

**ORDINANCE NO. 15-10816**

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE IV OF THE SALINA CODE PERTAINING TO ALARM SYSTEMS DESIGNED TO SUMMON A FIRE DEPARTMENT RESPONSE WITHIN THE CITY OF SALINA, KANSAS.**

**BE IT ORDAINED** by the Governing Body of the City of Salina, Kansas:

**Section 1. Amendment.** Chapter 14, Article IV of the Salina Code is amended to provide as follows:

**ARTICLE IV. ALARM SYSTEMS DESIGNED TO SUMMON A FIRE DEPARTMENT RESPONSE.**

**Sec. 14-80. Purpose.**

- (a) The public and fire department personnel are subjected to needless danger when the fire department is called to respond to false fire alarms.
- (b) Fire department personnel responding to false fire alarms are not available to carry out other fire and medical duties.
- (c) Alarm owners are able to control the number of false fire alarms to which the fire department must respond by appropriately and diligently maintaining their fire alarm system.
- (d) The purposes of this article are to reduce the dangers and inefficiencies associated with false fire alarms, to encourage alarm businesses and owners to properly use and maintain the operational reliability of their alarm systems, and to reduce or eliminate false fire alarm dispatch requests.

**Sec. 14-81. Definitions.** For purposes of this article, the following terms shall have the following meanings:

- (a) *Adopted codes* means all codes and standards adopted by the City of Salina, as amended, including but not limited to the International Fire Code, National Fire Protection Association's Fire Alarm Code (NFPA 72), and National Electric Code, as locally adopted and amended.
- (b) *Alarm administrator* means the person(s) designated by the fire chief to administer the provisions of this article.
- (c) *Alarm response manager* means a person designated by a fire alarm business to handle alarm issues for the business and act as the primary point of contact for the fire department.
- (d) *False fire alarm* means the activation of any fire alarm system subject to this article which results in a response by the fire department and which is caused by intentional or unintentional misuse of the fire alarm system by the owner, its employees, agents, or occupants, any activation of a fire alarm system not caused by heat, smoke or fire, including activations caused by the mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any other alarm activation for which the fire department personnel are unable to determine the apparent cause of the activation.

Excluded from this definition are:

- (1) Alarms caused by action of a communications services provider (i.e., telephone, cellular, or cable company);
  - (2) Alarms caused by a power outage of more than four (4) hours, severe weather such as a tornado, or an earthquake;
  - (3) Alarms activated after the fire alarm business has, in good faith, provided advance notice to the 911 dispatch center that the fire alarm system would be undergoing installation or modifications and maintenance that could trigger a false alarm signal; and
  - (4) Multiple false alarms at a premises within a twenty-four (24) hour period, which may be considered as one false alarm if the alarm user has taken immediate corrective action, unless the false alarms are directly caused by the owner.
- (e) *Fire alarm activation report* means a document issued by the fire department indicating that the activation of a fire alarm system was deemed to be the result of either a fire or a false fire alarm at the premises.
- (f) *Fire alarm dispatch request* means a notification to the fire department that a fire alarm system, either manual or automatic, has been activated at a particular premises.
- (g) *Fire alarm business* means any person that sells, provides, installs, alters, maintains, repairs, replaces, services or monitors any fire alarm system.
- (h) *Fire alarm system* means a monitored system or portion of a combination system on a premises consisting of components and circuits arranged to monitor and/or exterior announce the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. This shall include the initiating devices for an automatic fire sprinkler system, such as flow switches, tamper switches, fire pump controllers, and dry sprinkler pipe low air alarms. The term fire alarm system does not include an alarm designed to alert only the occupants of a premises.
- (i) *Fire watch* means a fire chief-approved person or persons assigned to the premises for the purpose of protecting the occupants from fire or similar emergencies. A fire watch may also involve additional special actions beyond normal staffing, such as assigning additional security guards to walk the premises, who have been specially trained in fire prevention, the use of fire extinguishers, notifying the fire department, sounding the fire alarm system located on the premises, and understanding the particular fire safety situation.
- (j) *Monitor* means the process by which a fire alarm business receives signals from a fire alarm system and notifies the fire department.
- (k) *Owner* means any person who owns the premises in which a fire alarm system is installed or any person who leases, operates, occupies, or manages the premises.
- (l) *Owners list* means a list provided by a fire alarm company to the alarm administrator pursuant to this article that includes a list of the company's existing active customers whose premises are located within the city, along with each customer's name, billing address, telephone number, and premises address.
- (m) *Premises* means any building, structure or combination of buildings and structures or any other area within a building, structure or combination thereof, excluding single-family dwellings, duplexes, and triplexes, which is served by a fire alarm system that is required to be monitored by a fire alarm business pursuant to adopted codes.

- (n) *Qualified fire alarm technician* means any person who inspects, installs, repairs or performs maintenance on fire alarm systems. This person shall be (i) factory trained and certified, (ii) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified, (iii) an Electronic Security Association (ESA) Certified Fire Alarm Technician, or (iv) licensed or certified by state or local authority.
- (o) *Record of completion* means the completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm Code (NFPA 72).
- (p) *Registration* means the notification by an owner to the alarm administrator that a fire alarm system exists or has been installed and is in use, and which, if approved by the alarm administrator, authorizes the operation of a fire alarm system.
- (q) *Report of service/repair* means appropriate documentation in a format acceptable to the alarm administrator that verifies proper repairs or maintenance has been performed by the fire alarm business and the owner.
- (r) *Responsible party* refers to each person designated by the owner in the registration as being responsible for the fire alarm system and related devices installed at the premises.
- (s) *Serve* shall mean hand-delivery of written notification by a representative of the fire department to the owner or authorized representative who responds to the premises after a fire alarm dispatch. In the event the owner or authorized representative fails to respond to the premises within one (1) hour, the term shall mean placing the notice in the United States mail, postage prepaid, addressed to the owner or authorized representative.

**Sec. 14-82. Administration; establishment of fees.**

- (a) The fire chief is the principal city official for administration of this article.
- (b) All fees to be assessed pursuant to this article shall be recommended by the fire chief, approved by the board of commissioners, and listed in the fee schedule adopted pursuant to section 2-2.
- (c) The fire chief shall designate the alarm administrator to carry out the duties and functions described in this article.
- (d) The alarm administrator shall conduct an annual evaluation and analysis of the effectiveness of this article and identify system improvements to be implemented as necessary.

**Sec. 14-83. Required alarm registration.**

- (a) No person shall operate, or cause to be operated, any fire alarm system on a premises without a valid annual registration issued by the alarm administrator in accordance with this article. Owners of existing fire alarm systems shall initially register within sixty (60) days of the effective date of this article.
- (b) A separate registration is required for each premises served by a fire alarm system.
- (c) Failure to register any fire alarm system within thirty (30) days of receiving notice from the alarm administrator to do so shall be classified as use of a non-registered fire alarm system and will subject the owner to a late fee, in addition to all other enforcement measures provided by this article.

**Sec. 14-84. Alarm registration applications.**

- (a) Alarm registration applications shall be on a form furnished by the alarm administrator and completed and submitted to the alarm administrator by the owner or the owner's authorized agent. Each application shall be accompanied by a non-refundable registration fee and shall include the following information:
  - (1) The name, address of the premises, mailing address (if different from the address of the premises), telephone numbers and email address of the owner of the premises wherein the fire alarm system is installed;
  - (2) The name, address, and telephone numbers of at least two (2) persons who can be notified by the fire department in the event of the activation of the fire alarm system, who shall be capable of responding to the premises within thirty (30) minutes, and who are authorized to provide access to the premises and able to deactivate the fire alarm system upon request;
  - (3) The name, address, and telephone number of the fire alarm business which has contracted to serve and monitor the fire alarm system and proof of proper licensing and permits, if requested;
  - (4) The date on which the fire alarm system was, or will be, placed into operation;
  - (5) The location of the fire department-approved key box for the premises, if required by adopted codes; and
  - (6) Any other documentation or information that is required by adopted codes.
- (b) Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant, unless:
  - (1) The applicant has failed to pay any fee assessed under this article; or
  - (2) The applicant has made a false statement of a material fact for the purpose of obtaining a registration.
- (c) An alarm registration shall expire one (1) year from the date of issuance, and must be renewed annually by the owner by submitting an updated registration application and a registration renewal fee to the alarm administrator. The alarm administrator shall notify the owner of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the owner to submit the renewal application prior to the registration expiration date. Failure to timely renew shall be classified as use of a non-registered fire alarm system and will subject the owner to a late fee, in addition to all other enforcement measures provided by this article.

**Sec. 14-85. Registration fees.**

- (a) The alarm administrator shall charge and collect all registration fees, which may include an initial registration fee, a renewal registration fee, and late fees.
- (b) Governmental entities shall not be required to pay registration or registration renewal fees for more than four (4) premises during any calendar year, but are required to obtain and maintain a valid registration for all premises and are subject to all other provisions of this article, to the extent allowed by law.

**Sec. 14-86. Transfer of registration prohibited; notification of changes to information.**

- (a) An alarm registration may not be transferred to another person or premises.
- (b) An owner shall notify its fire alarm business and the alarm administrator of any change to the information listed on the registration application within ten (10) business days after such change.

**Sec. 14-87. Notification of installation; system certification.**

All newly installed fire alarm systems shall be approved by the fire chief and registered with the alarm administrator prior to being placed into operation. The record of completion document shall indicate that the fire alarm system is in compliance with adopted codes, and when the fire alarm system is approved and accepted, it shall be signed and dated by a qualified fire alarm technician and the fire chief.

**Sec. 14-88. Installation, inspection, testing and maintenance.**

- (a) No fire alarm business shall install, repair, modify, or monitor a fire alarm system on any premises without first obtaining any permits and/or licenses required by adopted codes.
- (b) It shall be the responsibility of the installing fire alarm business to provide the owner with notice of the existence of this article, a registration form, a copy of the fire alarm system operation instructions in accordance with adopted codes, and the manufacturer's instructions.
- (c) The owner shall ensure that all fire alarm systems are inspected and tested at least once per year in accordance with adopted codes.
- (d) The owner shall ensure that all fire alarm systems are periodically maintained per manufacturer specifications and adopted codes.

**Sec. 14-89. Duties of fire alarm businesses.**

- (a) Each fire alarm business shall designate one individual as its alarm response manager. The alarm response manager must be knowledgeable of the provisions of this article, as well as have the knowledge and authority to deal with false fire alarm issues and respond to requests from the alarm administrator. The name, address, telephone number, and email address of the alarm response manager must be provided to the alarm administrator.
- (b) On or before December 1 of each year, a fire alarm business shall provide the alarm administrator with an updated owners list, in a format acceptable to the alarm administrator, to assist the alarm administrator with creating and maintaining tracking data.
- (c) A fire alarm business that begins the servicing or monitoring of a previously unmonitored fire alarm system, or that converts the servicing of any fire alarm system account from another business, shall notify the alarm administrator of such new account(s) within five (5) days, and shall provide to the alarm administrator an owners list of the account(s), in a format acceptable to the alarm administrator.
- (d) A fire alarm business shall notify the alarm administrator within five (5) days after monitoring services are discontinued or cancelled at a premises for any reason.
- (e) A fire alarm business shall report fire alarm signals to the fire department by using telephone numbers or other approved communication processes designated by the alarm administrator.

- (f) After a fire alarm dispatch request, a fire alarm business that provides monitoring services shall:
  - (1) Promptly advise the fire department if the fire alarm business knows that the owner or a representative is responding to the premises; and
  - (2) Upon request, immediately provide the fire department with the names and telephone numbers of the owner's emergency contacts at the time of the fire alarm dispatch request.
- (g) After the effective date of this article, each fire alarm business that provides monitoring services shall maintain, for a period of at least one (1) year after the date of a fire alarm dispatch request, all records relating to the fire alarm dispatch request. Records must include the name, address and telephone number of the owner, the time of the fire alarm dispatch request, and each zone activated, as applicable. The alarm administrator may request copies of such records for any owner. If the request is made within sixty (60) days after a fire alarm dispatch request, the fire alarm business shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after a fire alarm dispatch request, the fire alarm business shall furnish the requested records within thirty (30) days after receiving the request.

**Sec. 14-90. System performance review.**

With the approval of the fire chief, the alarm administrator may require that a system performance review be held with an owner and the fire alarm business responsible for repairing or monitoring of the fire alarm system to review the circumstances of each false fire alarm. The review meeting may be held in person or through a conference telephone call, at the alarm administrator's discretion.

**Sec. 14-91. False fire alarms.**

- (a) After each fire alarm dispatch request, the owner shall be served with a fire alarm activation report. If the activation of a fire alarm system is deemed by fire department personnel to be a false fire alarm, the fire alarm activation report shall so indicate.
- (b) Within fifteen (15) days of being served with a fire alarm activation report indicating the occurrence of a false fire alarm, but excluding the first false fire alarm during each one-year registration period, the owner shall deliver to the alarm administrator a completed report of service/repair to verify, to the reasonable satisfaction of the alarm administrator, that:
  - (1) The fire alarm system has actually been examined by a qualified fire alarm technician; and
  - (2) A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the false fire alarm.

**Sec. 14-92. False alarm fees.**

- (a) The alarm administrator shall assess the owner a fee for each false fire alarm occurring at the owner's premises; provided, however, that no fee shall be assessed for the first false fire alarm at a premises during each one-year registration period.
- (b) Any person operating a non-registered fire alarm system will be subject to an additional fee for each false fire alarm, in addition to any other applicable fees or fines.

- (c) If any fee is not paid within thirty (30) days after receipt of the fire alarm activation report, a late fee shall be imposed.
- (d) Failure to pay a false alarm fee is a violation of this article. Nothing contained in this section shall prohibit prosecution in municipal court for violation of any provision of this article and assessment of any other penalties as provided by law.

**Sec. 14-93. Additional remedies of the fire chief.**

- (a) Nothing in this article shall be construed to restrict the fire chief's authority to enforce adopted codes within the city.
- (b) Until corrective action is taken, the fire chief has the authority to order a fire watch in accordance with adopted codes, require the disconnection of any fire alarm system, and/or recommend to the building official that the certificate of occupancy for the subject premises be temporarily suspended in accordance with adopted codes, for any of the following reasons:
  - (1) There is a false statement of material fact in the registration application;
  - (2) The owner has had four (4) false fire alarms at the premises within the one-year registration period, or the owner has had four (4) false alarms after having reconnected the system pursuant to section 14-95 during the same one-year registration period, except that the fire chief may waive enforcement upon receipt of documented work orders showing reasonable attempts to repair the fire alarm system;
  - (3) The owner has failed to make timely payment of any fee assessed under this article;
  - (4) There is a violation of this article by the owner and the condition causing the violation was not corrected within thirty (30) days after written notice from the alarm administrator; or
  - (5) The failure of a responsible party to appear at the premises within one (1) hour after being notified to respond, if such failure to timely respond occurs three (3) or more times within a one-year registration period.
- (c) If the fire chief orders the disconnection of a fire alarm system pursuant to subsection (b), the alarm administrator shall provide written notice to the owner by hand-delivery or certified mail, return receipt requested, which notice shall specify the date on which the owner shall be required to disconnect the fire alarm system. This date shall be at least fifteen (15) days after the notice is delivered to the owner. Each building affected by the fire chief's order to disconnect a fire alarm system shall establish a fire watch until the fire alarm system has been returned to service.
- (d) The owner shall be responsible for paying all costs associated with establishing a fire watch.
- (e) The fire chief shall have the authority to direct the owner of a premises to silence an activated fire alarm system, have corrective action taken, and thereafter reset the system.
- (f) A decision of the fire chief pursuant to this section may be appealed to the city manager, which appeal shall be conducted pursuant to the same procedures and in the same manner as set forth in section 14-94.

**Sec. 14-94. Appeals.**

An owner or fire alarm business may appeal any decision of the alarm administrator under this article to the fire chief, as follows:

- (a) The appealing party shall file a notice of appeal with the fire department within twenty (20) days of receipt of the alarm administrator's decision, which shall set forth the reasons for the appeal and be accompanied by an appeal fee. The appeal fee will be returned to the appealing party if the appeal is successful, in whole or in part.
- (b) The fire chief shall conduct a hearing on the appeal within thirty (30) days after the fire department's receipt of the notice of appeal and shall consider the evidence submitted by the appealing party and the alarm administrator. The fire chief must affirm or reverse the decision or action taken by the alarm administrator based on the preponderance of evidence presented at the hearing, and must render a decision within fifteen (15) days after the date of the hearing. The fire chief's decision shall be a final order of the city.
- (c) Filing of an appeal shall stay all actions and proceedings in furtherance of the alarm administrator's actions that are the subject of the appeal, until the appeal process has been exhausted.
- (d) If a notice of appeal is not filed within twenty (20) days of the alarm administrator's decision, the decision shall be deemed a final order of the city.

**Sec. 14-95. Reconnection of fire alarm system.**

- (a) A fire alarm system that is ordered to be disconnected pursuant to this article may be reconnected upon a finding by the fire chief that the owner has taken corrective action to remedy the cause of the fire chief's order to disconnect.
- (b) In making a request for such reconnection, the owner shall have the burden of showing that corrective action has been taken, to the satisfaction of the fire chief.
- (c) The fire chief shall have the right to require a certificate or technical report from the fire alarm business indicating that the system is compliant with all adopted codes.
- (d) The owner shall pay a reconnection fee prior to reconnecting a disconnected fire alarm system.
- (e) The fire chief shall not approve a reconnection if the owner has failed to pay, or otherwise resolve, all outstanding fees assessed under this article.

**Sec. 14-96. Limitations on fire department response; immunities preserved.**

Nothing in this article is intended, nor shall it be construed, to create a contract, duty or obligation, either express or implied, of a fire department response to any alarm or any fire alarm dispatch request, under any circumstances, beyond those duties owed to the general public in the performance of fire protection and emergency services within the city limits, and the city's response to a fire alarm dispatch request shall be deemed conclusively to be for a public and governmental purpose. In addition, nothing contained herein shall be construed to waive any defenses or immunities available to the city, including but not limited to those available pursuant to the Kansas tort claims act, as amended. By applying for a registration, the owner acknowledges that the law enforcement response may be influenced by factors such as the availability of units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.



**Sec. 14-97. Confidentiality of alarm information.**

The board of city commissioners finds that all information contained in records gathered through the registration process, the submission of customer lists by fire alarm businesses, or the appeals process, is of a sensitive and private nature and should not be available to the public. It is hereby declared to be the official policy of the city that all such documents submitted in compliance with this article shall be deemed to contain information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy and are further deemed to be plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person. All such information is therefore exempt from mandatory disclosure under the Kansas open records act pursuant to the exceptions contained in K.S.A. 45-221(a)(18) and (30), as amended, and any other applicable exceptions. All such information shall be kept so that the contents thereof shall not be known, except to persons authorized with the administration and enforcement of this article. The alarm administrator shall be charged with the responsibility of maintaining all records of any kind whatsoever under this article.

**Sec. 14-98. Penalties.**

- (a) It shall be unlawful for any person to violate any provision of this article.
- (b) Every day that a violation continues shall constitute a separate offense.
- (c) The violation of any provision of this article is hereby deemed to be grounds for revocation of any registration or authorization granted in accordance with this article.
- (d) The city shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this article.

**Section 2. Repealer.** Existing Chapter 14, Article IV of the Salina Code is repealed.

**Section 3. Effective.** This ordinance shall be in full force and effect from and after January 1, 2016, following its adoption and publication by the following summary once in the official city newspaper.

Ordinance No. 15-10779 Summary

On December 28, 2015, the City of Salina, Kansas, passed Ordinance No. 15-10816. The ordinance amends Chapter 14, Article IV of the Salina Code pertaining to alarm systems designed to summon a fire department response within the City of Salina, Kansas. A complete copy of the ordinance is available at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the city attorney.

Introduced: December 21, 2015  
Passed: December 28, 2015

Jon R. Blanchard, Mayor

[SEAL]  
ATTEST:

Shandi Wicks, CMC, City Clerk

Certification of Publication Summary:

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Greg A. Bengtson, City Attorney