

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6065ORD

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. CANULETTE

PROVIDED BY: COUNCIL

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. BELLISARIO

ON THE 1 DAY OF NOVEMBER , 2018

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES TO ADD NEW SEC. 14-33 TO 14-36 TO REGULATE FIRE ALARM SYSTEMS AND PROVIDE FOR PENALTIES FOR REPEAT FALSE FIRE ALARMS.

WHEREAS, the purpose of this ordinance is to reduce the number of false alarms received from automatic fire alarm transmitting equipment and to prescribe penalties for the repeated transmission of false fire alarms.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Code of Ordinances Chapter 14 Fire Prevention and Protection be amended to add new Sec. 14-22 to 14-39 to regulate fire alarm systems and provide for penalties for repeat false fire alarms.

Sec. 14-33. - Purpose.

(a) The purpose of this article is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to reduce unnecessary fire emergency response to false alarms, and thereby to protect the emergency response capability of the various St. Tammany Parish fire districts from misuse.

(b) This article governs fire alarm systems, provides for fines for excessive false alarms and establishes a system of administration.

Sec. 14-34. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

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

Alarm administrator means a person designated by the fire district, to control and review alarm dispatch requests, and coordinate false alarm notification letters, enforcement and fines.

Alarm business means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm system means any assembly of equipment, devices, mechanical or electrical, arranged or used for the detection of a hazardous condition, smoke, or fire in a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation any fire district may be summoned to respond. For purposes of this chapter, the term "alarm system" shall not include:

(1) An alarm installed on motor vehicles, boats or other movables not connected/attached to a fixed protected property site.

(2) Any device or system designed solely to give notice or alert of a medical emergency.

Alarm system monitoring company means any individual, partnership, corporation or other entity that engages in the business of monitoring fire or smoke alarms and of reporting any activation of such alarms to a fire district. Such a company must have a monitoring station, which is the use of a system or

a group of systems in which the operation of circuits and devices at a protected property are signaled to, recorded in, and supervised from a central monitoring station having trained operators who, upon receipt of a signal, take such action as required by the nature of the signal received.

Alarm system user or user means the person, firm, partnership, association, corporation, company or other entity, public or private, which owns, leases, controls or occupies any building, structure or facility wherein an alarm system is maintained.

Alarm user identification letter means a letter requesting the following information to assist the alarm administrator in tracking and identifying false alarms, and shall include a request for the following information:

(1) The name, birth date, driver's license number, ~~social security number~~, address and telephone numbers of the person who is the alarm system user and who is responsible for the proper maintenance and operation of the alarm system. In the case of a firm, corporation, partnership, association, company or organization, an individual shall be designated and identified as the corporate officer, partner, associate or company representative who will be held accountable as the responsible person for the alarm site.

(2) The classification of the alarm site as either residential, commercial or apartment.

(3) The name, address and phone number of the alarm business performing the alarm system installation, activation, conversion/takeover and business responsible for providing repair service to the alarm system.

(4) The name, address and phone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

Alarm systems in apartment complexes.

(1) Contracted for by an individual tenant means that if an alarm system is installed or maintained by an individual tenant within an apartment complex, then the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's unit and the payment of fines.

(2) Furnished by the apartment complex as an amenity means that if the owner or property manager of an apartment complex provides and maintains alarm systems in each unit as an amenity, then the owner or property manager of the apartment complex is responsible for false alarm dispatches emitted from these alarm systems in all of these units collectively and the payments of any fines.

Audible alarm system means an alarm system that emits an audible sound or message which can be heard off-premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon a fire district response. (See Local alarm)

Automatic dialing device means a device which is interconnected to a communications system and is programmed to select a predetermined delivery number and transmit by voice message, code signal or otherwise an emergency message indicating a need for emergency response. Such a device is part of an alarm system which automatically sends over a communications system, by direct connection or otherwise, a prerecorded message or coded signal to report an emergency.

Conversion/takeover means the transaction or process by which an alarm system user, alarm business or alarm system monitoring company takes over control of an existing alarm system which was previously controlled by another alarm system user, alarm business or alarm system monitoring company.

Dispatch means to direct fire district units to a location where there has been a report made, by whatever means, that fire district assistance or investigation is needed.

False alarm means an alarm signal, eliciting a response by a fire district when a situation requiring such response does not exist, including, but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system

user or user's agent or employee, intentional false activation by a user or the tenant or employee of a user, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual emergency exists. Severe weather, power outages, transmission line malfunctions, acts of God, acts of terrorism, or any other cause clearly beyond the control of the alarm system user shall not be considered a false alarm. ~~may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.~~

Fire district means any of the various St. Tammany Parish Fire Protection Districts in St. Tammany Parish.

2Grace period means a thirty (30) day period ~~specified length of time~~ from the date of installation, or system conversion/takeover during which no occurrence, fine or penalty is assessed for false alarms.

Local alarm means an alarm system which when activated causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

Notice means written notice given by service upon the alarm system user or given through first class U.S. mail, postage prepaid, to the alarm system user's last known mailing address.

Panic alarm means any system, device or mechanism, activated by an individual on or near the premises, to alert others of fire or smoke or another emergency requiring fire district response, or that the user is in need of immediate assistance or aid in order to avoid injury or bodily harm. The term "panic alarm" includes the manual entry of any combination of numbers into a keypad intended for emergency summons of a fire district.

2Response means the arrival of any fire district personnel at the premises where an alarm system has been activated, indicating an emergency at those premises.

Site means each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct physical address.

Verification means any attempt, by the alarm business, or alarm system monitoring company to verify the need for a fire district dispatch by contacting the alarm system site by telephone, electronically, via a communications system, or by visual means, whether or not an actual contact with a person is made, before requesting a fire district dispatch.

Sec. 14-35. - Alarm system operation and maintenance.

An alarm system 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 in a manner that will minimize or eliminate false alarm dispatches.

(3) Make every reasonable effort to respond or cause a contact person to respond to the alarm system's location within a reasonable period of time when notified by the alarm administrator or a fire district to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.

(4) 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.

(5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of its operation.

Sec. 14-36. - Fire district response to alarm notifications.

(a) Fire response on the alarm scene. Whenever an alarm is activated, thereby requiring an emergency response to the location by a fire district, fire district personnel on the scene of the activated alarm system shall inspect the area protected by the system and determine whether the alarm was false or was caused by a fire related emergency. Said district personnel shall affix to the main premises entrance at that location a notification indicating the date, time and responding unit number or other similar identification.

(b) Notification and tracking. The fire district personnel responding to the alarm scene will verify the address location and communicate to the fire district dispatcher the disposition of the call which will be recorded into the fire district dispatch system. In the event of a false alarm, any weather conditions or other possible contributing factors which could have led to the false alarm shall be recorded in the dispatcher's computer record.

Sec. 14-37. - Penalty for false alarms.

(a) Sending of false alarms. The sending of an alarm signal eliciting a response by a fire district when a situation requiring a response by a fire district does not in fact exist, including, but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or alarm system user's agent or employee, intentional false activation by a user or the tenant or employee of a user or any other activation or transmission of any alarm signal where no emergency exists, whether the exact cause of the alarm activation is determined, is prohibited. Severe weather, power outages, transmission line malfunctions, acts of God, acts of terrorism or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.

(b) Unlawful activation of a panic alarm. No person shall activate any panic alarm for the purpose of summoning a fire district except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises or in the event the person needs immediate assistance in order to avoid injury, property loss or bodily harm. The unnecessary dispatching of a fire district for panic alarms will be counted against the alarm site as a false alarm.

(c) Grace period. Beginning with the date of alarm activation or alarm conversion/takeover, there shall be a thirty day grace period. During the thirty day grace period, false alarms will not be counted as an occurrence toward the total for the calendar year, nor will the alarm system user be subject to any fine, warning or other action as provided for in this section.

(d) Penalties for sending of false alarms. The sending of a false alarm constitutes a violation of this section. It shall be the responsibility of the alarm system user to provide the necessary documentation in order to verify the alarm system's date of purchase, conversion/takeover date, or installation to authenticate the grace period and administrative warnings, fines and/or suspension of a fire district response may be assessed/imposed upon an alarm system user by the alarm administrator for excessive false alarms during a calendar year as follows:

<u>Number of False Alarms</u>	<u>Penalty</u>
<u>1 to 3</u>	<u>No fine assessed. Alarm user identification letter issued for 2nd and 3rd false alarm.</u>
<u>4 to 5</u>	<u>\$ 250.00 fine per false alarm to alarm system user.</u>
<u>6 and above</u>	<u>\$ 500.00 fine per false alarm to alarm system user.</u>

All funds derived from the fines contained in this article, except those fines imposed and collected by the district court, shall be allocated to the operating budget of the responding fire district which issued the fine. Except for the fines collected by the district court, it shall be the responsibility of the fire district or a designated collection agency or agencies to collect such fines. Offenders shall be liable to the responding fire district for all costs incurred in collecting any unpaid fines, including court costs and attorney fees.

(e) Training waiver. Once per calendar year, an alarm system user shall have a false alarm fine waived upon payment of all prior fines imposed through this section and submission of written documentation of the alarm system user having attended training recognized by the alarm industry to reduce false alarms.

(f) False alarm annual count. False alarm annual counts are calculated on a calendar year basis,

beginning on January 1 of each year. At the end of the year described above, the false alarm count will revert to zero, provided all charges, fees, and fines have been paid. Multiple alarms from the same site on a single calendar day may be counted as only one false alarm for the purposes of penalty assessment.

(g) Alarm user identification letter. Upon receipt of the second and third false alarm report, the alarm administrator shall send an alarm user identification letter by regular-certified mail and/or hand delivery to both the owner and occupant of the alarm site. The alarm system user shall be accountable for accurately completing the requested identification information and returning same to the fire district alarm administrator. The letter shall include:

(1) The name, birth date, driver's license number, social security number, address and telephone numbers of the person who is the alarm system user and who is responsible for the proper maintenance and operation of the alarm system. In the case of a firm, corporation, partnership, association, company or organization, an individual shall be designated and identified as the corporate officer, partner, associate or company representative who will be held accountable as the responsible person for the alarm site.

(2) The classification of the alarm site as either residential, commercial or apartment.

(3) The name, address and phone number of the alarm business performing the alarm system installation, activation, conversion/takeover and business responsible for providing repair service to the alarm system.

(4) The name, address and phone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

(h) Warning notification letter. The alarm administrator shall send a "notification of false alarm and fine" by regular-certified mail and/or hand delivery to notify the alarm system user and the alarm business and/or alarm system monitoring company of each false alarm when a fine is applicable, and the consequences of the failure to pay the fine. The alarm administrator shall also inform alarm system users of their right to appeal the finding of any false alarm to the fire district via the alarm administrator or his designee.

(i) Failure to pay fine. If an assessed fine has not been paid within thirty days of the day the notice of fine was mailed by the alarm administrator and there is no appeal pending on the finding of the false alarm, the alarm administrator shall send a second notice of false alarm and fine by certified mail, return receipt requested, along with a notice of late fee of \$ 25.00. If payment is not received within ten days of the day such notice was received, the fire district may take actions to collect the fine, including bringing a claim in the appropriate small claims court or using the services of a collections agency.

(j) Appeal through the alarm administrator-appeals board.

(a) Composition of the board. ~~The fire district shall convene~~ An alarm appeals board shall be convened to address unresolved disputes pertaining to the findings of false alarms by the an alarm administrator, fines, or any other issue of a common interest to the fire district, alarm industry and/or alarm system users. The alarm appeals board shall be comprised of ~~five~~ seven members: two fire district representatives designated by the fire districts, two alarm industry representatives designated by the local chapter of the state safety and fire alarm association, and ~~one~~ representative selected from alarm system users three residents of the Parish of St. Tammany to be appointed by the Parish Council. The terms of the board members ~~are as follows: the terms of the two fire district representatives shall be determined by the fire district; the terms of the other board members shall be one year, running from January 1 to December 31.~~ Board members may succeed themselves. No member of this board shall be liable for any civil action for any act performed in good faith in the execution of his duties as a board member. The alarm industry, including alarm businesses and alarm system monitoring companies, shall not be responsible for the collection of any fines levied against alarm system users for violating the requirements of this article.

(b) Appeal from fines. The alarm appeals board shall conduct a hearing in those matters requested for appeal that have been ruled on by the alarm administrator. ~~An alarm system user who wants to appeal a false alarm determination by the alarm administrator or fines may file the same with the fire district through the alarm administrator for hearing.~~ The request must be in writing and must be made within

fifteen (15) days of the alarm system user having received the notification of false alarm. Failure to appeal the determination in the required time period results in a conclusive presumption of the validity of the alarm administrator's determination. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm system user by the alarm administrator by certified mail, return receipt requested, which date shall not be more than twenty one (21) nor less than ten (10) days after the filing of the request for hearing. The board shall make its decision on the basis of a preponderance of evidence presented at the hearing, including but not limited to, evidence that the false alarm dispatch was caused by a defective party that has been repaired or replaced or that an alarm dispatch was caused by a criminal offense. The board must render a decision within thirty (30) days after the request for an appeal is filed. If decision is not rendered within thirty (30) days, the alarm administrator's ruling stands. The board shall affirm, reverse, or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the parish. The proceedings of the alarm appeals board shall be audio recorded.

~~(c) District court proceedings. The decision of the alarm appeals board shall have no standing with respect to the adjudication of proceedings within the district court relative to false alarms. The alarm system user shall have the right to present to the alarm administrator written and/or oral evidence. The alarm administrator shall consider the evidence offered and issue written findings waiving, expunging or entering penalties provided by this article on an alarm system user's record as appropriate. Confirmation submitted by an alarm system user that an alarm business has been notified and summoned for an alarm system repair or service call, may be considered sufficient evidence to not continue accruing any further false alarms at this site until that alarm business has completed such documented service and/or repair within a reasonable period of time. If false alarm designations are entered on the alarm user's record, the alarm administrator may pursue fine collection accordingly. The decision of the alarm administrator is final as to administrative remedies. The decision of the alarm administrator shall have no standing in any determination in district court.~~

Sec. 14-38. - No liability of the parish.

The parish assumes no liability for any defects in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. No special duty other than that owed to the general public shall be created by virtue of this section or as a result of the transmission to or receipt of alarm signals by a fire district.

Sec. 14-39. - Severability

In the event any provision or part of this ordinance is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire ordinance, will be inoperative.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF JANUARY , 2019 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

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Delivered to Parish President: _____ , 2018 at _____

Returned to Council Clerk: _____ , 2018 at _____