

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF RANCHO SANTA FE FIRE PROTECTION DISTRICT PERTAINING TO NUISANCE FIRE AND MEDICAL ALARMS

WHEREAS, alarm systems installed by private property owners protect the public health, safety, and welfare, by providing fire personnel with the opportunity to respond quickly to fire, medical emergencies or other public peril; and

WHEREAS, alarm systems create a public expectation that the Fire Districts fire and emergency medical personnel will respond to such alarms when they are activated, and therefore, owners of fire and medical alarms expect the Rancho Santa Fire Protection District (“District”) to know the property location and exact purpose of such alarms; and

WHEREAS, alarm systems that are accidentally or maliciously activated and that falsely alert the District fire and emergency medical personal of an emergency situation which is not in fact taking place nonetheless require the District’s personnel to respond to such alarms, and detract from the ability of such personnel to respond to other legitimate emergencies; and

WHEREAS, the District receives it emergency dispatching services from the North County Dispatch Joint Powers Authority, and incurs a per call cost for the dispatching of alarm system activations, and the cost of personnel and equipment for responding to such activations, whether they are false or legitimate.

NOW, THEREFORE, BE IT RESOLVED, that The Rancho Santa Fire Protection District Board of Directors DO HEREBY adopt the following ordinance and fee schedule for nuisance fire and medical alarms.

SECTION I Purpose

A. The purpose of this ordinance is to recover the costs associated with, and to reduce the number of false alarms, as well as to subject fire and medical alarm systems to reasonable regulation to protect the safety and welfare of District residents from the adverse impacts caused by false alarms. Whenever public safety personnel respond to false alarms, there is a waste of limited public safety resources, an unnecessary expenditure of tax dollars and increased risk to personnel. This ordinance is intended to encourage alarm systems operators and users to maintain alarm systems in a manner, which prevents false alarms, and to establish a procedure for the abatement of nuisances resulting from false alarms and establish penalties for the improper maintenance and use of alarm systems.

SECTION II Definitions

A. North County Dispatch Joint Powers Authority, (“NCDJPA”) is the emergency communications center used by the District for the dispatching of District emergency resources.

- B. Alarm Systems means a Fire Alarm or a Medical Alarm.
- C. Fire Alarm means any mechanical or electrical device that is designed to cause or causes a local audible alarm or transmission of a signal in the event a fire or smoke is detected, an alarm system that sends a signal to a third party who notifies NCDJPA to report the detection of fire or smoke and any alarm system that is otherwise used to evoke a response by the District.
- D. Fire Code is a model code adopted by the state or local jurisdiction and enforced by fire district personnel within the fire district's boundaries. It is a set of rules prescribing minimum requirements to prevent fire and/or hazards arising from storage, handling, or use of dangerous materials, or from other specific hazardous conditions. It complements the building code. The fire code is aimed primarily at preventing fires, ensuring that necessary training and equipment will be on hand, and that the original design basis of the building, including the basic plan set out by the architect, is not compromised. The fire code also addresses inspection and maintenance requirements of various fire protection equipment in order to maintain optimal active fire protection and passive fire protection measures
- E. Medical Alarm means any mechanical or electrical device that is designed to cause or causes a local audible alarm or transmission of a signal in the event a person is experiencing or witnessing a medical emergency or other peril to human life, an alarm system that sends a signal to a third party who notifies NCDJPA to report a medical emergency in progress, any alarm that is otherwise used to evoke a response by fire or emergency medical personnel.
- F. False Alarm means the activation of an fire or medical alarm due to, system malfunction, accidental or misuse by an alarm user or the users employees, agents or other persons lawfully occupying the premises, a system test conducted without prior notification to the alarm system monitoring service, or cause other than an emergency event for which the alarm system is designed to detect.
- G. Nuisance Alarms means any false alarms in excess of two within any 365-day period.
- H. Alarm User means the person who has possession and control of an alarm system for a premise. A person providing alarm monitoring or response services shall not be deemed to be an alarm user with respect to an alarm system located on the premises of another alarm user to whom the person provides such services pursuant to a contract. For residential property, the owner of the property as shown on the last equalized assessment roll shall be presumed to be the alarm user. A residential owner may rebut the presumption by demonstrating that a tenant has possession and control of the alarm system. For nonresidential property, the owner of the property as shown on the last equalized assessment roll and the property manager (if any) shall be presumed to be the alarm user. A nonresidential property owner or property manager may rebut this presumption by demonstrating that a tenant has possession and control of the alarm system.

SECTION III Alarm System Standards and Restrictions

- A. Alarm systems shall be Underwriters Laboratory approved and conform to the requirements of the Fire Code or other regulations of the State Fire Marshal.
- B. Alarm systems that directly dial any telephone number of the Rancho Santa Fe Fire Protection District, the North County Dispatch Joint Powers Authority, the San Diego County sheriff's department or 911, are prohibited.
- C. The district fire marshal or his or her designee may issue a correction notice to an alarm user whose system results in nuisance alarms. A notice of correction may be given in connection with a notice of violation. A notice of correction shall specify the correction or corrections required and allow a reasonable time to complete the work.
- D. Alarm system testing shall be done by an alarm system service provider or by an alarm system user after notification to the user's alarm system provider.

SECTION IV Nuisance Alarms

- A. The number of nuisance alarms (as defined in Section II) shall be calculated by starting on the day of the first false alarm and any subsequent false alarms occurring within a 365-day period. The determination of whether a false alarm occurred for the purpose of this Ordinance shall be solely determined by the District.

SECTION V Nuisance Alarm Fines

- A. When a false alarm is determined to be a nuisance, the user of the alarm system must pay a Nuisance Alarm Fine to the District to cover the costs associated with the false alarm. A Notice of Violation indicating the amount of the fine will be issued to the alarm user. Nuisance alarms fines are established as follows:
 - 1. \$423.00 for the first and subsequent nuisance alarms.
 - 2. An additional penalty of \$100.00 will be added to the nuisance alarm fine for any false alarms in excess of three to ensure compliance with this ordinance.
- B. A notice of violation may be served on an alarm user personal service or by first class mail, postage prepaid and sent to the alarm user at the address of the property where the alarm is located, or at the address shown on the last equalized property tax assessment roll.
 - 1. The notice of violation shall contain a statement giving notice to the alarm user of the user's right to request a hearing before the fire chief or such other hearing officer as may be designated by the District. The sole issue at the hearing shall be whether the history of false alarms determines the system to be a nuisance. The notice of violation shall constitute prima facie evidence of a violation of this ordinance, and testimony at the hearing by the person who issued the notice shall not be required.

The hearing may be conducted on the basis of written declarations. A request for a hearing shall be made in writing filed with the District not later than the date stated on the notice of violation, which date shall be no sooner than 10 days following personal delivery of the notice of violation or 15 days from the date the notice is placed in the mail. Appeals of the decision of the fire chief shall be made to the District Board of Directors.

2. A late payment penalty of 15 percent will be added to any fee not paid within 30 days of the billing date.

SECTION VI Limitation on Liability

- A. Nothing in this ordinance shall be construed to create any duty of the Rancho Santa Fe Fire Protection District, the North County Dispatch Joint Powers Agency, the County Service Area 17, or any employee or agent of any of these agencies to respond to any alarm or other emergency.

SECTION VII Exemptions

- A. Institutions insured by the Federal Deposit Insurance Corporation, and the federal, state and local government, or agencies thereof, shall not be considered to be alarm users and this ordinance shall not apply to alarm systems of such institutions.
- B. Activation of an alarm system caused by a malfunction of a telephone line circuit, earthquake or natural catastrophic condition does not constitute a false alarm.
- C. The alarm user shall have the burden of establishing the applicability of an exemption.

SECTION VIII Limitations

- A. Nothing in this ordinance shall limit the District from enforcing other provisions of the Fire Code

SECTION IX Adoption

- A. The Secretary to the Board of Directors will certify to the adoption of this Ordinance and cause the same to be published in the manner required by law. This Ordinance will take effect forty-five (45) days after its final passage at a public hearing as required by law.
- B. First Read at a regular meeting of the Board of Directors of the Rancho Santa Fe Fire Protection District of the County of San Diego, California, on the 9th day of April 2014. A second reading occurred at a regular meeting on May 14, 2014 and a public hearing and final adoption on the 24th day of June, 2014 by the following roll call vote:

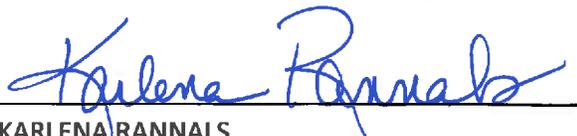
AYES: Ashcraft, Hillgren, Malin, Stine, Tanner
NOES: None
ABSENT: None
ABSTAIN:None

[Signatures next page]



James H. Ashcraft
President

ATTEST



KARLENA RANNALS
Secretary