

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING CHAPTER 8.61 TO THE GARDEN GROVE MUNICIPAL CODE RELATING TO FALSE FIRE ALARMS.

City Attorney Summary

This Ordinance establishes standards and controls, including a fee, to reduce the number of false fire alarms to conserve resources and ensure that fire safety services are available in cases of genuine emergencies.

WHEREAS, California Business and Professions Code section 7592.8 authorizes the City to enact ordinances governing false alarm activations and responses; and

WHEREAS, the City would like to reduce the number of false fire alarms to conserve resources and ensure that fire safety services are available in cases of genuine emergencies; and

WHEREAS, the City seeks to deter those who operate residential and business fire alarms from activities that set off those alarms in non-emergency situations; and

WHEREAS, the City Council wishes to enact regulations to include necessary provisions in the Municipal Code regarding false fire alarms as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 8.61 is hereby added to Title 8 of the Garden Grove Municipal Code to read as follows:

CHAPTER 8.61

FIRE ALARM SYSTEMS

Section 8.61.010 Purpose

The purpose of this chapter is to establish standards and controls to reduce the incidents of false fire alarm calls responded to by the Fire

Department. The most effective alarm management is through user and alarm industry accountability.

Section 8.61.020 Definitions

For the purpose of this chapter, the following definitions shall apply:

"City" means the City of Garden Grove.

"False Fire Alarm" means the activation of a Fire Alarm System resulting in a response by the Fire Department and which is caused by the negligence or intentional misuse of the Fire Alarm System by the owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire.

"Fire Alarm Agent" means any person who is self-employed or employed either directly or indirectly by a Fire Alarm Business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing a Fire Alarm System in or on any building, place or premises.

"Fire Alarm Business" means any person conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring a Fire Alarm System in or on any building, place or premises.

"Fire Alarm Device" means a device or alarm that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

"Fire Alarm Monitoring Company" means a person in the business of providing Fire Alarm System monitoring services.

"Fire Alarm System" means one or a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of a fire or emergency medical situation or both, and when activated, emits a sound or transmits a signal to indicate that an emergency situation exists.

"Fire Alarm User" means any person responsible for operating a Fire Alarm System at any premises in the city.

"Fire Department" means any employee of the Garden Grove Fire Department.

"Person" means any individual, partnership, corporation or other business entity.

Section 8.61.030 Government Immunity

Any alarm liability and consequential damage resulting from the failure to respond to an alarm is hereby disclaimed and governmental immunity as provided by law is retained. By installing a Fire Alarm System, the Fire Alarm User acknowledges that a response may be influenced by factors such as: availability of fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 8.61.040 Duties of Fire Alarm Business, Fire Alarm Agent, and Fire Alarm Monitoring Company

A Fire Alarm Business, Fire Alarm Agent, and Fire Alarm Monitoring Company shall have the following duties:

A. To install a Fire Alarm or Fire Alarm System in accordance with nationally recognized standards within the perimeters of the alarm activating devices and be available to maintain the Fire Alarm System in good working order, and to take reasonable measures to prevent the occurrence of False Fire Alarms.

B. To provide each purchaser and Fire Alarm User with a copy of the provisions of this Chapter relating to Fire Alarm User duties and False Fire Alarm assessments within 15 calendar days of installing the Fire Alarm System.

C. To provide accurate and complete instructions to the Fire Alarm User in the proper use and operation of the Fire Alarm System. Specific emphasis shall be placed on the avoidance of False Fire Alarms. All businesses that sell Fire Alarm Systems, but which are not a Fire Alarm Business as defined in this Chapter, are similarly responsible for instructing the buyer of the Fire Alarm System in the proper use of said system.

D. To maintain records of the location of the Fire Alarm Systems, devices, or services provided to the premises and the name and telephone number of the person and two alternates to be notified whenever an alarm is activated, and to readily report such information to the Fire Department upon request.

Section 8.61.050 Contesting False Fire Alarm Response Reports

Following Fire Department response to the activation of a Fire Alarm System alarm, which the Fire Department determines to be a False Fire Alarm and upon notification of said fact by the Fire Department, the Fire Alarm User shall respond to the Fire Department and file a report with the Fire Department by 5:00 p.m. of the 3rd calendar day if the Fire Alarm User has reason to believe the False Fire Alarm response report was issued in error. Such report shall contain all information pertaining to the false alarm that occurred. If an alarm did not occur, the Fire Alarm User may submit a written letter providing the details to the Fire Department.

Section 8.61.060 Nuisance Alarms

The City Council hereby finds and determines that 3 or more False Fire Alarms within a calendar year period are excessive and thereby constitute a public nuisance. The Fire Department may not consider any False Fire Alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, or unusual acts of nature. Nuisance alarms shall be considered to be the result of the negligence of the Fire Alarm User, the agents or employees of the Fire Alarm User, or a defect in the Fire Alarm System.

Section 8.61.070 False Fire Alarm Response Fees

A. (1) The Fire Alarm User shall pay a False Fire Alarm response fee to the City's Finance Department upon the occurrence of 4 or more False Fire Alarms received from any one source or from any one Fire Alarm System within a calendar year. (2) The Fire Alarm User shall also pay a False Fire Alarm response fee for the first and all subsequent False Fire Alarms due to their failure to notify the Fire Department when working on or testing the Fire Alarm System. The False Fire Alarm response fee shall be in such an amount as established by resolution of the City Council.

B. The Fire Alarm Business or the Fire Alarm Agent will be subject to the False Fire Alarm response fee as established by resolution of the City Council if the Fire Department determines that the Fire Alarm Business or Fire Alarm Agent directly caused the False Fire Alarm without first notifying the Fire Department. In this situation, the False Fire Alarm will not be counted against the Fire Alarm User.

C. Fees established and/or levied pursuant to this section shall be paid to the City's Finance Department within 30 calendar days from the date of the invoice therefor.

Section 8.61.8 Appeals

If the Fire Department assesses a False Fire Alarm response fee, the invoice therefor shall contain a notice of the action and a statement of the right to an appeal by the affected Person or Fire Alarm User. Appeals shall be heard by the City Manager or his or her designee and shall be supported by evidence showing that the False Fire Alarm response fee was assessed in error. The decision of the City Manager or designee shall be final.

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.