

1 Introduced April 9, 2019, by Councilwoman
2 Harbison, seconded by Councilman Borchert,
3 (by request of Administration)

4 **Item No. 19-04-3269**

5
6 **ORDINANCE NO. 3932**

7 An ordinance amending the Code of Ordinances of the City of Slidell,
8 Chapter 14 Fire Prevention and Protection, by adding new sections.
9

10 WHEREAS, City of Slidell ("City") and St. Tammany Parish Fire Protection
11 District No. 1 ("Fire District") remain committed to providing the most effective fire
12 department for the citizens of Slidell and St. Tammany Parish; and
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14 WHEREAS, the purpose of this Ordinance is to reduce the number of false
15 alarms received from automatic fire alarm transmitting equipment and to prescribe
16 penalties for the repeated transmission of false fire alarms; and
17

18 WHEREAS, the Fire Chief of the Fire District is charged with the
19 responsibility and granted the authority to enforce the City's Fire Code, and pursuant to
20 Section 14-24 of this Chapter.
21

22 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that the
23 Code of Ordinances of the City of Slidell, Chapter 14, be and is herein amended by adding
24 the following sections:
25

26 **Sec. 14-38. Emergency Fire Reporting Equipment and False Alarms.**

- 27 (a) The purpose of this article is to encourage alarm system users and alarm businesses
28 to assume increased responsibility for maintaining the mechanical reliability and the
29 proper use of alarm systems, to reduce unnecessary fire emergency response to false
30 alarms, and thereby to protect the emergency response capability of St. Tammany
31 Parish Fire District No. 1 from misuse.
32 (b) This Section governs fire alarm systems, provides for fines for excessive false alarms
33 and establishes a system of administration.
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4 (c) The Fire District shall adopt this Section and shall forward a copy of the signed
5 adoption to the City of Slidell, Chief Administrator's Office, to be kept on file with the
6 City of Slidell.

7 (d) Definitions. The following words, terms and phrases, when used in this article, shall
8 have the meanings respectively ascribed to them, unless the context clearly indicates
9 a different meaning:

10 *Activation* means making the alarm system operational for purposes other than testing
11 that may result in a fire district response to that site.

12 *Alarm administrator* means a person designated by the fire district, to control and
13 review alarm dispatch requests, and coordinate false alarm notification letters,
14 enforcement and fines.

15 *Alarm business* means the business by an individual, partnership, corporation or other
16 entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or
17 installing any alarm system or causing to be sold, leased, maintained, serviced, repaired,
18 altered, replaced, moved or installed any alarm system in or on any building, structure or
19 facility.

20 *Alarm system* means any assembly of equipment, devices, mechanical or electrical,
21 arranged or used for the detection of a hazardous condition, smoke, or fire in a building,
22 structure or facility, and which emits a sound, or transmits a signal or message when
23 activated, to which annunciation any fire district may be summoned to respond. For
24 purposes of this chapter, the term "alarm system" shall not include:

- 25 (1) An alarm installed on motor vehicles, boats or other movables not
26 connected/attached to a fixed protected property site.
- 27 (2) Any device or system designed solely to give notice or alert of a medical
28 emergency.

29 *Alarm system monitoring company* means any individual, partnership, corporation or
30 other entity that engages in the business of monitoring fire or smoke alarms and of
31 reporting any activation of such alarms to a fire district. Such a company must have a
32 monitoring station, which is the use of a system or a group of systems in which the
33 operation of circuits and devices at a protected property are signaled to, recorded in, and
34 supervised from a central monitoring station having trained operators who, upon receipt of
35 a signal, take such action as required by the nature of the signal received.

36 *Alarm system user* or *user* means the person, firm, partnership, association,
37 corporation, company or other entity, public or private, which owns, leases, controls or
38 occupies any building, structure or facility wherein an alarm system is maintained.
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4 *Alarm user identification letter* means a letter requesting the following information to
5 assist the alarm administrator in tracking and identifying false alarms, and shall include a
6 request for the following information:

- 7 (1) The name, birth date, driver's license number, address and telephone numbers
8 of the person who is the alarm system user and who is responsible for the proper
9 maintenance and operation of the alarm system. In the case of a firm, corporation,
10 partnership, association, company or organization, an individual shall be
11 designated and identified as the corporate officer, partner, associate or company
12 representative who will be held accountable as the responsible person for the
13 alarm site.
- 14 (2) The classification of the alarm site as either residential, commercial or
15 apartment.
- 16 (3) The name, address and phone number of the alarm business performing the
17 alarm system installation, activation, conversion/takeover and business
18 responsible for providing repair service to the alarm system.
- 19 (4) The name, address and phone number of the alarm system monitoring company,
20 if different from the installing alarm business, and if applicable.

21 *Alarm systems in apartment complexes.*

- 22 (1) Contracted for by an individual tenant means that if an alarm system is installed
23 or maintained by an individual tenant within an apartment complex, then the tenant
24 is responsible for false alarm dispatches emitted from the alarm system in the
25 tenant's unit and the payment of fines.
- 26 (2) Furnished by the apartment complex as an amenity means that if the owner or
27 property manager of an apartment complex provides and maintains alarm systems
28 in each unit as an amenity, then the owner or property manager of the apartment
29 complex is responsible for false alarm dispatches emitted from these alarm
30 systems in all of these units collectively and the payments of any fines.

31 *Audible alarm system* means an alarm system that emits an audible sound or
32 message which can be heard off-premises. Such an audible local area alarm may or may
33 not be monitored by an alarm system monitoring company, and such audible sound is
34 intended to alert neighbors or other residents of the local area to summon a fire district
35 response. (See *Local alarm*)

36 *Automatic dialing device* means a device which is interconnected to a communications
37 system and is programmed to select a predetermined delivery number and transmit by
38 voice message, code signal or otherwise an emergency message indicating a need for
39 emergency response. Such a device is part of an alarm system which automatically sends
over a communications system, by direct connection or otherwise, a prerecorded message
or coded signal to report an emergency.

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4 *Conversion/takeover* means the transaction or process by which an alarm system
5 user, alarm business or alarm system monitoring company takes over control of an
6 existing alarm system which was previously controlled by another alarm system user,
7 alarm business or alarm system monitoring company.

8 *Dispatch* means to direct fire district units to a location where there has been a report
9 made, by whatever means, that fire district assistance or investigation is needed.

10 *False alarm* means an alarm signal, eliciting a response by a fire district when a
11 situation requiring such response does not exist, including, but not limited to, the activation
12 or transmission of any alarm signal caused by human error, mechanical or electronic
13 malfunction, negligence of the alarm system user or user's agent or employee, intentional
14 false activation by a user or the tenant or employee of a user, whether or not the exact
15 cause of the alarm activation is determined, or any other activation or transmission of any
16 alarm signal where no actual emergency exists. Severe weather, power outages,
17 transmission line malfunctions, acts of God, acts of terrorism, or any other cause clearly
18 beyond the control of the alarm system user shall not be considered a false alarm.

17 *Fire district* means St. Tammany Parish Fire Protection District No. 1.

18 *Grace period* means a thirty (30) day period from the date of installation, or system
19 conversion/takeover during which no occurrence, fine or penalty is assessed for false
20 alarms.

21 *Local alarm* means an alarm system which when activated causes an audible or visual
22 signaling device to be activated only on the premises upon which the system is installed
23 and which is intended to be heard or seen by others outside of the protected premises.

24 *Notice* means written notice given by service upon the alarm system user or given
25 through first class U.S. mail, postage prepaid, to the alarm system user's last known
26 mailing address.

27 *Panic alarm* means any system, device or mechanism, activated by an individual on or
28 near the premises, to alert others of fire or smoke or another emergency requiring fire
29 district response, or that the user is in need of immediate assistance or aid in order to
30 avoid injury or bodily harm. The term "panic alarm" includes the manual entry of any
31 combination of numbers into a keypad intended for emergency summons of a fire district.

32 *Response* means the arrival of any fire district personnel at the premises where an
33 alarm system has been activated, indicating an emergency at those premises.

34 *Site* means each location requiring an individual alarm system. An alarm system site is
35 determined by each separate and distinct physical address.

36 *Verification* means any attempt, by the alarm business, or alarm system monitoring
37 company to verify the need for a fire district dispatch by contacting the alarm system site
38 by telephone, electronically, via a communications system, or by visual means, whether or
39 not an actual contact with a person is made, before requesting a fire district dispatch.

4 **Section 14-39. Alarm system operation and maintenance.**

5 An alarm system user shall:

- 6 (1) Maintain the premises containing an alarm system in a manner that ensures
7 proper operation of the alarm system.
- 8 (2) Maintain the premises and the alarm system in a manner that will minimize or
9 eliminate false alarm dispatches.
- 10 (3) Make every reasonable effort to respond or cause a contact person to respond to
11 the alarm system's location within a reasonable period of time when notified by the
12 alarm administrator or a fire district to deactivate a malfunctioning alarm system, to
13 provide access to the premises, or to provide security for the premises.
- 14 (4) Not manually activate an alarm for any reason other than the occurrence of an
15 event for which the alarm system was intended to be activated.
- 16 (5) Instruct all personnel who are authorized to place the system or device into
17 operation of the appropriate method of its operation.
- 18

19 **Section 14-40. Fire district response to alarm notifications.**

- 20 (a) *Fire response on the alarm scene.* Whenever an alarm is activated, thereby requiring
21 an emergency response to the location by a fire district, fire district personnel on the
22 scene of the activated alarm system shall inspect the area protected by the system
23 and determine whether the alarm was false or was caused by a fire related
24 emergency. Said district personnel shall affix to the main premises entrance at that
25 location a notification indicating the date, time and responding unit number or other
similar identification.
- 26 (b) *Notification and tracking.* The fire district personnel responding to the alarm scene
27 will verify the address location and communicate to the fire district dispatcher the
28 disposition of the call which will be recorded into the fire district dispatch system. In the
29 event of a false alarm, any weather conditions or other possible contributing factors
30 which could have led to the false alarm shall be recorded in the dispatcher's computer
record.

31 **Section 14-41. Penalty for false alarms.**

- 32 (a) *Sending of false alarms.* The sending of an alarm signal eliciting a response by a fire
33 district when a situation requiring a response by a fire district does not in fact exist,
34 including, but not limited to, the activation or transmission of any alarm signal caused
35 by human error, mechanical or electronic malfunction, negligence of the alarm system
36 user or alarm system user's agent or employee, intentional false activation by a user or
37 the tenant or employee of a user or any other activation or transmission of any alarm
38 signal where no emergency exists, whether the exact cause of the alarm activation is
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4 determined, is prohibited. Severe weather, power outages, transmission line
5 malfunctions, acts of God, acts of terrorism or any other cause clearly beyond the
6 control of the alarm system user may be considered in determining if an alarm
7 activation was false and whether any occurrence, fine, warning or other action will be
8 taken against the alarm system user as provided for by this section.

- 9 (b) *Unlawful activation of a panic alarm.* No person shall activate any panic alarm for the
10 purpose of summoning a fire district except in the event of an unauthorized entry,
11 robbery or other crime being committed or attempted on the premises or in the event
12 the person needs immediate assistance in order to avoid injury, property loss or bodily
13 harm. The unnecessary dispatching of a fire district for panic alarms will be counted
14 against the alarm site as a false alarm.
- 15 (c) *Grace period.* Beginning with the date of alarm activation or alarm
16 conversion/takeover, there shall be a thirty-day grace period. During the thirty-day
17 grace period, false alarms will not be counted as an occurrence toward the total for the
18 calendar year, nor will the alarm system user be subject to any fine, warning or other
19 action as provided for in this section.
- 20 (d) *Penalties for sending of false alarms.* The sending of a false alarm constitutes a
21 violation of this section. It shall be the responsibility of the alarm system user to
22 provide the necessary documentation in order to verify the alarm system's date of
23 purchase, conversion/takeover date, or installation to authenticate the grace period
24 and administrative warnings, fines and/or suspension of a fire district response may be
25 assessed/imposed upon an alarm system user by the alarm administrator for
26 excessive false alarms during a calendar year as follows:

<u>Number of False Alarms</u>	<u>Penalty</u>
1 to 3	No fine assessed. Alarm user identification letter issued for 2nd and 3rd false alarm.
4 to 5	\$250.00 fine per false alarm to alarm system user.
6 and above	\$500.00 fine per false alarm to alarm system user.

27 All funds derived from the fines contained in this article, except those fines imposed and
28 collected by the City Court, shall be allocated to the operating budget of the responding fire
29 district which issued the fine. Except for the fines collected by the City Court, it shall be the
30 responsibility of the fire district or a designated collection agency or agencies to collect
31 such fines. Offenders shall be liable to the responding fire district for all costs incurred in
32 collecting any unpaid fines, including court costs and attorney fees.
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- 4 (e) *Training waiver.* Once per calendar year, an alarm system user shall have a false
5 alarm fine waived upon payment of all prior fines imposed through this section and
6 submission of written documentation of the alarm system user having attended training
7 recognized by the alarm industry to reduce false alarms.
- 8 (f) *False alarm annual count.* False alarm annual counts are calculated on a calendar
9 year basis, beginning on January 1 of each year. At the end of the year described
10 above, the false alarm count will revert to zero, provided all charges, fees, and fines
11 have been paid. Multiple alarms from the same site on a single calendar day may be
12 counted as only one false alarm for the purposes of penalty assessment.
- 13 (g) *Alarm user identification letter.* Upon receipt of the second and third false alarm
14 report, the alarm administrator shall send an alarm user identification letter by certified
15 mail and/or hand delivery to both the owner and occupant of the alarm site. The alarm
16 system user shall be accountable for accurately completing the requested
17 identification information and returning same to the fire district alarm administrator.
18 The letter shall include:
- 19 (1) The name, birth date, driver's license number, address and telephone numbers
20 of the person who is the alarm system user and who is responsible for the proper
21 maintenance and operation of the alarm system. In the case of a firm, corporation,
22 partnership, association, company or organization, an individual shall be
23 designated and identified as the corporate officer, partner, associate or company
24 representative who will be held accountable as the responsible person for the
25 alarm site.
 - 26 (2) The classification of the alarm site as either residential, commercial or
27 apartment.
 - 28 (3) The name, address and phone number of the alarm business performing the
29 alarm system installation, activation, conversion/takeover and business
30 responsible for providing repair service to the alarm system.
 - 31 (4) The name, address and phone number of the alarm system monitoring company,
32 if different from the installing alarm business, and if applicable.
- 33 (h) *Warning notification letter.* The alarm administrator shall send a "notification of false
34 alarm and fine" by certified mail and/or hand delivery to notify the alarm system user
35 and the alarm business and/or alarm system monitoring company of each false alarm
36 when a fine is applicable, and the consequences of the failure to pay the fine. The
37 alarm administrator shall also inform alarm system users of their right to appeal the
38 finding of any false alarm to the fire district via the alarm administrator or his designee.
- 39 (i) *Failure to pay fine.* If an assessed fine has not been paid within thirty days of the day
the notice of fine was mailed or delivered by the alarm administrator and there is no
appeal pending on the finding of the false alarm, the alarm administrator shall send a
second notice of false alarm and fine by certified mail, return receipt requested, along

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4 with a notice of late fee of \$25.00. If payment is not received within ten days of the day
5 such notice was received, the fire district may take actions to collect the fine, including
6 bringing a claim in the appropriate small claims court or using the services of a
7 collections agency.

8 (j) *Appeal through the alarm appeals board.*

9 (a) *Composition of the board.* An alarm appeals board shall be convened to address
10 unresolved disputes pertaining to the findings of false alarms by an alarm
11 administrator, fines, or any other issue of a common interest to the fire district,
12 alarm industry and/or alarm system users. The alarm appeals board shall be
13 comprised of five members: one fire district representative designated by the fire
14 district, one alarm industry representative from St. Tammany Parish designated by
15 the local chapter of the state safety and fire alarm association, and three alarm
16 system users from the City of Slidell to be appointed by the City Council. The
17 terms of the board members shall be one year, running from January 1 to
18 December 31. Board members may succeed themselves. No member of this board
19 shall be liable for any civil action for any act performed in good faith in the
20 execution of his duties as a board member. The alarm industry, including alarm
21 businesses and alarm system monitoring companies, shall not be responsible for
22 the collection of any fines levied against alarm system users for violating the
23 requirements of this article.

24 (b) *Appeal from fines.* The alarm appeals board shall conduct a hearing in those
25 matters requested for appeal that have been ruled on by the alarm administrator.
26 The request must be in writing and must be made within fifteen (15) days of the
27 alarm system user having received the notification of false alarm. Failure to appeal
28 the determination in the required time period results in a conclusive presumption of
29 the validity of the alarm administrator's determination. If a hearing is requested,
30 written notice of the time and place of the hearing shall be served on the alarm
31 system user by the alarm administrator by certified mail, return receipt requested,
32 which date shall not be more than twenty-one (21) nor less than ten (10) days after
33 the filing of the request for hearing. The board shall make its decision on the basis
34 of a preponderance of evidence presented at the hearing, including but not limited
35 to, evidence that the false alarm dispatch was caused by a defective part that has
36 been repaired or replaced or that an alarm dispatch was caused by a criminal
37 offense. The board must render a decision within thirty (30) days after the request
38 for an appeal is filed. If decision is not rendered within thirty (30) days, the alarm
39 administrator's ruling stands. The board shall affirm, reverse, or modify the action
of the alarm administrator. The decision of the board is final as to administrative
remedies with the parish. The proceedings of the alarm appeals board shall be
audio recorded.

4 (c) *City Court proceedings*. The decision of the alarm appeals board shall have no
5 standing with respect to the adjudication of proceedings within the City Court
6 relative to false alarms.

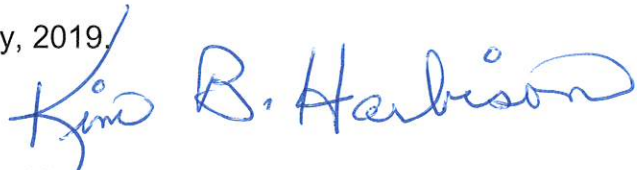
7 **Section 14-42. No liability of the City.**

8 The City assumes no liability for any defects in the operation of any alarm system or
9 transmission of signals, for any failure or neglect of any person associated with the
10 installation, operation or maintenance of an alarm system, for any failure or neglect of any
11 alarm system user, for the transmission or receipt of alarm signals or any failure or neglect
12 to respond upon receipt of an alarm from any source. No special duty other than that owed
13 to the general public shall be created by virtue of this section or as a result of the
14 transmission to or receipt of alarm signals by a fire district.

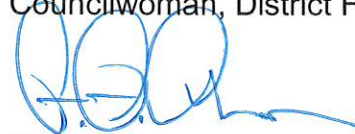
14 **Section 14-43. – Severability.**

15 In the event any provision or part of this ordinance is found to be invalid or unenforceable,
16 only that particular provision or part so found, and not the entire ordinance, will be
17 inoperative.

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20 **ADOPTED** this 14th day of May, 2019.

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23
24 Kim Harbison
25 President of the Council
26 Councilwoman, District F

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29 Greg Cromer
30 Mayor

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32 Thomas P. Reeves
33 Council Administrator

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DELIVERED	5/17/19
8:30 a.m. to the Mayor	
RECEIVED	5/21/19
3:00 p.m. from the Mayor	