

(Published in the Topeka Metro News May 21, 2018)

ORDINANCE NO. 20121

AN ORDINANCE introduced by City Manager Brent Trout, concerning false fire alarms creating Chapter 8.55 of the Topeka Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.55.010 which said section reads as follows:

Definitions.

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

Alarm system is any single device or assembly of equipment designed to signal the occurrence of an emergency activity requiring immediate attention and to which public safety personnel are expected to respond. Alarm systems that are designed only to alert persons other than public safety personnel to a medical emergency or to alert persons on the premises, including no outside detectable audible or visual signal and that do not cause undue annoyance of persons on adjoining properties need not meet the requirement of this chapter.

Alarm user is any person in possession of any building, structure or facility, or part thereof, upon which an alarm system is located; any person who purchases, leases, contracts for or otherwise obtains an alarm system; any person who contracts for the servicing or maintenance of an alarm system; or any person who contracts with or hires an alarm business to monitor an alarm system. Alarm users who are in possession of any building or portion of any building designed/used exclusively for one-

family and two-family residential dwellings need not meet the requirements of this chapter unless otherwise required by code to have an alarm system.

CECC is the Shawnee County Emergency Communications Center.

False alarm is an alarm signal eliciting a response by public safety personnel when a situation requiring an immediate response does not in fact exist. An alarm will not be considered a false alarm if the Fire Chief or designee determines that the alarm was caused by:

(1) Natural or man-made catastrophe or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions.

(2) Vandalism causing physical damage to the premises.

(3) Telephone or data line malfunction verified in writing to the Fire Chief by an authorized telephone or digital service provider representative within seven (7) days of the occurrence.

(4) Electrical service interruption verified in writing to the Fire Chief by an authorized electric utility representative within seven (7) days of the occurrence.

(5) An actual emergency situation.

Public Safety Personnel are members of the Topeka Fire Department.

Nuisance system is an alarm system that has had eleven (11) false alarms within a calendar year.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.55.020 which said section reads as follows:

Purpose.

The purpose of this chapter is to reduce automatic alarm system activations

52 where no emergency exists, thereby reducing unnecessary responses by Public Safety
53 Personnel to false alarms. This chapter is not intended to be punitive to the alarm user,
54 but remedial.

55 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
56 by adding a section, to be numbered 8.55.030 which said section reads as follows:

57 **Registration requirements.**

58 (a) Each alarm user shall be required to register any alarm system with the
59 Fire Chief or designee before the alarm system is activated or placed into service;
60 except that alarm systems placed into service before the effective date of this chapter
61 shall be registered within thirty (30) days of the effective date. A separate alarm
62 registration is required for each premises served by the alarm system. Alarm system
63 registrations are non-transferable.

64 (b) All registrations and renewals shall be completed using a form provided by
65 the Fire Chief or designee.

66 (c) Alarm registrations shall expire one year after the date of issuance and
67 shall be updated if the Alarm User is no longer contracting with the alarm business
68 identified on the registration form. The Fire Chief or designee shall notify the Alarm
69 User of the necessity to renew the alarm registration thirty (30) days prior to the
70 expiration date.

71 (d) Failure to obtain a valid registration for an alarm system under this section
72 shall subject the Alarm User to a non-registration penalty of \$50.

73 Section 4. That The Code of the City of Topeka, Kansas, is hereby amended
74 by adding a section, to be numbered 8.55.040 which said section reads as follows:

75 **Grace period.**

After the effective date of this chapter, false alarms reported, or caused to be reported, within the first sixty (60) days following installation of the alarm system shall not be subject to the fee assessment.

Section 5. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.55.050 which said section reads as follows:

Alarm system testing.

It shall be the responsibility of the alarm user to take the system out of service or notify the CECC prior to any alarm system testing. Failure of the alarm user to make proper notification may result in a system activation to be classified as a false alarm.

Section 6. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.55.060 which said section reads as follows:

Fee assessment.

(a) Any person using an alarm system that reports, or causes to report, false alarms shall be assessed a fee based on the number of responses to false fire alarms within a calendar year. Calendar year shall be deemed to be the remainder of 2018 following the effective date of this section and thereafter calendar year shall be from January 1 to December 31.

**FALSE
ALARM
RESPONSES**

FEE

<u>0-3</u>	<u>No Charge</u>
<u>4-10</u>	<u>\$50.00 per occurrence</u>
<u>11-20</u>	<u>\$100.00 per occurrence</u>
<u>21-30</u>	<u>\$150.00 per occurrence</u>
<u>31-50</u>	<u>\$200.00 per occurrence</u>

51 or more \$500.00 per occurrence

(b) An invoice assessing a false alarm fee will be delivered to the alarm user by regular mail or by email and the fee is due within thirty (30) days of the date of the invoice assessing the fee.

(c) Any person who receives an invoice imposing a fee, charge or penalty may, within 10 business days from the date of the invoice, appeal all or part of the fee, charge or penalty in accordance with TMC 2.145.020.

Section 7. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 8.55.070 which said section reads as follows:

Alarm system certification.

(a) Any alarm system that has been designated a nuisance system may be required by the Fire Chief or designee to undergo a service inspection and certification by a fire alarm contractor with a current license in accordance with Chapter 5.15 TMC.

(b) Failure to provide a certification required by subsection (a) above may result in the Fire chief or designee ordering a Fire Watch in accordance with Adopted codes.

Section 8. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 9. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 10. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the Governing Body on May 15, 2018.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk