

### 15.28.100 – Fire Alarm Systems

#### A. Purpose and Intent

The ordinance codified in this section is adopted for the purpose of regulating and permitting fire alarm systems to which the fire department is expected to respond and to supplement the provisions of the ICC International Fire Code, 2009 edition and the NFPA 101 Life Safety Code, 2009 edition as previously adopted.

#### B. Applicability

The provisions of this section shall apply to all fire alarm systems used and operated within the jurisdiction of the St. Charles Fire Department.

1. The provisions of this section shall not apply to any electric, wired, or battery operated, single station, multiple station smoke detectors or household fire alarm systems installed to alert the occupants of any 1 or 2 family residences to the danger of a fire.
2. For the purpose of supplementing the provisions contained in this section, the NFPA 72 – National Fire Alarm Code, 2007 edition, published by the National Fire Protection Association, is hereby adopted by reference as if fully set forth herein.

#### C. Definitions

1. Alarm Notification Appliance – a fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, or visible outputs, or any combination thereof.
2. Alarm System – As defined in the national fire alarm code, a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
3. Alarm User – a person(s), firm, partnership, corporation, association, organization, company or other entity in control of a protected premise where an alarm system is located.
4. Audible Alarm – an alarm notification that alerts by sense of hearing.
5. Automatic Dialing Telephone Alarm – a device that automatically dials any of the Tri-Com Communications Center emergency telephone lines, without human activation of the device by the alarm user or employee of the alarm user, upon detection of an unauthorized entry or other unauthorized activity at a protected premise.
6. Calendar Year – means a 12-month period beginning January 1 and ending December 31 every year.
7. Central Station Service Fire Alarm System – a system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station that has competent and experienced servers and operators in attendance at all times who, upon receipt of a signal, take such action as appropriate and required. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing, maintaining, or monitoring of supervised fire alarm systems.
8. City – means City of St. Charles.
9. Digital Alarm Communicator System – a system in which signals are transmitted from a digital alarm communicator transmitter located at a protected premise through the public switched telephone network to a digital alarm communicator receiver at a central alarm station or the Tri-Com Communication Center.
10. 2-way radio frequency system – a system in which signals are transmitted from a 2-way radio frequency system located at a protected premises via a radio frequency signal to a 2-way radio receiver at a central station or the Tri-Com Communication Center.
11. Fire Alarm Company – any person, firm, partnership, corporation, association, organization, company, or other entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any fire alarm system or causing the same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.
12. Fire Alarm Agent – means any person employed by, working for, representing, or subcontracted by a fire alarm company.
13. Fire Alarm Monitoring Agency – any person, firm, partnership, association, corporation, or organization which contracts with a fire alarm user to receive and initiate action on fire alarm system signals. The agency must be UL or FM listed for fire alarm monitoring.
14. Fire Chief – means the Chief of the City of St. Charles Fire Department or his designee.
15. False Fire Alarm – any activation or transmission of a fire alarm signal to the Tri-Com Communications Center or the St. Charles Fire Department where no actual emergency or fire condition exists as determined by the Fire Department. A false fire alarm may be caused by human error or mechanical malfunction, whether or not the exact cause of the error or malfunction is identified.
16. Mayor – Mayor of the City of St. Charles or his designee.
17. National Fire Alarm Code – NFPA 72, 2007 edition, published by the Nation Fire Protection

Association.

18. Notice – written notice given by personal service upon the addressee, or, given by the United States Postal Office, postage paid, to the addressee’s last known mailing address.
19. Nuisance Fire Alarm – The reoccurrence of an activated false fire alarm on a continuous basis and the alarm user has not taken the necessary action to prevent the continued occurrence of an activated false fire alarm.
20. Permittee – means any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the City.
21. Person – means a natural person, or a firm, partnership, corporation, association, organization, company, or other entity.
22. Prerecorded telephone message – means a prerecorded voice message transmitted or received over a telephone line.
23. Protected premises – any building, facility, structure, or physical location protected by a fire alarm system.
24. Response Fees – fees charged to an alarm user for responses to a false fire alarm activation.

**D. Permit Required.**

1. It is unlawful for any person, firm, partnership, corporation or other entity to use, own or lease a fire alarm system or to be in control of a protected premise, wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.
2. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a protected premise, wherein an alarm system is operated or maintained when a permit therefore has been revoked.
3. A permit must be obtained for each separately addressed operating location.
4. No fee shall be charged to obtain an alarm user permit.
5. All permits issued are valid indefinitely unless revoked.

**E. Permit Application.** For every new fire alarm system and any time there is a change in the information required by this section, every fire alarm user shall file a completed or amended application for a fire alarm permit with the Fire Department for review and approval.

1. Each applicant for a permit to maintain a fire alarm system shall file a written application with the Fire Department stating:
  - a. The full legal name, address and telephone number of the applicant.
  - b. The name, address and telephone number of the proposed protected premises where the fire alarm is located.
  - c. Any fire alarm system designed to transmit a signal to a fire alarm monitoring agency shall include the name, address, and telephone number of said agency.
  - d. The type of fire alarm system at the protected premises.
  - e. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the protected premises in the event of an emergency or to reset or deactivate the fire alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
  - f. The name, address, and telephone number of the fire alarm company that installed the fire alarm.
  - g. The name, address, and telephone number of the fire alarm company that is responsible for the maintenance and repair of the fire alarm system, if applicable.
2. Incomplete applications shall be returned to the applicant:
  - a. A permit will not be issued until the completed application is received and the Fire Chief or his designate has granted approval for the permit.
3. An application for an alarm user permit shall be denied if:
  - a. The applicant has failed to pay false fire alarm fees required by this ordinance for a different protected premises under the applicant’s ownership or control.
  - b. The applicant has failed to comply with any provisions of this ordinance or other ordinances of the City.
4. The Fire Chief or his designate shall be responsible for processing and issuing alarm user permits.
5. It shall be unlawful for any alarm user to fail or refuse to amend its alarm user permit application within 14 days after any of the information required and obtained therein becomes outdated or inaccurate.

**F. Alarm Activation at a Protected Premises Where an Alarm User Permit has not Been Issued** Each notice to the Tri-Com Communications Center or the Fire Department of an activation of a fire alarm system at the protected premises protected by a fire alarm which is not permitted shall be considered a separate violation of this chapter and any alarm user who does not have a valid fire alarm user permit will be assessed a fine in the amount of \$300.

**G. Fire Alarm Systems; Maintenance and Testing.**

1. All fire alarm user installing a new fire alarm system or making alterations to an existing fire alarm system, shall provide the St. Charles Fire Department with information regarding system specifications including, but not limited to, wiring diagrams, floor plans, battery calculations and specification sheets for all components of the system as outlined in the national fire alarm code.
2. The St. Charles Fire Department shall approve the submitted specifications, diagrams, floor plans, and other required information for fire alarm systems prior to the installation of any equipment or wiring.
3. Before the City of St. Charles issues an occupancy permit for any multi-family or nonresidential structure, the St. Charles Fire Department shall inspect and approve the installation of the fire alarm systems.
4. The St. Charles Fire Department shall inspect and approve fire alarm systems in accordance with the national fire alarm code, applicable National Fire Protection Association (NFPA) standards, the fire prevention code, and the applicable requirements of this code, all as amended from time to time.
5. On an annual basis, all fire alarm systems shall be tested, and the system components shall be cleaned. A copy of the report documenting the results of annual testing and cleaning of the fire alarm system shall be copied to the Fire Department and kept on premises for three (3) years.
6. Fire alarm users are solely responsible for complying with the requirements of this chapter and shall not be exempt there from because of any inspection performed by the fire department.
7. The St. Charles Fire Department and its authorized agents are hereby authorized to reset any inoperable fire alarm system at any time such a condition is discovered or notice of such a condition is received. Neither the City nor the fire department shall have any responsibility for the proper resetting, function, and operation of such system.
8. The St. Charles Fire Department may, at any prescheduled or reasonable time, test any multi-family or nonresidential fire alarm system.
9. If, upon inspection, any multi-family or nonresidential fire alarm system is determined to be inoperable, the St. Charles Fire Department may issue a warning notice or citation for a violation of the requirements of this article.
10. Within ten (10) days after the fire department issues a warning notice or citation for violation of the requirements of this article for an inoperable fire alarm system, the fire department shall re-inspect the inoperable fire alarm system to determine whether it has been repaired and is functioning properly.
11. Where such a fire alarm system remains inoperable at the time of the first re-inspection, additional citations may be issued, with each day the fire alarm system remains inoperable constituting a separate offense.

**H. Prohibited Activity.**

1. It shall be unlawful for any alarm user to fail or refuse to obtain a fire alarm permit or amend its fire alarm user permit application within 14 days after any of the information required and obtained therein becomes outdated or inaccurate.
2. It shall be unlawful for any fire alarm user to cause or permit the disconnection of any multi-family or nonresidential fire alarm system installed pursuant to the requirements of this article unless approved by the St. Charles Fire Department. The fire alarm user or fire alarm company shall notify the Fire Department of any such disconnection seven (7) days prior to the actual disconnection.
3. No individual, firm, partnership, corporation, association, organization, company, or other entity shall use or cause or permit to be used or engage in the business of providing any telephone device and telephone attachment that automatically activates 911 lines connected to any Regional Communications (PSAP) Public Safety Answering Point telephone, and then reproduce any voice message to report an emergency or fire condition. This includes prerecorded automatic voice alarms for elevators.
4. Each violation of this section shall be subject to a fine of not less than one hundred dollars (\$100.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

I. **Transfer of Alarm User Permit Prohibited.** A fire alarm user permit cannot be transferred to another premises or to another person.

J. **False Alarms Prohibited.** It shall be unlawful for any person to start or spread any false alarm of fire or to knowingly activate a fire alarm system for the purpose of summoning the Fire Department except if such person knows or suspects that there is an actual emergency or fire condition on the premises.

K. **False Alarms – Fines – Notifications.** A response fee shall be imposed on all fire alarm users to reimburse the Fire Department for the increased costs associated with responding to excess false fire alarms from any fire alarm system at a single protected location.

1. Any alarm user who has more than three (3) false fire alarms within a calendar year at a single

protected location will be assessed fines according to the following fine schedule:

- a. Four to five false fire alarms: \$50 fine per false fire alarm
  - b. Six to ten false fire alarms: \$100 fine per false fire alarm
  - c. More than ten false fire alarms: \$300 fine per false fire alarm
2. After the third recorded false alarm within any calendar year for any alarmed premises, the Fire Chief or his designee, shall send an invoice for response fees to the fire alarm user. Such invoice shall be sent by postage paid U.S. mail or personally delivered to the user of the alarmed premises where the false fire alarm(s) occurred.
  3. Any individual, firm, partnership, corporation, association, organization, company or other entity in control of a protected premises where an alarm system is located accused of a violation of this article may settle and compromise the claim or violation by paying the invoice for response fees to the City, within thirty (30) days of after it is mailed. Payment of such claim or claims shall be made at the Finance Department of the City. In the event such claim or claims are not paid within thirty (30) days, or if the alarm user otherwise contests the validity of the claim, a complaint or notice to appear in court may be issued for the alleged violation.
  4. The alarm user shall have the opportunity, within fourteen (14) days from the date of mailing or personal delivery, to submit a written request or meet with the Fire Chief for the purpose of showing cause as to whether circumstances exist to warrant voiding the invoice for response fees due to false fire alarm activations. The Fire Chief shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the invoice for response fees due to false fire alarm activations will be voided. The finding of the Fire Chief shall be final.
  5. Any fire alarm user that exceeds the level of ten (10) false fire alarms per calendar year shall be required to enroll in the Underwriters Laboratory (UL) fire alarm certificate program. Such certificated users shall be subject to the UL random system inspections. Enrollment in this program would cease when the fire alarm user has demonstrated to the Fire Chief or his designee that the fire alarm system no longer transmits false fire alarms on a recurring basis.

### **L. False Fire Alarm Determinations**

1. There shall be a presumption that a fire alarm activation was a false fire alarm where the Fire Chief or his designee determines that:
  - a. There is no evidence of a fire or other smoke, heat, or noxious fume condition on the protected premises that would warrant a call for immediate response from the Fire Department.
  - b. There is no evidence that extraordinary weather conditions, electrical power failures, transmission line malfunctions or other circumstances beyond the control of the alarm user caused the activation of the fire alarm.
2. Whenever a new fire alarm system is installed, no fire alarm activation from such an alarmed premises shall be deemed to be a false fire alarm within the meaning of this chapter for a period not to exceed thirty (30) days after the approved installation of said fire alarm system.

### **M. Permit Revocation.**

1. Any alarmed premise which has more than fifteen (15) false fire alarms within a calendar year, shall subject the alarm user to permit revocation as provided herein. If city records show more than fifteen (15) false fire alarms within a calendar year for any alarmed premises:
  - a. The Fire Chief shall notify the alarm user by certified mail or personal delivery, their fire alarm permit shall be revoked 30 days from the date of mailing or personal delivery. The alarm user shall have 14 days from the date of mailing or personal delivery to submit a written report to the Fire Chief describing actions taken or to be taken to identify and eliminate the cause of the false fire alarms and to request that their alarm user's permit be reinstated.
  - b. If the alarm user submits a report requesting reinstatement of their fire alarm user's permit, the Fire Chief shall determine if the action taken or to be taken will substantially reduce the likelihood of false fire alarms; if he determines that the action will substantially reduce the likelihood of false fire alarms, he shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the fire alarm user's permit has been approved.
  - c. If the fire alarm user's permit is reinstated and the Fire Department responds to a subsequent false fire alarm activation in the same calendar year at the protected premises, the Fire Chief shall proceed with the permit revocation process again as described in this section. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false fire alarm through the remainder of the calendar year.
  - d. If the Fire Chief determines that the action taken or to be taken will not substantially reduce the likelihood of false fire alarms, the request for reinstatement shall be denied. The Fire Chief shall give notice by certified mail or personal delivery to the user that the fire alarm permit will be revoked without further notice.

- e. An alarm user whose fire alarm permit has been revoked by the Fire Chief may, within 14 days of receipt of notice of revocation, appeal this decision by filing a written request for a review meeting with the Mayor.
  - f. If a review meeting with the Mayor is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Mayor by certified mail or personal delivery within 14 days of the request by the alarm user.
  - g. The Fire Chief and the alarm user shall have the right to present written and oral evidence, subject to the right of cross examination by both parties.
  - h. If the Mayor determines that the user has not taken action which substantially reduces the likelihood of false fire alarms, the Mayor shall issue written findings to that effect and an order denying reinstatement of the alarm user's fire alarm permit.
  - i. If the Mayor determines that the alarm user has taken action which substantially reduces the likelihood of false fire alarms, the Mayor shall issue written findings to that effect and an order approving reinstatement of the fire alarm user's permit.
  - j. If the alarm user's fire alarm permit is reinstated, pursuant to the preceding paragraph and the Fire Department responds to a subsequent false fire alarm activation in the same calendar year at the protected premises, the Fire Chief shall proceed with the permit revocation process as described in this section. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false fire alarm activation through the remainder of the calendar year.
2. Any alarm user permittee who fails to pay fines or charges provided for under this section within 30 days from the date of the invoice requesting payment of same, shall have the subject alarm user's fire alarm permit revoked. Any such alarm user fire alarm permit shall not be reinstated until all the unpaid fines and fees are paid in full.
- N. **Testing Equipment.** No person shall conduct or cause to be conducted, any test or demonstration of any fire alarm system or signaling device that is directly connected to the Tri-Com Communications Center without first obtaining permission from Tri-Com. Permission to test shall not be required when the fire alarm system or signaling device is connected to an intermediary receiver and is not relayed to the Tri-Com Communications Center. Any test, which is not preceded immediately by notification to the Tri-Com Communications Center or pertinent central station, shall be deemed a false fire alarm as defined by this chapter.
- O. **No Liability of City.** The city assumes no liability for any defects in the operations of any fire alarm system or signal line system for any failure or neglect of any person associated with the installation or maintenance of any fire alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of fire alarm signals, or any failure or neglect to respond upon receipt of a fire alarm from any source. In the event that the City finds it necessary to revoke an alarm user's fire alarm permit or to otherwise provide for the disconnection of any fire alarm system, the City shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this ordinance or by virtue of the issuance of a fire alarm system permit, the direct connection of an alarm system to the Tri-Com Communication Center, or as a result of the transmission to or receipt of alarm signals by the Tri-Com Communications Center.
- P. **Severability.** If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this chapter in the application of such provision to other persons or circumstances but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the City Council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not been included.
- Q. **Penalty for Violation.** Any person, firm, or corporation violating any provisions of this chapter in addition to the fees and specific fines established in this Chapter, may be fined as provided in Chapter 1.08 or as otherwise provided in this code. Each day during which a violation in this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

(2010-M-44 : § 1; 2004-M-76 : § 1; 2003-M-11 : § 1; 1978-M-37 : Art. 5 (P))