

ORDINANCE NO. 1339

AN ORDINANCE OF THE CITY OF WILLMAR, MINNESOTA AMENDING WILLMAR  
CODE CHAPTER 8, LICENSES, PERMITS AND BUSINESS REGULATIONS

The City Council of the City of Willmar hereby ordains as follows:

Section 1. City Code Chapter 8, Licenses, Permits and Business Regulations is hereby amended to add a new Article VII, Fire Alarm Systems, as follows:

**Sec. 8-281. – Intent.**

- (a) This Article provides for regulating the use of fire alarms, establishes users' fees, and establishes a system of administration.
- (b) The purpose of this Article is to provide maximum possible services to fire alarm users and protect the public safety services of the city from misuse.
- (c) Installation and use of fire alarms are a personal or business decision, and the City's regulation of fire alarm systems does not create an obligation for city response.

**Sec. 8-282. – Definitions.**

The following definitions apply for the purpose of this ordinance.

*Automatic dialing device* means a device that is inter-connected to a telephone line or system and programmed to select a pre-determined telephone number and transmit by voice, message, or coded emergency signal a need for response of fire personnel.

*Calendar Year* means the period of time from January 1 of each year through December 31 of the same year.

*City* means the City of Willmar.

*False alarm* means an alarm message or signal initiated and transmitted either automatically or manually through a fire alarm system directly or indirectly through an underwriters' laboratory listed monitoring system to the public safety answering point (PSAP) that summons a response by fire personnel when no emergency exists, and/or the failure or refusal of a fire alarm user or authorized designee to respond upon request to the activated alarm system location to assist public safety personnel, whether or not an emergency exists. *False alarm* does not include:

1. an alarm caused by climatic conditions, tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or other conditions which are

determined by the fire chief to be beyond the control of the alarm manufacturer, installer, owner or user.

2. an alarm that has been canceled if the cancellation has been received by the PSAP before fire personnel arrive at the alarm location.

*Fire alarm system* means a mechanical or electronic device installed in a building or on real property which is designed or used for alerting others of a fire within a building, structure or facility by emitting a sound or transmitting a signal or message when actuated that directly or indirectly summons fire personnel, including but not limited to automated dialing devices, audible alarms and proprietor alarms.

*Fire alarm user* means a person, owner, occupant, tenant, firm, partnership, association, corporation, company or other organization on whose premises, building, structure, or facility a fire alarm system is maintained.

*Fire personnel* means people authorized to respond to fire emergencies in the City.

*Public safety answering point (PSAP)* is the City and/or Kandiyohi County facility used to receive emergency requests for police, fire, and medical service or other information from the public used to dispatch fire personnel.

#### **Sec. 8-283. – Administration.**

The Fire Chief and/or designee is responsible for administering this Article, and determining whether a false alarm has occurred. The Fire Chief may promulgate rules deemed necessary for the implementation and administration of this Article.

#### **Sec. 8-284. – Registration.**

(a) *Registration Required.* It shall be unlawful for any a person, owner, occupant, tenant, firm, partnership, association, corporation, company or other organization to maintain a fire alarm system on any premises or in any building, structure, or facility within the City without first registering the same with the City under this section. Registrations will be valid for a period of three years from the date a complete registration application is accepted by the City under Paragraph (b) of this Section.

(b) *Registration Process.*

1. Registration applications shall be made to the City Clerk upon forms proscribed by the City, which shall be available to the public at the City's administrative offices, and which shall require, at a minimum, the following information:

- a. The name, address and telephone number of the registrant;
  - b. The place where the fire alarm system will be, or has been, installed and maintained;
  - c. The type of fire alarm system to be installed or already in place;
  - d. A list of the names and phone numbers of people who have the ability to control the fire alarm system; and
  - e. A declaration that the registrant has been shown by an alarm company representative how to use the fire alarm system.
2. Registrations shall remain in effect for a period of three years from the date a complete registration form is accepted by the City, at which time a new registration application must be submitted.
  3. A registration fee of \$30.00 shall apply to all registration applications under this Section and shall be submitted to the City Clerk with the registration application.
  4. Following the submission of a complete registration application and the registration application fee, the City Clerk shall forward the same to the Fire Department, which shall enter the information into a shared database keeping record of registered systems along with the date, time and number of false alarm calls that the Fire Department has responded to per location. This same database shall also track locations that have required a fire response but for which no registered fire alarm system exists.
  5. Whenever a registered fire alarm user wishes to update information on an existing, valid, non-expired registration there shall be no fee imposed to do so. Under such circumstances the fire alarm user need only submit another application form, check the update box and provide the updated information.
  6. A valid fire alarm system registration shall remain in effect following a change in ownership or occupancy of a registered premises, building, structure, or facility for the duration of the registration period set forth in Paragraph 2 of this subsection, however a new owner or occupant shall submit an updated registration form as provided for in Paragraph 5 of this subsection.

**Sec. 8-285. – Prohibited Acts.**

- (a) *Testing of equipment.* A person must not test or demonstrate a fire alarm system designated to summon public safety personnel without first notifying the PSAP. The unannounced testing of equipment that results in a response by fire personnel will be in violation of this Article and designated as a false alarm.

- (b) *False alarm.* A person must not intentionally activate a false alarm or make or cause to be made a call or request for service from public safety personnel knowing or having reason to know that there is no basis or need for the request.
- (c) *Tampering.* A person must not tamper or interfere with any element of a fire alarm system except as authorized by the fire alarm user.

**Sec. 8-286. – False Alarm Fees.**

- (a) *Fees.* Fees must be paid by a fire alarm user to the City for each false alarm resulting in fire response. The fee for each false alarm is \$500. The City must first attempt to obtain voluntary payment of the fees by submitting a letter or invoice to the fire alarm user. Fees imposed pursuant to this Section become delinquent after thirty days from the date of the City's notice of imposition of the fee to the fire alarm user, and a late payment penalty of \$25.00 shall be assessed and interest on the entire balance owing under this Section shall accrue at a rate of 3 percent per annum. If efforts to obtain voluntary payment fail, all payment of fees and penalties may be enforced by civil action. In addition, unpaid fees, late payment penalties and interest incurred under this Section constitute a lien against the property which was the subject of the false alarms and may be collected by certifying the amounts against the property in the same manner as the collection of delinquent utility fees provided in Sec. 16-127.
- (b) *Exemptions.* A fire alarm user whose fire alarm system is validly registered pursuant to the requirements of Sec. 8-284 shall be exempt from the fees imposed in subsection (a) of this Section upon submitting to the Fire Chief written verification that the fire alarm system that communicated the false alarm was serviced and/or repaired after the date of the false alarm, or at the discretion of the Fire Chief for other good cause shown if the circumstances of the false alarm do not indicate that any problems with the proper functioning of the fire alarm system that communicated the false alarm exist. For purposes of this paragraph, written verification of service and/or repair of a fire alarm system shall be deemed sufficient if it is on the letterhead of an alarm repair company or similar service provider and is submitted to the Fire Chief within five business days of the date of the false alarm.

**Sec. 8-287. – Appeal Process.**

- (a) A fire alarm user who has been charged with a false alarm fee may appeal in writing to the Fire Chief within 10 days after notice was mailed. The Fire Chief shall issue a decision in writing.
- (b) A fire alarm user may appeal the decision of the Fire Chief to the city council by submitting a request in writing to the City Administrator within 10 days after notice of the Fire Chief's decision was mailed.

**Sec. 8-288. – Liability of City.**

The regulation of fire alarms does not constitute acceptance by the city of liability to maintain equipment, to answer alarms, or to respond to alarms in any particular manner. The city has no responsibility for any consequential damage resulting from the city's failure to respond to an alarm.

**Sec. 8-289—8-290. – Reserved.**

Section 2. This Ordinance shall be effective from and after January 1, 2013.

This Ordinance introduced by Council Member: Christianson

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