Ordinance No. 3702
(Amending or Repealing Ordinances)

CFN=0122 – Police & Fire Departments
Passed – 8/3/2004
Preventable Activation of Fire Protection Systems

Amends Ord. 3691 (new Ch. 13.03)
Amended by Ord. 3819 (Sec. 13.03.070)
AN ORDINANCE of the City Council of the City of Kent, Washington, adding a new Chapter 13.03 to the Kent City Code, entitled "Preventable Activation of Fire Protection Systems."

RECITALS

A. With the adoption of Resolution No. 1559 on November 16, 1999, the City Council established fees to be charged for repeat false fire alarm incidents for the same location during any calendar year.

B. Although false fire alarm fees have been assessed since 1999, the City desires to amend the Kent City Code in order to include provisions regarding false fire alarm fees in order to clarify when the fees will be assessed, how they will be assessed, and how those fee assessments may be appealed.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. Amendment. The following new Chapter 13.03, entitled "Preventable Activation of Fire Protection Systems," is added to the Kent City Code:

Preventable Activation of Fire Protection Systems
CHAPTER 13.03
PREVENTABLE ACTIVATION OF FIRE PROTECTION SYSTEMS

Sec. 13.03.010. Purpose. It is the intent of this chapter to reduce the number of false fire alarms, or preventable activations of fire protection systems, that occur within the City and the resulting impact those preventable alarms or activations have on City resources by providing for corrective administrative action, including the imposition of fees.

Sec. 13.03.020. Scope. This chapter shall apply to any structure for which a fire protection system is required by the International Fire Code, which code has been adopted by the City in KCC 13.01.010; provided, that this chapter shall not apply to single-family homes.

Sec. 13.03.030. Preventable nuisance – Violation. It shall be deemed a violation of this section if a fire protection system is triggered due to the following preventable nuisance events, which results in a response by the fire department:

A. Erroneous transmission of an alarm, including reports of trouble signals by fire protection system monitoring companies.

B. Work conducted on a fire protection system connected to an alarm when reasonable steps were not taken to prevent reporting of an alarm to the fire department.

C. Fire drill or other test of a fire protection system when reasonable steps were not taken to prevent reporting of an alarm to the fire department.

D. Painting, welding, cleaning, cooking, dust producing, or other work or activity that activates an alarm.
E. Unintentional manual activation of a fire protection system when reasonable steps were not taken to prevent reporting of an alarm to the fire department.

F. Unintentional striking of a detector, circuitry, panel, or other component of an alarm system, or unintentional breaking or discharging of a sprinkler system or other fire extinguishing system, when reasonable steps were not taken to prevent the striking, breaking, or discharge.

Sec. 13.03.040. Preventable malfunction – Violation. It shall be deemed a violation of this section if a fire protection system is triggered due to the following preventable malfunction events, which results in a response by the fire department:

A. Mechanical failure of the fire protection system.

B. Improper type or installation of a fire protection system, detector, circuitry, panel or other component, including unapproved or incompatible components.

C. Improper sensitivity or maintenance of a fire protection system, including a system with unapparent reasons for repeat alarms.

Sec. 13.03.050. Non-preventable events. It shall not be deemed a violation of this section if a fire protection system is triggered due to the following non-preventable events, which results in a response by the fire department:

A. An actual fire, explosion, overheating, or other situation existed that could have resulted in a fire.

B. A person’s belief that a fire or other emergency existed that required the response of emergency personnel.

C. Unpreventable activation due to an earthquake, lightning strike, or other natural occurrence.
D. Malicious tampering with a fire protection system when, as determined by fire department personnel, the owner or occupier took reasonable steps to prevent tampering.

E. Unintentional leak of any system that releases steam, heat, gases, water, or vapors that activates a fire protection system.

F. Any other event as determined by the fire chief or his or her designee, at his or her discretion, that reasonable steps were taken to prevent the activation, or the event causing the activation was beyond the control of the person having or maintaining the fire protection system on the premises owned or occupied by him or her.

Sec. 13.03.060. Fire protection system – Registration required. It shall be unlawful for any person to have or maintain on any premises a fire protection system unless there is on file with the Kent fire department a current emergency response registration, which shall be submitted on a form provided by the City. The registration form shall contain the following information:

A. The name, address, and business and evening telephone numbers of the property owner or manager of the premises wherein the fire protection system is installed.

B. The name, address, and telephone number of a minimum of two (2) people who can be notified by the fire department in the event the fire protection system is activated and who shall be authorized to enter such premises and turn off any alarm at all hours of the day and night. In addition, the individual must have the authorization to place the system on hold and perform a fire watch.

C. All individuals identified in this section shall be capable of responding to the premises within a reasonable time not to exceed 30 minutes.
D. Any changes to the information required in this section shall be reported to the fire department by the owner or manager of the premises within 15 days of such change.

E. The registration requirements contained within this section may be modified by the fire chief or his or her designee, at his or her discretion.

Sec. 13.03.070. Penalties – Fees – Notice of correction.

A. Fees. Each calendar year, which shall run January 1 through December 31, the City shall charge and collect fees for preventable activations that require response by fire department personnel. The fees assessed shall be charged to and collected from the owner or manager of the premises. The fees shall be assessed as follows:

1. Preventable Nuisance Alarms:
   a. First Violation: No penalty
   b. Second Violation: No penalty
   c. Third Violation: $75.00
   d. Fourth Violation: $100.00
   e. Fifth Violation: $125.00

2. Preventable Malfunction Alarms:
   a. First Violation: No penalty
   b. Second Violation: $50.00
   c. Third Violation: $75.00
   d. Fourth Violation: $100.00
   e. Fifth Violation: $150.00

3. Excessive Activations: Each preventable activation in excess of five (5) during any one (1) year shall be assessed a fee of $250.00.

4. Fire Department Personnel Wait Time: In addition to the fees set forth in subsection (A) of this section, in the event the owner, manager, or other notified person fails to respond to the premises within thirty (30) minutes of notification, the

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owner or manager shall be assessed a fee equal to the hourly wage paid to fire
department personnel for the time spent waiting in excess of thirty (30) minutes,
calculated to the nearest quarter hour; provided, that in the event the fire department is
required to hire an off-duty fire department employee to work as a result of the fire
department’s response, the owner or manager shall be assessed the cost to the City of
hiring the off-duty firefighter.

B. Preventable malfunction - Notice of correction. In addition to the fee
assessment set forth in subsection (A) above, the owner or manager of the premises
shall within fifteen (15) working days after receipt of written notice to do so, prepare a
written report to the fire chief, on a form provided by the City, setting forth the cause of
an alarm’s malfunction, the corrective action taken by the owner or occupier, whether
and when such fire protection system has been inspected by authorized service
personnel, and such other information as the fire chief may reasonably require to
determine the cause of the malfunction, any mitigating circumstances, and the
corrective action necessary.

Sec. 13.03.080. Notice of fee assessment - Collection.

A. Notice of fee assessment. Notice of the fees assessed or the corrective action
required in accordance with section 13.03.070 KCC shall be sent by fire department
personnel to the owner and/or manager of the premises upon which the alarm occurred.
Such notice shall be either personally served upon the owner or manager or transmitted
via first class certified mail/return receipt requested. Any fees assessed shall be due
and payable within thirty (30) days from the date of the notice.

B. Delinquent accounts. Except to the extent modified by this section, the City
will treat all unpaid fee assessments as delinquent accounts under Chapter 3.10 of the
Kent City Code.
C. **Collection agency.** Any fee assessed under this chapter and unpaid shall constitute a debt to the City. The City may, pursuant to Ch. 19.16 RCW, use a collection agency to collect outstanding debts, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

**Sec. 13.03.090. Appeals.**

A. **Appeals to the fire chief.** Any person subject to the imposition of fees or other administrative sanction by fire department personnel under the terms of this chapter, shall have a right of appeal therefrom to the City's fire chief. Appeals shall be in writing and filed with the fire chief by 5:00 p.m. of the fifteenth (15th) calendar day following the date the Notice of Fee Assessment or the Notice of Corrective Action Required was issued. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5:00 p.m. on the next business day. Specific objections to the fee assessed and the relief sought shall be stated in the written appeal.

B. **Appeals to superior court.** The decision of the fire chief shall be final and conclusive unless an appeal is filed with the superior court within twenty-one (21) calendar days of the fire chief's decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until the next business day.

**SECTION 2.** — **Severability.** If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 3 day of August, 2004.
APPROVED: 3 day of August, 2004.

I hereby certify that this is a true copy of Ordinance No. 3702 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK