



NOTICE OF REFERRAL

City Council Meeting
March 19, 2008
Council Action No. 08.137
10.D.

City Department Heads:

Council approved the ordinance amendment #1500 to add a new Article VII to Chapter 11 - False Fire Alarms, effective 04/09/08.

_____ For your information.

_____ Please review and return with your comments / approval.

_____ City Attorney approval as to form required.

_____ Please take the following action as requested:

Anna Perales
Acting Deputy City Clerk

ORDINANCE NO. 1500

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLAND, MICHIGAN, BEING ORDINANCE NO. 1500 OF THE CITY OF HOLLAND, BY ADDING A NEW ARTICLE WHICH SHALL BE ARTICLE VII, FALSE FIRE ALARMS, OF CHAPTER 11 OF SAID CODE.

The City of Holland ordains as follows:

Section 1.

New Article VII. FALSE FIRE ALARMS is adopted as part of Chapter 11 of the Holland City Code and reads as follows:

Sec. 11-47. False Alarms; Purpose.

(a) The purpose of this Ordinance is to encourage Alarm Users and Fire Alarm Contractors to properly install, use, and maintain Fire Alarm Systems in order to improve the reliability of such Systems and thereby reduce or eliminate False Fire Alarms.

(b) This Ordinance governs the use of Fire Alarm Systems intended to summon the City of Holland Fire Department; allows for the assessment of Service Fees; and provides for civil and criminal penalties.

Sec. 11-48. Definitions.

(a) *Adopted Code(s)* means the 2006 International Fire Code as adopted, in part, by the City of Holland.

(b) *Alarm User* means any person; whether owner, occupant, or tenant, upon whose premises a Fire Alarm System is maintained or operated within the City of Holland.

(c) *Department* means the City of Holland Fire Department.

(d) *Enforcement Official* means the City of Holland Fire Chief or his/her designated representative.

(e) *False Fire Alarm* means, for the purposes of this Article, the activation of any Fire Alarm System not caused by heat, smoke or fire, resulting in response by the Department. A False Fire Alarm includes, but is not limited to, activation of a Fire Alarm System through any of the following:

1. negligent or intentional use or misuse of the System;
2. mechanical failure;
3. malfunction; or
4. improper installation.

A False Fire Alarm does not include an alarm caused by naturally occurring weather, seismic or other condition; interruption of electrical or telephone service to the Alarm User; or malicious or criminal activity by a third party who is not an agent, employee resident or guest of the Alarm User.

(f) *Fire Alarm Contractor* means any individual, partnership, corporation or other entity appropriately licensed as a Fire Alarm Contractor by the State of Michigan, State Electrical Administrative Board.

(g) *Fire Alarm System* means any device or equipment designed to signal visibly, audibly, electronically, mechanically or by any combination of these methods, the presence of a heat, smoke or fire hazard by or through a communication to the Department and to which the Department is trained to respond. The term Fire Alarm System does not include an alarm designed to alert only the inhabitants of a Premises.

(h) *Letter for Excessive False Fire Alarms* means a notification provided to an Alarm User by the Department for two (2) or more False Fire Alarms within a twelve (12) month calendar year.

(i) *Premises* means any building or structure in which a Fire Alarm System is installed.

(j) *Qualified Fire Alarm Technician* means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems and is factory trained and licensed by the State of Michigan.

(k) *Record of Completion* means the form required to be filed with the Department pursuant to the National Fire Protection Association's National Fire Alarm Code (NFPA 72).

(l) *Service Fee* means the monetary charge payable to the City of Holland to defray the expenses of implementing the purposes of this Ordinance and the expenses of responding to False Fire Alarms.

(m) *Report of Service/Repair* means documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance have been performed

by both the Fire Alarm Contractor and the Alarm User.

(n) *Report of Corrective Measures Against Improper Use* means documentation in a format acceptable to the Enforcement Official that verifies the Alarm User has taken appropriate corrective measures to prevent future improper use of a Fire Alarm System.

Sec. 11-49. Responsibility for Compliance; Requirement of Alarm User to Respond to Scene.

(a) Unless otherwise stated herein, the Alarm User shall be responsible for complying with all provisions of this Ordinance.

(b) The Alarm User or designated agent of the Alarm User shall appear at the Premises upon request of the Department when a Fire Alarm System has been activated.

Sec. 11-50. False Fire Alarms.

(a) If the Department records two (2) or more False Fire Alarms at one (1) Premises within a twelve (12) month calendar year, a Letter for Excessive False Fire Alarms shall be mailed by first class mail to the Alarm User and any Fire Alarm Contractor. Said notice shall direct the Alarm User to submit a Report of Service/Repair and/or a Report of Corrective Measures Against Improper Use within fifteen (15) calendar days of receipt of said letter to the Department confirming that:

(1) The Fire Alarm System has been examined by a Qualified Fire Alarm Technician; and

(2) A description of the bona fide attempt made to identify and correct any defect of design, installation, operation, or misuse of the Fire Alarm System which was identified as a possible cause of the False Fire Alarm.

(b) Failure of the Alarm User to return a satisfactory report required by subsection (a) herein within said fifteen (15) day period shall result in the imposition of a Service Fee for the current and each prior False Fire Alarm within the previous 12 months.

(c) A Service Fee shall be assessed for the third (3rd) and each subsequent False Fire Alarm at the same Premises requiring response by the Department during any calendar year.

(d) A Fire Alarm Contractor, Alarm User, or any other individual shall not conduct testing or perform repair work on any Fire Alarm System, sprinkler system or fire suppression system without first notifying the Department that such testing or repair work is being performed. Violation of this subsection shall result in the imposition of a

Service Fee.

(e) 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 Ordinance.

(f) During the fifteen (15) day period after receipt of a Letter for Excessive False Fire Alarms any additional False Fire Alarms will not be counted toward the present year's total False Fire Alarms, provided that the provisions of subsection (a)(1) and (2) above have been met.

Sec. 11-51. Service Fee.

(a) A Service Fee required by this Ordinance may be imposed on an Alarm User forty-five (45) days after the date of installation of the Fire Alarm System for existing buildings and forty-five (45) days after the date an occupancy permit is issued to an Alarm User for newly constructed buildings in which a Fire Alarm System is installed.

(b) Should any Service Fee assessed pursuant to this Ordinance remain unpaid in excess of thirty (30) days, a Late Fee shall be assessed and shall be payable in addition to the Original Service Fee.

(c) The Service Fee and Late Fee established by this Ordinance shall be calculated periodically based on employee labor rates, equipment costs and the Department service costs and established by appropriate resolution adopted by city council.

Sec. 11-52. Conflict with Other City Ordinances.

If the provisions of this Ordinance conflict with any ordinance or resolution previously adopted by the City, the provisions of this Ordinance shall control.

Sec. 11-53. Penalties.

In addition to any Service Fee, Late Fee or other sanction that may be imposed, any person who violates a provision of this Ordinance shall be guilty of a class III municipal civil infraction and subject to the civil fines set forth in the schedule of civil fines in section 2-118 of the Holland City Code and shall be subject to any other relief that may be imposed by a court for such conduct, which shall also be considered a nuisance per se.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under prior ordinances repealed by Section 1 of this Ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Ordinance Adoption Date: March 19, 2008

Ordinance Effective Date: April 9, 2008