

ORDINANCE NO: 2024- 59

AN ORDINANCE ENACTING CHAPTER 7-12 OF THE FARMINGTON MUNICIPAL CODE RELATED TO FIRE ALARMS

WHEREAS, the International Fire Code requires many commercial and industrial facilities to install and maintain fire alarms; and

WHEREAS, City Fire Department responds to fire alarms at businesses, when notified of the alarm; and

WHEREAS, repeated false alarms due to faulty equipment waste considerable fire department resources and impact the level of service available to the City generally; and

WHEREAS, the City Council is authorized to enact ordinances to protect the life and safety of residents and visitors to the City; and

WHEREAS, the City Council declares repeated false alarms to be nuisances to the community due to its waste of lifesaving resources; and

WHEREAS, the City finds that imposing regulations and penalties for repeated false alarms is a measured deterrence against fire alarm owners allowing their alarms to waste city resources,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

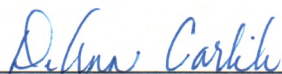
Section 1: Chapter 7-12 of the Farmington City Municipal Code is hereby enacted. A copy of the new chapter is attached as Exhibit A to this Ordinance.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its passage.


PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 17 TH DAY OF December, 2024.

ATTEST:



DeAnn Carlile, City Recorder

FARMINGTON CITY



Brett Anderson, Mayor



Chapter 12 FIRE ALARMS

7-12-010 PURPOSE:

A. The purpose of this chapter is to require owners to properly use and maintain the operational effectiveness of fire alarm systems in order to improve their reliability and eliminate or reduce false fire alarms and nuisance fire alarms. The requirements of this chapter shall be in addition to, and not in place of, any requirements imposed by the international fire code as adopted by the city.

B. This chapter governs fire or fire suppression alarm systems designed to summon the Farmington fire department, assessment of fees for excessive false and nuisance alarms, establishment of fire watch for repetitive violations or other authorized reasons, severability of the parts hereof if declared invalid, and provides an effective date.

7-12-020 DEFINITIONS:

As used in this chapter, the following words and terms shall have the following meanings:

ADOPTED CODES: Codes adopted by Farmington City

FALSE FIRE ALARM: The activation of any monitored fire alarm, monitored suppression alarm, or other fire department notification system which results in a response by the fire department and which is caused by the negligence or intentional misuse of the system by the owner or occupants, employees, or agents thereof, or any other activation of a system not caused by heat, smoke, fire, or water flow.

FEE: The assessment of a monetary charge payable to the Farmington City treasurer to defray the expense of responding to a false fire alarm or nuisance fire alarm.

FIRE ALARM SYSTEM: A system or portion of a combination system consisting of components and circuits arranged to monitor and/or annunciate the status of a fire alarm, suppression system activation, or signal initiating devices that initiate a response.

FIRE DEPARTMENT: The Farmington Fire Department.

FIRE WATCH: A person or persons assigned to the premises for the purpose of protecting the structure or occupants from an emergency situation, approved by the Fire Chief. Fire watch may involve some special actions beyond normal staffing. These special actions may include persons trained in fire prevention and detection, use of extinguishing systems, and activation of fire alarms.

NUISANCE FIRE ALARM: The activation of any monitored fire alarm, monitored suppression alarm, or other fire department notification system, which results in a response by the fire department, caused by mechanical failure, lack of proper maintenance, malfunction, improper installation, more than once a quarter, or any other response for which emergency officials cannot determine the cause of the alarm.

OWNER: Any person who owns the premises in which a fire alarm system is installed. In the event such premises are leased to a third party, "owner" shall mean both the owner of the property and the tenant in possession of the premises, and any responsibilities for the alarm system and fees assessed hereunder shall be joint and several for both owner and tenant.

PREMISES: Any building, structure, or combination of building and structures, wherein a fire alarm system is installed. For the purposes of this chapter, the definition of premises shall not include single-family or two-family residential buildings.

SERVE: Delivery via certified U.S. mail, return receipt requested, to both the address of the premises and to the address of the record owner of the premises if different than the address of the premises and available to the enforcement official.

7-12-030 MAINTENANCE, TESTING, AND INSPECTION:

A. The owner shall ensure that all fire alarm systems under his or her control are periodically maintained as dictated by the manufacturer's specifications and adopted codes.

B. The owner shall ensure that all fire alarm systems are tested and inspected at least once per year, in accordance with adopted codes.

7-12-040 FIRE ALARM ACTIVATION AND RESPONSE:

A. The owner of the premises shall be responsible for all activations of a fire alarm system thereon.

B. A response to the activation of a fire alarm system shall result when any officer or member of the fire department is dispatched to the premises where the fire alarm system has been activated.

7-12-050 INTENTIONAL FALSE ALARM:

It shall be unlawful for any person to, knowingly or intentionally, turn in or report to the fire department a false report of a fire, activate a false fire alarm, or tamper with or remove any part of a fire alarm system.

7-12-060 NOTICE AND SERVICE FEES FOR REPEATED FALSE ALARMS; LATE FEES:

A. Upon the first and second fire alarm activations in any three hundred sixty five (365) day period, deemed by the Fire Marshal to be nuisance or false fire alarms, the Fire Marshal shall serve notice to the owner of the premises where the fire alarm system has been activated notifying the owner of the false or nuisance fire alarm activation, directing the owner to rectify the cause of the false or nuisance fire alarm, and providing a warning that subsequent alarms may result in the assessment of fees pursuant to this chapter.

B. Additional fire alarm activations within any three-hundred sixty-five (365) day period, deemed by the Fire Marshal to be nuisance or false fire alarms, shall result in the assessment of fees against the owner in the amounts stated in the Farmington City consolidated fee schedule. The amounts provided in the schedule may be updated annually to reflect the estimated cost of a response.

C. Should any fee assessed pursuant to this chapter remain unpaid in excess of sixty (60) days from the date the fee is billed, a late payment penalty shall be imposed equal to ten percent (10%) of the amount due. In addition, for each calendar month beyond the due date that a payment is late, compound interest of two percent (2%) will accrue monthly until the fee, plus penalties and interest, are paid in full.

7-12-070 DISCONNECTION OF FIRE ALARM SYSTEM; FIRE WATCH; REACTIVATION:

A. A premises which is habitually responsible for false or nuisance alarms is subject to a written order to disconnect the fire alarm by the Fire Marshal, served upon the owner and specifying the date on which the owner shall be required to disconnect or deactivate the fire alarm system. This notice may also be served in person. The date of deactivation or disconnection shall be at least fifteen (15) days after the notice is mailed to the owner.

B. Each building affected by the disconnection or deactivation of the fire alarm system, for which occupancy requires a functioning fire alarm, shall be required to establish a fire watch that meets the requirements of the Fire Marshal until the fire alarm system has been returned to service. The Fire Marshal, in his or her discretion, may order a fire watch pursuant to section [7-12-090](#) of this chapter.

C. The Fire Marshal shall have the authority to temporarily suspend the occupancy certificate of the premises until all outstanding repairs are made on the fire alarm system or if the fire watch is not maintained to the satisfaction of the Fire Marshal.

D. A fire alarm system may be reactivated or reconnected upon a finding by the Fire Marshal that the owner of the premises has taken necessary corrective action to remedy the cause of the false fire alarms or nuisance fire alarms at the premises. The owner shall have the burden of showing what corrective action has been taken upon making a request for reactivation.

E. The owner shall be responsible for any inspection and/or testing fees incurred in determining whether the fire alarm system is ready for reactivation. The Fire Marshal shall not approve an order of reactivation or reconnection if the owner has failed to pay any fees imposed pursuant to this chapter or otherwise.

7-12-080 APPEALS:

A. An owner may appeal the assessment of fees to the administrative hearing official pursuant to chapter 3-7 of this code. The filing of an appeal with the enforcement official stays the assessment of the fee until the enforcement official makes a final decision.

B. An owner to whom a notice to disconnect or deactivate a fire alarm system was mailed, pursuant to subsection [7-12-070\(A\)](#) of this chapter, shall be entitled to appeal the order to the administrative hearing officer pursuant to chapter 3-7 of this code. The administrative hearing officer shall review the facts and circumstances and shall determine whether the owner has demonstrated by a preponderance of the evidence that the order lacks substantial evidence or is arbitrary, capricious or illegal. If the administrative hearing officer affirms the order to disconnect or deactivate a fire alarm system, the owner shall have fifteen (15) days after the written decision is served upon the owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the administrative hearing officer.

7-12-090 FIRE WATCH:

A. If the Fire Marshal orders a fire watch as a result of a fire alarm system being disconnected as provided for in this chapter, or for any other reason authorized by the adopted codes, such fire watch may be at the following levels or may provide specific fire watch requirements at the discretion of the Fire Marshal, which will vary depending upon the uses, occupancy and hours of operation for the premises:

1. Level I: Continuous monitoring of affected area for signs of smoke or fire for the sole purpose of notifying the fire department (dialing 911). This may be effectively carried out

through one or more approved employees of the building owner, security guards, or fire department personnel.

2. Level II: Continuous monitoring of affected area for signs of smoke or fire for the purpose of notifying the fire department and assisting with evacuation. This may be effectively carried out through one or more approved employees of the building owner, security guards, or fire department personnel. These individuals must be familiar with the exiting systems, fire protection systems, and evacuation plan relative to the affected area.

3. Level III: Continuous monitoring of affected area for signs of smoke or fire for the purpose of notifying the fire department, assisting with evacuation, and fire extinguishment/hazard mitigation. One or more fire department personnel will be required. An emergency action plan may also be required.

B. The owner of the premises is responsible for paying all costs associated with establishing a fire watch.

7-12-100 GOVERNMENT IMMUNITY:

Inspection of fire alarm systems, establishment of fire watches, or any other action provided for in this chapter is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification or take any other action as provided for herein is hereby disclaimed and governmental immunity as provided by law is retained. Farmington City, its officers, employees, and agents, shall not assume any duty or responsibility for the installation, operation, repair, effectiveness, or maintenance of any privately-owned fire alarm system or the maintenance of a fire watch, those duties or responsibilities belong solely to the owner of the premises.