods to track alarms and ensure accurate billing. The alarm administrator shall track false alarm occurrences in the city.

(b) The fire department shall maintain the dispatch record for each alarm call.

(c) The fire department shall ensure one responding fire officer's comments are included in the dispatch record always by the officer, if the officer is laptop capable, if not, then the dispatcher shall record the officer's radio comments.

(d) Fire dispatch shall call non-monitored alarm users to notify them of an alarm and to respond to the specific location.

(e) The fire department shall prepare a report on all valid alarm calls where a fire emergency has occurred.

(f) Fire dispatch shall cancel an alarm call reported as a false alarm by the alarm business if the fire department has not arrived at the scene.

(g) The fire department is not required to remain on scene for a keyholder when manning and volume of calls dictate otherwise.

(h) The alarm administrator shall provide the fire chief with a quarterly report in April, July, October, and January of each year detailing the number of false alarms by month.

(i) After each false alarm or other violation of this article, the alarm administrator shall ensure that a bill stating the fine assessment is mailed to the alarm user or alarm business responsible for the false alarm or violation. The bill shall notify the alarm user or alarm business that he has 15 business days from the date of the bill to appeal the fine in writing to the alarm authority. The alarm administrator shall work closely with fire dispatch to ensure alarm businesses and alarm users violating this article are fined appropriately.

(j) The alarm administrator shall provide false alarm documentation upon request for the finance department/revenue division to utilize in any civil or criminal court procedures.

(k) The alarm authority shall hold a meeting every quarter for the first calendar year, then semi-annually thereafter, for the purpose of discussing ways to reduce false alarms. The alarm authority shall give notice of the meetings by telephone, mail or other means to such members of the alarm industry, fire department, and city attorney's office as the alarm authority deems appropriate.

(Ord. No. 20, 2008, 3-25-08)

**Sec. 6-65. False alarms prohibited.**

- (a) No person shall cause the activation of a false alarm. Activation of a false alarm, intentionally or unintentionally, knowingly or unknowingly, shall constitute a violation of this article.
- (b) A fire department response is deemed to have occurred when fire department personnel arrive on scene.
- (c) Each alarm called in by the alarm business shall be counted separately regardless of the amount of time between alarms, provided the fire department has cleared the call.
- (d) Fire records documenting the occurrence of a false alarm are prima facie evidence that an alarm system is in use and the date and time of that false alarm shall be used for the purpose of determining the number of false alarms during a calendar year.
- (e) The alarm user shall not be held accountable for a false alarm caused by the following; however, the alarm user shall have the burden of proof:
  - (1) Natural or manmade disaster.
  - (2) Vandalism.
  - (3) Telephone line outage.
  - (4) A lightning strike, electrical surge or an act of nature that caused physical damage to the alarm system. To assert this defense, the user must provide receipts or invoices for corrective work performed or written statements testifying to the stated cause of damage on letterhead of the licensed alarm business or agent who repaired the damage.
  - (5) The alarm business caused the false alarm.

(Ord. No. 20, 2008, 3-25-08)

**Sec. 6-66. Fines and penalties.**

- (a) The fines for false alarms shall be based on the number of false alarms which occur in a calendar year.
- (b) Alarm user fines shall be assessed as follows:

TABLE INSET:

False Alarm	Fine
1st	Warning notice
2nd	\$ 25.00
3rd	75.00
4th	100.00
5th	150.00
6th	300.00
7th and over, each	500.00

- (c) Lack of alarm user or keyholder response as required by subsection 6-55(a) is a \$100.00 fine.

- (d) Each alarm user shall be entitled to fine waivers as follows:
- (1) A fine waiver for any false alarm that was the result of faulty or malfunctioning equipment, if the user provides receipts or invoices for corrective work performed or written statements testifying to the stated cause on letterhead of the licensed alarm business which repaired the equipment.
  - (2) One fine waiver per calendar year for a documented service call when no repairs were made to the alarm system.
  - (3) One alarm user error fine waiver per calendar year per alarm site for attendance at an alarm user class provided by an alarm business and in accordance with fire department class requirements.
  - (4) For any such fine waiver, the service call or alarm user class must be within 30 days of the false alarm, documented on alarm business letterhead or work order and provided to the alarm administrator within one week of the service call or class.
- (e) Alarm business fines shall be as follows:
- (1) A \$100.00 fine for each incident for an alarm business requesting a fire department response on a false alarm that is the result of installation, system repairs or system service.
  - (2) A \$100.00 fine for an alarm business on each violation of this article.
- (f) All fines shall be appealed, if applicable, within 15 business days of issuance of the bill stating the fine assessment.
- (g) If the above fines are not paid within 90 days of the date a final decision assessing the fine has been rendered by the alarm authority or, if the initial assessment is not appealed, within 90 days of the date the time period for appeal ends, an additional penalty shall be added to the amount due. The penalty added shall be equal to the amount of the fine, so that the total amount due shall be twice the amount of the fine.
- (h) The city may use such lawful means as are available to collect such fines from alarm businesses and/or alarm users.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-67. Appeals.**

- (a) The alarm administrator shall have the authority to review the false alarm at the request of the alarm user or alarm business and determine whether a false alarm has occurred and/or whether the defenses set forth in subsection 6-59(e) are applicable. The alarm administrator may consider extenuating circumstances, such as documented repeated repair attempts, factory defective systems or other uncontrollable events. If the alarm administrator finds that no violation of this article has occurred or that a violation has occurred but one or more defenses set forth in this section is applicable, the alarm administrator may dismiss the fine and release the alarm user and/or alarm business from the liability thereunder or may reduce the fine associated therewith as the alarm administrator shall determine.
- (b) Any alarm user or alarm business shall have 20 business days from the date of issuance of the bill for a false alarm or other violation under this section to request in writing an appeal of such assessment to the alarm appeal board. Such appeals shall be filed in the office of the fire chief. Any such appeal which has not already been considered by the alarm administrator shall be considered by the alarm administrator first, and shall be heard by the alarm appeal board only if the alarm administrator has negative findings.

(c) The alarm appeal board shall conduct a hearing in those matters requested for appeal that have been ruled on negatively by the alarm administrator. The alarm appeal board shall consider evidence offered by any interested person(s), including, but not limited to, evidence that a false alarm dispatch was caused by a bona fide fire emergency or a criminal offense. The board shall make its decision on the basis of a preponderance of evidence presented at the hearing and the investigative findings of the alarm administrator. The board must render a decision within 30 days of receiving the findings of the alarm administrator. The alarm appeal board's decision is final as to administrative remedies with the city.

(d) The alarm appeal board shall be comprised of three members as follows: the fire chief, or his designee, and two members appointed by the mayor and confirmed by the city council, one of whom shall be from the local alarm industry. The terms of the board members shall be as follows: the term of the fire chief or his designee shall be determined by the chief of fire; the terms of the other board members shall be four calendar years. Board members may succeed themselves.

(e) An assessment in the amount of \$25.00 shall be charged for each case where the alarm appeal board denies the appeal.

(f) Reserved.

(g) Defenses, which may be considered to mitigate or dismiss a violation, shall include:

(1) The false alarm signal for which the fine had been assessed did not originate at the alarm site of the alarm user who has been assessed the fine.

(2) The false alarm signal for which the fine was assessed was, in fact, not false, but was the result of a fire emergency.

(3) Such other mitigating circumstances, as may be determined by the alarm administrator or alarm appeal board.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-68. Administrative procedures.**

(a) The city finance department/revenue division shall collect all fines.

(b) To provide the fire department the resources with which to administer this program, and to provide the finance department the resources with which to collect the fines due, any and all monies collected as a result of fines to either alarm businesses or alarm users shall be returned as follows:

(1) Seventy-five percent to the fire department budget to fund the equipping and operations of the alarm administrator's office, and

(2) Twenty-five percent to the finance department budget to fund the collection of the fines.

(Ord. No. 20, 2008, 3-25-08)

### **Sec. 6-69. False information.**

It shall be a violation of this article for any person to provide any false information when responding to incidents covered by this article.

(Ord. No. 20, 2008, 3-25-08)

**Sec. 6-70. Violations and enforcement.**

- (a) Any person's actions in violation of or failure to act in accordance with the requirements of this article shall constitute a violation of this article.
- (b) In addition to any fine prescribed by this article, violations of this article may be prosecuted in the same manner as misdemeanors are prosecuted.
- (c) Such violations shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment.
- (d) All remedies are cumulative and supplemental and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing this article.

(Ord. No. 20, 2008, 3-25-08)

**Sec. 6-71. Limitation of liability.**

- (a) Nothing herein shall be construed to create a duty on the part of the fire department to respond to any alarm or to otherwise guarantee the safety of any member of the public.
- (b) The fire chief or his designee expressly retains the discretion to determine whether or not to respond to any alarm and to otherwise determine the most efficient deployment of fire department resources.

(Ord. No. 20, 2008, 3-25-08)