

**Public Notice of Amendment to New Shoreham General Ordinances
Chapter 5 Fire Prevention and Protection
New Article IV “Fire Alarm Ordinance”**

It is ordained by the Town Council of the Town of New Shoreham as follows:

Fire Alarm Ordinance

Sec. 5-70. Title

This ordinance shall be known as the “Fire Alarm Ordinance”.

Sec. 5-71. Purpose

- (a) Successful operation of commercial and residential fire and security alarm systems requires a cooperative effort among all parties involved, including the Fire Department, Police Department, alarm businesses that install, test, service and/or monitor alarms, and property owners.
- (b) The purpose of this Ordinance is to provide guidance for Owners and Fire Alarm Businesses to ensure that Fire Alarm Systems are properly installed, and their operational effectiveness is maintained to maximize their reliability, reduce or eliminate False and Nuisance Fire Alarms and increase the availability of emergency personnel and equipment to respond to legitimate emergency situations.
- (c) This Ordinance governs all Fire Alarm Systems installed in the Town of New Shoreham and defines requirements for registration of certain Fire Alarm Systems and Fire Alarm Service Providers with the Town.

Sec. 5-72. Definitions

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

- (a) **Adopted Code(s)** refers to laws and rules adopted by the Rhode Island State Fire Marshal and in the absence of adopted code, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72) and the National Fire Protection Association Life Safety Code 101 (NFPA 101).
- (b) **Building Official** refers to the duly hired Town of New Shoreham Building Official.
- (c) **Fire Alarm Advisory Board** refers to a board comprised of the Town Manager, a member of the Fire Department, a member of the Police Department and a Fire Alarm Business representative.
- (d) **Fire Alarm Activation Report** refers to a document issued by the Town indicating that the activation was deemed to be the result of a Nuisance Fire Alarm, or a False Fire Alarm.
- (e) **Fire Alarm Business** refers to either a Fire Alarm Service Provider or Fire Alarm Monitoring Company, as defined below.
- (f) **Fire Alarm Monitoring Company** refers to any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and monitors any Fire Alarm System.
- (g) **Fire Alarm Service Provider** refers to any individual, partnership, corporation or other entity that is appropriately licensed in the State of Rhode Island and installs, alters,

maintains, repairs, replaces, tests or services any Fire Alarm System. Fire Alarm Service Providers may also provide fire alarm monitoring services.

- (h) **Fire Alarm System** refers to equipment or devices located on a premises within the Town of New Shoreham, which equipment or devices is designed to monitor and annunciate smoke, fire, activation of a fire suppression system, or other supervisory or trouble condition for the purpose of initiating an appropriate response to the condition. Residential smoke alarms are exempted from this definition.
- (i) **Fire Chief** refers to the Chief of the Fire Department or his/her designated representative.
- (j) **Fire Department** refers to the Town of New Shoreham Fire and Rescue Department, as specified in the Town Charter, and any employee and/or volunteer of the Fire Department.
- (k) **Fire Watch** refers to 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 involves some special action beyond normal staffing, such as assigning additional personnel to walk the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the Fire Department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.
- (l) **Monitoring Facility** refers to any organization or agency that watches over alarm receiving equipment and follows up with appropriate actions when alarm and other signals are received. The Police Department is a Monitoring Facility with responsibility for monitoring commercial and municipal Fire Alarms Systems as required by adopted codes.
- (m) **Monitoring System** refers to the process by which a Monitoring Facility receives signals from a Fire Alarm System and notifies emergency personnel.
- (n) **Municipal Fire Alarm Monitoring System** refers to the equipment in place at the Town of New Shoreham Police Department that receives signals from a Fire Alarm System and notifies emergency personnel.
- (o) **Nuisance or False Fire Alarm** refers to the activation of any Fire Alarm System, which results in a response by the Fire Department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, negligence or intentional misuse by the owner, its employees or agents, or any other response for which the Fire Department personnel are unable to determine the apparent cause of the alarm activation. Alarms resulting from BI Power Company failures will not be considered Nuisance Fire Alarms.
- (p) **Owner** refers to any individual, partnership, corporation or other entity that owns the premises in which a Fire Alarm System is installed or any individual who has an ownership interest in the Premises in which a Fire Alarm System is installed.
- (q) **Police Department** refers to the Town of New Shoreham Police Department.
- (r) **Premises** refer to any building, structure or combination of buildings and structures or any area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.
- (s) **Qualified Fire Alarm Technician** refers to any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be: a) factory trained and certified; b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or c) licensed or certified by the State of Rhode Island.
- (t) **Report of Service/Repair** refers to appropriate documentation in a format acceptable to the Town that verifies proper repairs or maintenance has been performed by both the Fire Alarm Business and/or Owner.

- (u) **Responsible Party** refers to the person or persons responsible for the Fire Alarm System and related devices installed at the premises. This may be an owner or other person or persons designated in writing by the owner(s) who lease, operate, occupy or manage the Premises.
- (v) **Subscriber** refers to a property owner or designee whose premises are monitored by a Monitoring Facility, whether the Town's Monitoring Facility or a third party monitoring facility.
- (w) **Town Manager** refers to the duly hired Town of New Shoreham Town Manager.

Sec. 5-73. Promulgation of Rules and Regulations

The Town Manager and Fire Chief may jointly promulgate rules and regulations relating to alarms systems to implement this ordinance.

Sec. 5-74. Requirement for Registration of Monitored Alarm Systems

Any commercial or residential Fire Alarm System that is monitored by either the Town's Municipal Fire Alarm Monitoring System or another Monitoring Facility must be registered by the owner with the Town. All monitored Fire Alarm Systems not previously registered must be registered within fifteen (15) days of the effective date of this ordinance.

Sec. 5-75. Municipal Fire Alarm Monitoring

- (a) The Town established a Municipal Fire Alarm Monitoring System at the Police Department under the guidance of the RI State Fire Marshal's Office. This system is a Polling Radio System with a Digitize System 3505 Receiver that requires each Alarm System be connected to the system via a Digitize Radio Box ("Radio Box").
- (b) All Municipal and Commercial premises designated by the State Fire Marshal's Office must be connected to the Municipal Fire Alarm Monitoring System.
- (c) For Commercial premises, the only alarms that shall be monitored via the municipal monitoring system are as follows: Fire, Fire Supervisory and, for those premises with active wet sprinkler systems, Low Temp. All other alarms that owners choose to have monitored must be transitioned to another monitoring facility. Any alarms not on the approved list that are transmitted to the Municipal Fire Alarm Monitoring System will be subject to a fine for each offense, payable to the Town of New Shoreham. (Fee Schedule is on file in the Clerk's Office.)
- (d) For Commercial premises that have Radio Boxes installed, all digital dialer alarm communications to the Municipal Fire Alarm Monitoring System must cease as of July 1, 2011. For Commercial premises that have not yet installed a Radio Box, all digital dialer communications to the Municipal Fire Alarm Monitoring System for alarms not allowed in accordance with (c) above, must cease as of July 1, 2011. Any alarms not on the approved list that are sent to the Municipal Fire Alarm Monitoring System will be subject to a fine for each offense, payable to the Town of New Shoreham. (Fee Schedule is on file in the Clerk's Office.)
- (e) The Town has a contract with a service provider to maintain and support the Municipal Fire Alarm Monitoring System. All Radio Box purchases and installations must be coordinated through the Building Official and checked out by the Building Official and the contracted service provider before a connection to the Municipal Fire Alarm Monitoring System is

approved. It is the responsibility of the Town Manager to develop and maintain detailed procedures and forms for this process.

- (f) Registration for Town monitoring requires:
- (1) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System and Radio Box is installed;
 - (2) The name, address and telephone number of a minimum of two (2) persons who can be notified in the event of the activation of the Fire Alarm System via the Radio Box, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof;
 - (3) The name, address and telephone number of the Fire Alarm Business which has contracted to install the Radio Box and proof of proper state licensing/registration.
 - (4) The name, address and telephone number of the Fire Alarm Business(es) which has contracted to maintain the operation of the Fire Alarm System and/or Radio Box and proof of proper state licensing/registration.
 - (5) The name, address and telephone number of the Fire Alarm Business which has contracted to perform periodic testing of the Fire Alarm System and Radio Box and proof of proper state licensing/registration.
 - (6) Application for an Electrical Permit for Radio Box installation.
 - (7) Application for a Radio Box that provides detailed information regarding the Fire Alarm System and alarm zones to be monitored. The Fire Alarm Control Panel must be rated for commercial connected applications in accordance with NFPA 72 and UL 864.
 - (8) An annual monitoring fee. (Fee Schedule is on file in the Clerk's Office.)
- (g) Any change in contact information, Fire Alarm Business and/or technicians authorized to work on the Fire Alarm System required must be communicated to the Town immediately. The Police Department will not accommodate any technician working on an alarm system for which they do not have a valid license on file.

Sec. 5-76. Non-Municipal Fire Alarm Monitoring

- (a) For premises monitored by a facility other than the Town's Municipal Fire Alarm Monitoring System, the owner is responsible for ensuring that neither the Police Department nor the Fire Department are listed with the Monitoring Facility as first responders to any alarm.
- (b) The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business(es) responsible for maintaining, servicing, testing and/or monitoring any portion of the Fire Alarm System.
- (c) Registrations shall not be transferable from one Premises to another or from one Owner to another.
- (d) Registration is required prior to activating Fire Alarm System monitoring.
- (e) The Registration form shall include the following information:
 - (1) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System and monitoring equipment is installed;

- (2) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration. A legible copy of current license must be provided with the registration.
- (3) The name, address and telephone number of the Fire Alarm Monitoring business which has contracted to monitor the Fire Alarm System.
- (4) If other than the Town's Municipal Monitoring System, certification that neither the Police Department nor Fire Department is listed as alarm points of contact or responders with the Fire Alarm Monitoring business.
- (5) The date the Registration is signed or the Fire Alarm System monitoring is placed in operation for any reason; and
- (6) Any other documentation that is required by Adopted Codes or Town procedures.
- (f) When any of the registration information has changed, it shall be reported to the Town immediately;
- (g) The Owner shall complete and deliver the Fire Alarm Monitoring Registration in the required format to the Town before the Fire Alarm System monitoring is activated.

Sec. 5-77. Registration of Fire Alarm Monitoring Companies

- (a) Registration with the Town shall be required for all Fire Alarm Monitoring Companies monitoring any Fire Alarm System within the Town.
- (b) The Registration form shall include the following information:
 - (1) The name(s) and addresses of the Premises that the Company is under contract to monitor and the specific alarms being monitored.
 - (2) For each premises, the names and cell phone numbers of at least two (2) on-Island persons who will be available to respond in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof;
 - (3) Any other documentation that is required by Adopted Codes or Town procedures.

Sec. 5-78. Registration of Fire Alarm Service Companies

- (a) Registration shall be required for all Fire Alarm Service Companies responsible for maintaining and/or testing Municipal, Commercial and/or Residential Fire Alarm Systems.
- (b) Registration information shall include:
 - (1) The name(s) and addresses of the Premises that the Company is under contract to maintain.
 - (2) A copy of the Company's Business License, if applicable.
 - (3) The names and a copy of the valid License for all technicians authorized by the Company to work on Fire Alarm Systems.
 - (4) Acceptance of the requirement that a technician notify the Police Department before beginning work on an active alarm system and that the Police Department will verify that they have a valid license on file.
- (c) Changes in Registration information, including license renewals, shall be filed promptly with the Town.

Sec. 5-79. Inspection, Testing and Maintenance Responsibilities

- (a) The Owner shall ensure that all Fire Alarm Systems are inspected and tested in accordance with Adopted Codes.
- (b) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.
- (c) When a Fire Alarm Service Provider is engaged to perform emergency maintenance or repair on an active Fire Alarm System, they must notify the Police Department by telephone when they arrive on site to perform maintenance and again when they have completed maintenance and the Fire Alarm System is either placed back in service or will remain out of service due to a condition that cannot be resolved.
- (d) If a Fire Alarm System will remain out of service, then the Town may require a Fire Watch for the premises.
- (e) When a Fire Alarm Service Provider plans to perform routine inspection/testing on more than one Fire Alarm System on a given day, then they must notify the Police Department 48 hours in advance with the locations they plan to test and the approximate start and end times of testing, so that the Police Department can adequately prepare for the increased workload.

Sec. 5-80. Fire Alarm Activation; Response

- (a) The Owner shall be responsible for the activation of a Fire Alarm System.
- (b) A response to the activation of a Fire Alarm System shall result when any Police Officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.
 - (1) In the event the Fire Alarm System is a Monitored System, it is the responsibility of the company monitoring the Fire Alarm System to notify any person identified in the Registration.
 - (2) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to offer the Owner the option to verify the Fire Alarm signal before dispatch, as allowed by Adopted Code.
 - (3) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to forward cancellation of a Fire Alarm signal to the Police Department.
 - (4) In the event the Fire or Police Department is dispatched to a monitored premises as a result of points of contact failing to respond, the owner may be subject to a fine. (Fee Schedule is on file in the Clerk's Office.)

Sec. 5-81. Nuisance and False Fire Alarms

- (a) In the event the activation of a Fire Alarm System is deemed by the Fire Department to be a Nuisance or False Fire Alarm, the Owner shall be provided with a Fire Alarm Activation Report by the Town, indicating that the activation was deemed to be the result of a Nuisance or False Fire Alarm.
 - (1) This shall require the Owner to return a completed Report of Service/Repair within fifteen (15) days of receipt of the Fire Alarm Activation Report to verify, to the reasonable satisfaction of the Town, that:
 - (A) the Fire Alarm System has been examined by a Qualified Fire Alarm Technician; and

- (B) 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 Nuisance or False Fire Alarm.
- (2) Failure to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the Town, shall result in assessment against the Owner of a Fee of for the Nuisance or False Fire Alarm. (Fee Schedule is on file in the Clerk's Office.)

Sec. 5-82. Fees and Fines (Fee Schedule is on file in the Clerk's Office.)

- (a) The provisions of this Section as it relates to fines for Nuisance or False Fire Alarms shall not apply to any newly installed Fire Alarm System for a period of forty-five (45) days from the date of installation, but shall apply from and after the expiration of the initial forty-five (45) day period following installation.
- (b) Should any Fee assessed pursuant to this Ordinance remain unpaid in excess of ninety (90) days from the date Fee is billed, a late Fee shall be assessed and shall be payable by the Owner of the Premises in addition to the original Fee.
- (c) A fine will be assessed for failure to register a monitored Fire Alarm System within the required timeframe.
- (d) Nuisance or False Fire Alarms
 - (1) No Fee shall be assessed for the first False or Nuisance Fire Alarm at the same Premises responded to by the Fire Department during each calendar year. Thereafter, the Owner shall pay a Fee for False or Nuisance Fire Alarms responded to by the Fire Department at the same Premises during each calendar year. Where the owner can show proof that the Fire Alarm system has been inspected since the 1st False or Nuisance Alarm and found in good working order, the fine may be waived.
 - (2) Immediately after the Fire Department has recorded the first (1st) and all subsequent nuisance or false alarm violations in any calendar year from the same premises, the Town shall notify the owner and/or subscriber in writing of such fact and instructing him/her as follows:
 - (A) The alarm system subscriber and/or owner or his/her authorized representative shall file with the Town within three (3) days of receipt of the notification, a plan designed to eliminate the false alarms, which shall at a minimum include:
 - i. Inspection of the alarm system by a qualified firm alarm technician and/or fire alarm business; and
 - ii. An alarm system procedure protocol for all employees (if the premise is a business) or members of the household (if the premise is a residence).
 - (B) Within five (5) days after the notification is sent, the alarm system subscriber and/or owner shall forward to the Town proof that the alarm system has been inspected and is in good working order.
 - (C) If the alarm system subscriber and/or owner fails to submit proof that the alarm system has been inspected and is in good working order, and/or submit a timely plan satisfactory to the Town, then he/she shall be charged a fee of for the 3rd and each additional false alarm for the remainder of the calendar year or until a plan is approved by the Town.

- (D) An alarm system subscriber and/or owner who fail to pay the fee or fine provided in this ordinance within ten (10) days of written notice thereof sent by the Town shall be subject to a fine for each offense.

Sec. 5-83. Notification and Appeal

- (a) The Town shall notify the owner and/or subscriber by certified mail of any fine.
- (b) Within fifteen (15) days of mailing of such notice, the alarm system owner may file a written appeal of said fine to the Town Manager. The filing of an appeal stays the assessment of the Fee until the Town Manager makes a final decision. Said notice of appeal shall contain information to show that the alarm giving rise to the fine was not a false or nuisance alarm within the meaning of this ordinance. Said notice of appeal shall contain a return address to which the Town Manager shall send notice of his/her decision.
- (c) The Town Manager shall consider the information filed by the alarm system subscriber and/or owner, reaffirm or rescind the false alarm charge and, within fifteen (15) days of his/her receipt of said appeal, notify the alarm system subscriber and/or owner of his/her decision by certified mail. Such decision shall be final and shall not be subject to further appeal.
- (d) In the event the appeal is not upheld, the owner or subscriber shall be immediately responsible for any fines assessed.

Sec. 5-84. Town Liability and Immunity

Registration of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of a response by the Town of New Shoreham, the Police Department or the Fire Department. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering a Fire Alarm System, the owner of the premise acknowledges that the Fire Department response may be based on factors such as: availability of Fire Department units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The Town of New Shoreham, the Police Department and the Fire Department, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the alarm system subscriber and/or owner and the owner of the premise. The Town of New Shoreham, the Police Department and the Fire Department shall not be liable for any defects in the operation of any alarm communications, for any failure or neglect to respond appropriately upon receipt of an alarm signal, for any failure or neglect of any person in connection with the installation, operation, disconnection or removal of equipment, the transmission of alarm signals or the relaying of such signals or messages.

Sec. 5-85. Severability

The provisions of this ordinance are severable. If a court determines a word, phrase, clause, sentence, paragraph, subsection, section, or other provision invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provision and the application of those provisions to other persons or circumstances are not affected by that decision. Ordinances in conflict herewith are hereby repealed to the extent of such conflict. This

Ordinance shall take effect July 1, 2011.

Public Hearing: June 6, 2011
Adopted: June 6, 2011
Posted: June 14 – July 1, 2011
Effective: July 1, 2011

Attest: Fiona Fitzpatrick
Town Clerk