

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

Approved by the ESA Fire/Life & Safety Committee: 11/23/09

Amended and Approved by the ESA Executive Committee: 4/15/2010

Amended and Approved by the ESA Board of Directors: 06/18/2010

INTRODUCTION

The attached Model Fire Alarm Ordinance (the "Ordinance") has been prepared by the Electronic Security Association (ESA) the ESA is an alarm industry trade association that promotes electronic security and life safety in the United States.

ESA strongly believes that fire alarm dispatch 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 fire alarm dispatching, 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 fire alarm dispatching. We believe that the fire alarm advisory board represents a fundamental step in the development and implementation of a good, effective fire alarm dispatch 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 fire alarm dispatch 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 officials, municipal leaders, alarm owners and alarm companies on the appropriate fee to fit the circumstances of 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 fire alarm dispatching. **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.

ESA MODEL FIRE ALARM ORDINANCE

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WHEREAS, this jurisdiction finds that a high incidence of Fire Alarm and/or Nuisance Fire Alarms dispatching causes a significant use of fire department resources by the dispatch of emergency units to the scene of non emergency Fire Alarm signal, which renders them out of service and unavailable to respond to other emergency situations; and,

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

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 their reliability and reduce or eliminate Fire Alarm and Nuisance Fire Alarm dispatching.
- (B) This Ordinance governs Fire Alarm Systems intended to summon fire department personnel and requires registration, assessment of fees for excessive Fire Alarms and Nuisance Fire Alarms dispatching, 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. In the absence of any such Code adoption, the National Fire Protection Association National Fire Alarm & Signaling Code 72 (NFPA 72) shall apply as referenced in one or more of the following codes; the National Fire Protection Association's Life Safety Code 101 (NFPA 101), International Building Code (IBC), International Fire Code (IFC), International Residential Code (IRC).
- (B) **Commercial Fire Alarm Systems** are those installed in other than one- and two-family homes.
- (C) **Initiating Device** a system component that originates transmission of a change-of-state condition, such as in a smoke detector, manual fire alarm box, or supervisory switch.
- (D) **Enforcement Official** means the Fire Chief or his designated representative.
- (E) **False Fire Alarm** means the activation of any Fire Alarm System not caused by

heat, smoke or fire, exclusive of a Nuisance Fire Alarm.

- (F) **Fee** means the assessment of a monetary charge payable to the City/County, Enforcement Official or jurisdiction authorized pursuant to this Ordinance.
- (G) **Fine** means the assessment of a monetary charge payable to the City/ County, Enforcement Official or jurisdiction authorized pursuant to this Ordinance
- (H) **Fire Alarm Activation Report** means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- (I) **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 any Fire Alarm System.
- (J) **Fire Alarm System** means a commercial or household system or portion of a combination system consisting of components and circuits arranged to monitor and/or annunciate the status of a fire alarm or supervisory signal-initiating device(s) and to initiate the appropriate response to those signals.
- (K) **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.
- (L) **Monitored System** means the process by which a supervising station receives fire alarm, supervisory, and trouble signals, from a Fire Alarm System for the purpose of re-transmission.
- (M) **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.
- (N) **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.
- (O) **Premises** mean 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.

- (P) **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; c) Electronic Security Association (ESA) Certified Fire Alarm Technician; or d) licensed or certified by state or local authority.
- (Q) **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).
- (R) **Registration** means the initial notification by an Owner to the Enforcement Official that a Commercial Fire Alarm System has been installed and 100% tested.
- (S) **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 the Fire Alarm Business and/or the Owner.
- (T) **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.
- (U) **Supervising Station.** An approved facility that monitors the signals transmitted from a protected premises fire alarm system, at which trained personnel are in constant attendance to take the appropriate action in response to those signals.

SECTION 3. Registration of Fire Alarm System

- (A) A Registration and/or a renewal shall be required for each commercial Fire Alarm Systems and a Record of Completion shall be 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 Premise to another or from one Owner to another.
- (D) Every Fire Alarm Business shall notify the Enforcement Official of the existence of a commercial 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 for Commercial Fire Alarm Systems 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 and or cell 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 a time period adopted by code, 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 Approval

All newly installed commercial Fire Alarm Systems shall be approved by the Enforcement Official. The Record of Completion document shall indicate that the Fire Alarm System is in compliance with Adopted Codes, and when the Fire Alarm System is approved and accepted, it shall be signed and dated by a Qualified Fire Alarm Technician and by the Enforcement Official.

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 or in accordance with Adopted Codes.
- (B) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.
- (C) The Owner shall be responsible for notifying the Enforcement Official, in writing, when, for any reason, a monitoring contract or testing contract has been discontinued or canceled, and for any other interruption in service required by the Adopted Code.
- (D) The Owner shall provide the Enforcement Official a current copy of the Record of Completion or test/inspection report(s), upon request.

SECTION 6. Fire Alarm Activation; Response

- (A) The Owner shall be responsible for the operation of a Fire Alarm System
- (B) A response to the activation of a Fire Alarm Signal 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) In the event the Commercial Fire Alarm System is not a Monitored System, the Enforcement Official shall notify any person identified in the Registration documents pursuant to Section 3(E) (1-3) and shall require such person to respond to the Premises.
 - (2) In the event the Owner of the Commercial Fire Alarm System has a contract with a Remote Station for the monitoring of the system, it is the responsibility of the Remote Station personnel to notify any person identified by the Owner in the Registration documents, when required by the Enforcement Official.
 - (3) In the event a household Fire Alarm System is a Monitored System, it is the responsibility of the Remote Station to verify the Fire Alarm signal before dispatch, as allowed by the Adopted Code.
 - (4) In the event a household Fire Alarm System is a Monitored System, it is the responsibility of the Remote Station to forward any 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
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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) inspection has been made to identify and correct any defect of design, installation or improper 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 as set forth by Appendix.

SECTION 8. Service Fees and Fines

(Please Read Appendix- Service Fees prior to reviewing this section)

- (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 time frames have been recommended throughout this Ordinance, all time frames should be determined on a local jurisdiction basis.*

- (B) Should any Fee or Fine assessed pursuant to this Ordinance remain unpaid in excess of sixty days (60) days from the date Fee or Fine is billed, a late Fee in the amount of **(See Appendix – Service Fees and Fines)** shall be assessed and shall be payable by the Owner of the Premises in addition to the original Fee.

- (C) Fire Alarm Dispatching

- (1) No Fee or Fine shall be assessed for the first two residential and the first three commercial 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 or Fines for False Fire Alarms responded to by the fire department at the same Premises during each calendar year.
- (2) 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.

Please review Appendix

- (3) The following fees shall be assessed for False Fire Alarms:

Please review Appendix

- (D) Nuisance Fire Alarms

- (1) The following Fees and Fines shall be assessed when a Report of Service/Repair has been returned to the Enforcement Official, but the Nuisance Fire Alarms continue:
- (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 in a time period adopted by code 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, based upon a risk assessment, a fire watch may be required 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 before allowing it to be reset.
- (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

[Note: Your municipal attorney should carefully review the stated appeal process to assure compliance with due process]

- (A) An Owner may appeal the assessment of fees and fines to the Enforcement Official. An appeal fee of **(See Appendix – Service Fees)** shall accompany the appeal. Appeal fees will be returned to the Owner 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 shall file a written appeal to the Enforcement Official by setting forth the reasons for the appeal within fifteen (15) days of the date of the notice.
- (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 of the date of the notice. 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 comply with the order within fifteen (15) days of the date of the written notice. 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 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. Return to Service of Fire Alarm System

- (A) A Fire Alarm System may be returned to service by the Enforcement Official once the Owner of the Premises has taken corrective action to remedy the cause of the disconnect or deactivation of the Fire Alarm System at the Premises.
- (B) In making a request for a Fire Alarm System 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 returning to service the Fire Alarm System.
- (D) A reinsertion fee of **(See Appendix – Service Fees)** shall be assessed to the Owner before any returned to service of a Fire Alarm System is made.
- (E) The Enforcement Official shall not approve a new order to return to service if the Owner has failed to pay any Fee or Fine pursuant to this Ordinance.

SECTION 12. Exemptions

Unless pre-empted by applicable law, local, state and federal government facilities, including educational use groups, are not exempt from the provisions of this statute and must register, pay fees assessed, and otherwise comply with all requirements of this ordinance.

SECTION 13. 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.

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications, records relating to Alarm Dispatch Requests, and applications for appeals shall be deemed as proprietary and held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 14. 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, staffing levels and or adopted Fire Alarm Codes. 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 15. 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:

Service Fees or Fines

Specific amounts of fees or fines 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 charge to fit the circumstances of your jurisdiction.

ESA and your state alarm association can assist you in establishing the appropriate fees or fines 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 and Fines

Fees and Fines are 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. Typically fees are fixed amounts associated with registrations or permits and are generally administrative in nature while fines are punitive in nature and can exceed the cost to provide the service (response). If using fees to cover response to False Fire Alarms and Nuisance Fire Alarms you may want them to be set at a fixed level that covers the cost of providing the service. Fees could be on a sliding scale as response to high rise occupancies is not the same as a response to a single family occupancy. In general;

- Fees or Fines should be directed at the individual or company whose behavior you desire to change, even if assessing another would be more efficient or easier (i.e. assess the user if the user caused the false fire alarm not the alarm company)
- Each fee or fine 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 or Fines for Fire Alarm dispatches and Nuisance Fire Alarms should begin after the Second (2) for residential and after the third (3) for Commercial. 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 or Fines 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 and Fines can allow a jurisdiction to recoup some or all of the cost of administering the Ordinance.

As a suggested level of fees or fines the following schedule is what the majority of existing ordinances around the US include.

Number of False Fire Alarms

First & Second (residential)
First to third (commercial)
Fourth and above

Service Fee per False Fire Alarm

(No Charge)
(No Charge)
(See Appendix – Service Fees)

Number of Nuisance Fire Alarms

First & Second (residential)
First to third (commercial)
Fourth and above

Service Fees
(No Charge)
(No Charge)
(See Appendix – Service Fees)