

ORDINANCE

BILL NO. 5

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AN ORDINANCE PROHIBITING THE USE OF ANY FIRE ALARM SYSTEM WHICH REPORTS OR CAUSES TO REPORT TWO (2) OF MORE FALSE ALARMS WITHIN ONE YEAR, PROVIDING PENALTIES FOR THE DETERMINATION OF FALSE ALARM.

WHEREAS, the Board of Directors has determined that the welfare, protection and safety of the residents and businesses of the Southern Platte Fire Protection District make it necessary for the adoption of certain rules, regulations and standards governing the reporting of false fire alarms through the use of automatic fire alarm systems.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SOUTHERN PLATTE FIRE PROTECTION DISTRICT AS FOLLOWS:

SECTION I. DEFINITIONS

FIRE ALARM SIGNAL. A detectable signal, audibly, visually or both, to which the fire district is expected to respond on an emergency basis generated by an alarm system, indicating the existence of a fire.

FIRE ALARM SYSTEM. Any single device or assembly of equipment designed to signal the occurrence of a fire or other emergency activity requiring immediate attention and to which the fire district is expected to respond.

FIRE ALARM USER. Any person in possession of any building, structure or facility, or part thereof, who purchases, leases, contracts for or otherwise obtains a fire alarm system; any person who contracts for the servicing or maintenance of a fire alarm system; any person who contracts or hires an alarm business to monitor a fire alarm system.

AUTOMATIC DIAL PROTECTION DEVICE. An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of fire or excessive smoke or an emergency message indicating a need for emergency response.

FALSE ALARM. An alarm signal eliciting a response by the fire districts when a situation requiring an immediate response does not in fact exist, such as when no fire or smoke is present.

A Fire Alarm will not be considered a false alarm if it is determined that the alarm was caused by:

- (1) Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes, high winds or other similarly violent conditions.
- (2) Vandalism causing physical damage to the premises.
- (3) Telephone line outage.
- (4) Attempted entry of a location causing visible, physical or other evidence of damage to the location.
- (5) Severe weather causing physical damage to the premises.
- (6) The test of a local fire alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for any uninterrupted period exceeding sixty (6) seconds and when the fire department has been notified of the test.

SECTION II. VIOLATIONS

- (a) It shall be unlawful for a fire alarm user to report or cause to be reported through use of a fire alarm system, fire alarm system or automatic dial protection device more than two (2) false alarms within a year.

SECTION III. PENALTIES

- (a) Any alarm user who violates the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment.
- (b) All violations of this Ordinance shall be referred to the prosecuting attorney for Platte County, Missouri for prosecution by the office of the prosecuting attorney or the legal officer for the Southern Platte Fire Protection District in his capacity as special assistant prosecuting attorney.

SECTION IV. REVIEW OF FALSE ALARM DETERMINATIONS

- (a) NOTIFICATION. Any fire alarm user shall be notified in writing of each false alarm determination.
- (b) REVIEW OF FALSE ALARM DETERMINATIONS. Any decision made under this ordinance may be appealed to the Chief by any fire alarm user aggrieved by such decision. Such appeal shall be taken within seven (7) days of such decision. An appeal shall include at least the following information: Fire alarm user name, Address at which the alarm is installed, Date of alarm being contested and Fact upon which the request for an appeal is made. However, said seven (7) days shall not commence to run until the fire alarm user is served with written notice of such decision from the district stating the reasons for the decision. The Chief shall review such decision and render a written decision within seven (7) day of the notice of appeal. Within seven (70 days of the date of the decision the Chief shall cause to be served upon the aggrieved fire alarm user a copy of his decision. If the appeal is denied, the Chief's written decision shall state the reasons therefore. The ruling of the Chief may be appealed by filing a notice of appeal with the Board of Review of the Southern Platte Fire Protection District within seven (7) days of receipt of the written decision of the Chief. The Board of Review shall within fifteen (15) days hold a hearing on the appeal. The Board of Review shall not hold said hearing without service written notice on the fire alarm user appealing of the time and place of the hearing, said notice to be served on said person at least seven (7) days before such hearing. The Board shall render a written decision that shall include a Finding of Facts and Conclusions of Law within fifteen (15) days after such hearing. A copy of such decision must be served on the fire alarm user appealing within seven (7) days after said decision is rendered. If the appeal is not granted to the aggrieved fire alarm user by the Board of Review, such aggrieved person may appeal to the Circuit Court of Platte County, Missouri. Failure of the Chief to render a decision within the time allowed or to serve notice on the aggrieved person making the appeal within the time allowed shall constitute granting the appeal of such aggrieved. Failure of the Board of Review to call a hearing within the time allowed or to render a decision within the time allowed or to serve a copy of the decision within the time allowed shall constitute granting of the appeal to the aggrieved fire alarm user.
- (c) SERVICE OF PROCESS. Any appeal provided for hereunder must be taken as herein provided by filing with the person or body hearing the appeal a written notice of appeal setting forth the grounds therefore. All notices under this or any other Ordinance to the District, to any District official, or to any District Board may be served personally or by leaving

such notice with the Secretary-Treasurer of the District or any other person representing the District present at the regular District office. Service may also be made by sending any such notice to the appropriate official by registered or certified mail with a return receipt requested. Service of notice upon any person or applicant under the Ordinance shall be by personal service or by certified or registered mail with return receipt showing delivery of such notice. Refusal of any of the above persons or officials to accept registered or certified mail shall constitute service.

(d) STAY PENDING APPEAL. An appeal to the Chief, Board of Review or Circuit Court of Platte County stays all enforcement of the decision from which the appeal is being taken.

This Ordinance shall take effect and be in full force from and after the date of its third reading, passage and approval.

READ THREE TIMES AND ADOPTED THIS 14TH DAY OF JUNE, 1990.

Board Member

Board Member

Approved by the Chairman of the Board of Directors of the Southern Platte Fire Protection District this 14th day of June, 1990.

Chairman

ATTEST:

Secretary