A SUBSTITUTE ORDINANCE
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-O-0250

AN ORDINANCE TO AMEND PART II, CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CREATE ARTICLE IV TO BE KNOWN AS THE FIRE ALARM ORDINANCE: TO REQUIRE A PERMIT TO INSTALL, OPERATE OR MAINTAIN A FIRE ALARM SYSTEM AND TO ASSESS A SCHEDULE OF FEES FOR FALSE FIRE ALARMS AND FOR OTHER PURPOSES.

WHEREAS, a high incidence of false alarms and fire alarm system malfunctions causes a significant misuse of the personnel and resources of the Atlanta Fire Department which renders them out of service and unavailable to respond to legitimate emergency situations; and,

WHEREAS, the continued high incidence of false alarms and fire alarm system malfunctions are a threat to the health, safety and welfare of the citizens of the City of Atlanta; and,

WHEREAS, each time the Atlanta Fire Department responds to a fire alarm there is a substantial financial cost to the City of Atlanta; and,

WHEREAS, responding to false fire alarms jeopardizes the safety of the Atlanta Fire Department's sworn firefighters; so,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

# ARTICLE IV. FIRE ALARM SYSTEMS

**Section 78-68: Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Alarm System Business** means any company or entity that installs, services, or responds to alarm systems for remuneration.

**Automatic Response Alarm System** means an assembly of equipment and devices that is designed and arranged to detect and signal a fire at a premises, and that will upon activation signal an alarm system business, monitoring station, or other entity, and with respect to such signal, City firefighters are expected to respond.

**Automatic Telephone Dialing Device or Digital Alarm Communicator System** means any alarm device which automatically sends a coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the Alarm System is designed to detect.

**Citation** means notice of violation of this Ordinance to include assessment of a Fine pursuant to this Ordinance.

**Dispatch Center** means the City Fire Emergency Communications Center that receives emergency, medical and/or general information from the public and which dispatches fire and emergency medical personnel.

**Enforcement Official** means the Fire Chief or his designated representative.

**False Alarm** means the activation of any alarm, which results in the response of the Fire Department, caused by the accidental, negligent or intentional misuse of the system which includes, but is not limited to, test transmissions of alarm signals without prior notification. An alarm is not considered a False Alarm if the alarm activation is due to malicious causes beyond the control of the Owner/Occupant.

**Fine** means the penalty of monetary charge payable to City of Atlanta, authorized pursuant to this Ordinance.

**Fire Alarm Malfunction** means the activation of any alarm which results in the response of the Fire Department caused by mechanical/electrical failure, improper installation or lack of proper maintenance, power fluctuation, weather related conditions, or when Fire personnel is unable to determine the apparent cause of the alarm activation.

**Independent Alarm System** means an assembly of equipment and devices designed and arranged to detect and signal a fire at a premise's and upon activation does not automatically signal an alarm system business, monitoring station, or other entity for fire response.

**Keyholder** means any person authorized to enter the Premises who can disable/reset the system.

**Multiple Alarm Sites** means more than one alarm system on a given premises.

**Owner/Occupant** means any person who owns the premises in which an Alarm System is installed or the person or persons, who lease, operate, occupy or manage the premises.

**Permit** means a certificate of authorization issued by the Department of Fire to the person in control of the property, which authorizes the operation of an alarm system.

**Permit holder** means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

**Placed into Operation** means an Alarm System placed in service, which has met all requirements of this Ordinance.

**Premises** means any structure or combination of structures and/or any other area within the structure where an Alarm System is installed.

**Required Alarm System** means a Fire Alarm System, which the Owner/Occupant is required by law to install and maintain in an operative condition.

**Reset** means to clear an Alarm System of all active indicators and place the system back into normal operation.

**Response** means the dispatch of a fire officer to the premises where an alarm system has been activated indicating the possibility of a fire, or medical, emergency in progress on those premises.

**Serve** means hand-delivery by a representative of the Fire Department to the Owner/Occupant or Keyholder who responded to the Premises any documents or other material related to the activation of an alarm, or to the provisions provided for in this ordinance. In the event the Owner/Occupant or Keyholder fails to respond to the Premises within thirty minutes, Serve shall mean placing the documents or other materials in the United States mail, postage prepaid, addressed to the owner or authorized representative.

**Single-Station Alarm Device** means an assembly incorporating the detector, control equipment and alarm-sounding device in one unit operated from a power supply either in the unit or obtained at the point of installation whose designed intent is not to alert the Fire Department.

**Smoke Detector** means a device that detects the visible or invisible particles of combustion.

**Section 78-69: Penalty for violation.**

(a) Any person violating or failing to comply with this article shall be fined not less than $100.00 and not more than $1,000.00 and punished as prescribed by law.

(b) The City shall be exempt from such fees and fines for fire alarm systems installed in city-owned facilities within the boundaries of the City.

**Section 78-70: Permit for business of installation, operation or maintenance.**

(a) Prior to doing business within the city, any person who installs, operates, or maintains fire alarm devices shall obtain a permit from the mayor or the mayor's designee as follows:

(1) All persons desiring to obtain a permit shall make written application to the department of fire upon forms to be prepared and approved by the fire chief, and the applicant or the applicant's agent shall swear to this application.

(2) No original permit for the installation, operation or maintenance of a fire alarm device shall be issued to any person for pecuniary gain where an individual having an interest, either as owner, partner, principal stockholder, or the spouse of the individual shall have been convicted or shall have taken a plea of nolo contendere on any felony or misdemeanor of any state of the United States within five years immediately prior to the filing of the application. Any subsequent conviction to the issuance of a permit shall be grounds for revocation of the permit. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor or forfeiture of bond, or where there is a plea of nolo contendere, the mayor or a designee may, after investigation, waive it as a disqualification.

(3) Each alarm system business shall notify the department of fire in writing of any change in the telephone number by which personnel can be reached within 72 hours of such change.

(4) Each fire alarm business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be responsible for providing accurate information such as address and emergency telephone numbers for clients it is serving. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be required to maintain an up-to-date list of all customers within the city it is serving. This list shall contain the proper address, home telephone number, work telephone number or any other telephone number where the client can be reached in the case of alarm activation. Each such alarm business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be responsible for contacting its clients to grant access to the premises where an alarm has been activated upon request of a fire officer.

(5) No fire alarm business, monitoring station or other entity shall operate or cause to be operated or install any device, or combination of devices that will, upon action either mechanically, electronically or by any other means, initiate a call and deliver a recorded message to any telephone number assigned within the city by a public telephone company.

(6) At the time of application for a fire alarm system permit the applicant shall provide the fire department with such pertinent alarm system information such as manufacturer, make and model, number of enunciator panels, and number of smoke detectors in the fire alarm system if applicable.

**Section 78-71: Permit for Installation and Operation.**

(a) It shall be unlawful for any person to install, operate, cause to be operated, authorize, or allow the operation of a fire alarm system unless a current permit has been issued by the fire chief or the chief's designee for such system. However, this section shall not be applicable to an alarm system business, which monitors or services an alarm system installed and designed to protect property under the control of a person other than the alarm system business. For the purpose of this section the term "person in control of this property" means a person having ownership or a

leasehold interest in the property on which an alarm system is to be installed. The person in control of the property shall be subject to prosecution if the person authorizes or allows the operation of such system without a valid permit. A person having ownership or a leasehold interest in the property on which the alarm system is to be installed and operated shall make application for a permit for the operation of such an alarm system. The application shall be made in writing to the fire chief or the chief's designee on a form designated by the chief for that purpose. On such application, the applicant shall set forth the following:

1) The names, addresses and telephone numbers of each person in control of the property.

2) The street address of the property on which the alarm system is to be installed and operated.

3) Any business name used for the premises on which the alarm system is to be installed and operated.

4) The name of the person or alarm system business that will install the alarm system.

5) Automatic response alarm users shall furnish the name and telephone numbers of the alarm system business, which can contact the alarm user through emergency telephone numbers, provided them by the alarm user.

6) Independent alarm users shall furnish home, work or any other telephone number where they may be contacted in case of alarm activation. These telephone numbers shall also be posted in a conspicuous place on the premises where an independent alarm system is located.

7) The person making application for the permit shall sign the application.

(b) The chief or the chief's designee shall issue a permit to the individual, corporation, partnership or other legal entity having an ownership or leasehold interest in the property upon submission of an application in accordance with this section, and payment of a permit fee which shall be $50.00 for homeowners and $50.00 for businesses. For multiple alarm systems, a permit shall be required for each alarm system. If it is found that any statement made in the application is false, a permit shall not be issued. Each permit issued in accordance with this section shall be valid until such time as the control of the property is transferred from the permit holder. Upon such transfer of control of the property, a new permit shall be obtained. The City shall be exempt from such fees on alarm systems installed in city-owned facilities within the boundaries of the city.

(c) Any person who has an alarm system, which was installed on such person's property prior to the effective date of the ordinance from which this section is derived, is required to obtain a permit for the alarm system within 180 days of the effective date of the ordinance from which this section is derived. During the 180-day grace period, the alarm system can continue to operate. To obtain such a permit, the person in control of the property shall file an application therefore pursuant to this article and pay the permit fee. After the expiration of the 180-day grace period, the person in control of the property, which the alarm system is designed to protect, shall be subject to prosecution if such person permits the operation of the alarm without a valid permit.

(d) The permit holder for an alarm system shall keep the permit at the alarm site and shall produce the permit for inspection upon the request of any member of the department of fire.

(e) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.

(f) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the fire chief to the owner/lessee or to a company employee or agent by a member of the department of fire designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be reinstated until it has been repaired.

(g) Those persons who install their own audible alarm or who are not using an alarm company or monitoring station shall be required to furnish all the emergency telephone numbers at which they can be reached in case of an alarm activation. These numbers shall also be posted in a conspicuous location on the premises where an independent alarm system is located.

**Section 78-72: Permit conditions.**

(a) Any permit issued under this article shall require the permit holder to service any alarm system installed by the holder subsequent to the installation of the alarm system and on a continuing basis. The permit holder or a designated agent shall be required to respond to any subsequent alarms when requested to do so by the department of fire or by the owner of the property to which the alarm is attached.

(b) Any person granted a permit under this article shall be required to provide at each location where the permit holder installs an alarm system, a framed notice bearing the name and telephone number of the permit holder who installed the system. The permit holder shall be available to service the alarm system at any time of the day or night.

(c) Failure of a permit holder to meet the requirements of subsections (a) and (b) of this section or failure to abide by this article shall be grounds for revocation of any permit so granted.

**Section 78-73: Unlawful activation.**

It is unlawful for anyone to activate any fire alarm except in an actual or suspected fire. Further, it is unlawful for anyone notifying the fire department of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the said department of such malfunction or repair.

**Section 78-74: Fees for response to false alarms of automatic response alarm systems.**

For a fire response to any false alarm of an automatic response fire alarm system, the fire chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report to the fire chief on forms prescribed by the fire chief setting forth the cause

of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the fire chief may require to determine the cause of the false alarm and corrective action necessary. The fire chief or the chief's designee shall give notice to the person or business having or maintaining the alarm system of the conditions and requirements of this article, including the fee requirements for a second, and all subsequent false alarm responses by the fire department within each calendar year.

2) After the first response to a false alarm at the premises within a calendar year, a fee of $100.00 shall be charged to the person in control of the premises. After a second response, a fee of $150.00 shall be charged. After a third response, a fee of $200.00 shall be charged. For all succeeding responses, a fee of $250.00 shall be charged.

3) For each response, after the first, to a false alarm at the premises within a calendar year, an additional fee of $250.00 shall be charged for each instance that requires the fire department to remain on the scene for purposes of investigation, or corrective action for more than forty-five (45) minutes from the time of arrival to termination of the incident.

4) If such false alarms are a result of failure to take necessary corrective action prescribed by the fire chief, the fire chief may revoke the alarm permit for the premises and order the disconnection of the alarm system. It shall be unlawful to reconnect the alarm system until such corrective action has been taken and the fire chief or the chief's designee issues a new permit, provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. The city shall be exempt from such fees and fines on alarm systems installed in city-owned facilities within the boundaries of the city.

**Section 78-75: Response to false alarms of Independent alarm systems.**

For the first fire response within a calendar year to an alarm activation of an independent fire alarm system that proves to be false, the corrective actions to be taken are the same as prescribed in section 78-74. After the first response to a premise within a calendar year, the independent alarm system shall be deemed a nuisance. Failure of the alarm user to abate such nuisance will make the alarm user subject to penalties and fines as provided for in section 78-74.