

**Town of Goffstown
Ordinance**

False / Nuisance Fire Alarms

WHEREAS, this jurisdiction finds that a high incidence of False Fire Alarms and/or Nuisance Fire Alarms causes a significant misuse of the staffing and resources of the fire department by causing the dispatch of emergency units to the scene of a Nuisance Fire Alarm or False Fire Alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and,

WHEREAS, this jurisdiction finds that the continued high incidence of False Fire Alarms and/or Nuisance Fire Alarms are a threat to the health, safety and welfare of the citizens and employees of the Town of Goffstown; and,

WHEREAS, this jurisdiction finds that the procedures and Fees for multiple False Fire Alarms and Nuisance Fire Alarms would serve the public health, safety and welfare. NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TOWN OF GOFFSTOWN.

SECTION 1. Purpose

1. The purpose of this Ordinance is to encourage Owners and Fire Alarm Businesses to properly use and maintain the operational effectiveness of Fire Alarm Systems in order to improve the reliability of Fire Alarm Systems and reduce or eliminate False Fire Alarms and Nuisance Fire Alarms.
2. This Ordinance governs Fire Alarm Systems intended to summon fire department personnel, and requires registration, assessment of fees for excessive False Fire Alarms and Nuisance Fire Alarms, provides procedures for repeat offenders, provides for the severability of the parts hereof if declared invalid, and provides an effective date.

SECTION 2. Definitions

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

- **Adopted Code(s)** means code adopted by the jurisdiction and in the absence of adopted code, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72), the National Fire Protection Association Life Safety Code 101 (NFPA 101), and the National Fire Protection Association Uniform Fire Code 1 (NFPA 1).
- **Alarm Initiating Device** means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.
- **Enforcement Official** means the Fire Chief (Authority Having Jurisdiction) or his designated representative.
- **False Fire Alarm** means the activation of any Fire Alarm System which results in a response by the fire department and which is caused by the negligence or

intentional misuse of the Fire Alarm System by the Owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire, exclusive of a Nuisance Fire Alarm.

- **Fee** means the assessment of a monetary charge payable to the Town, Enforcement Official or jurisdiction authorized pursuant to this Ordinance, to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm.
- **Fire Alarm Activation Report** means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of a fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- **Fire Alarm Business** means any individual, partnership, corporation or other entity that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services any Fire Alarm System.
- **Fire Alarm System** means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
- **Fire Watch** means an Enforcement Official approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) 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.
- **Monitored System** means the process by which a Fire Alarm Business receives signals from a Fire Alarm System and notifies emergency forces.
- **Municipal / Political Subdivision of the State** means an agency or district that is recognized by the State of New Hampshire as a municipal organization, such as a Town department or a recognized political subdivision such as a school district or water district.
- **Nuisance Fire Alarm** means 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 or any other response for which the fire department personnel are unable to determine the apparent cause of the alarm activation.
- **Owner** means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons who lease, operate, occupy or manage the Premises.
- **Premises** means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.
- **Qualified Fire Alarm Technician** means 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.

- **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)
- **Registration** means the notification by an Owner to the Enforcement Official that a Fire Alarm System has been installed and is in use.
- **Report of Service/Repair** means appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance have been performed by both the Fire Alarm Business and the Owner.
- **Serve** shall mean hand-delivery of written notification by a representative of the jurisdiction to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within one (1) hour, Serve shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the Owner or authorized representative.

SECTION 3. Registration of Fire Alarm System

- (A) A one-time Registration shall be required for Fire Alarm Systems and whenever a Record of Completion is prepared, in accordance with Adopted Codes.
- (B) The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.
- (C) Registrations shall not be transferable from one Premises to another or from one Owner to another.
- (D) Every Fire Alarm Business shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.
- (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 is installed;
 - (2) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Enforcement Official, 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) 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 with the Enforcement Official, if required.
 - (4) The date the Registration is signed or the Fire Alarm System is placed in operation for any reason; and

- (5) Any other documentation that is required by Adopted Codes.
- (F) When any of the information required in Section 3(E)(1), 3(E)(2), or 3(E)(3) has changed, it shall be reported to the Enforcement Official by the Owner within fifteen (15) days of the Owner becoming aware of such change;
- (G) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Enforcement Official before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Enforcement Official.

SECTION 4. System Certification

All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Enforcement Official. The certification shall indicate that the Fire Alarm System is in compliance with Adopted Codes. The certification shall be signed by a Qualified Fire Alarm Technician.

SECTION 5. Inspection, Testing and Maintenance

- (A) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes.
- (B) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.

SECTION 6. 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 officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.
 - (1) At the time of response, the Enforcement Official shall notify any person identified in the Registration required pursuant to Section 3(E)(1-3) of the activation of the Fire Alarm System and shall require such person to respond to the Premises.
 - (2) 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 at the request of the Enforcement Official.
 - (3) 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.
 - (4) 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 fire department.
- (C) The officer or member of the fire department who responded to said Premises shall Serve the Owner or authorized representative with a Fire Alarm Activation Report.

SECTION 7. Nuisance Fire Alarms

- (A) In the event the activation of a Fire Alarm System is deemed by the Enforcement Official to be a Nuisance Fire Alarm, the Owner shall be Served with a Fire Alarm Activation Report by an officer or member of the fire department,

indicating that the activation was deemed to be the result of a Nuisance 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 Enforcement Official, that:
 - (a) the Fire Alarm System has actually 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 Fire Alarm.
- (2) Failure to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the Owner of a Fee of **(See Appendix A – Service Fees)** for the Nuisance Fire Alarm.

SECTION 8. Service Fees

- (A) The provisions of this Section shall not apply to any newly installed Fire Alarm System for a period of forty-five days (45) from the date of installation, but shall apply from and after the expiration of the initial forty-five day (45) 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 in the amount of **(See Appendix A – Service Fees)** shall be assessed and shall be payable by the Owner of the Premises.
- (C) False Fire Alarm:
 - (1) No Fee shall be assessed for the first three (3) False Fire Alarms at the same Premises responded to by the fire department during each 12-month period. Thereafter, the Owner shall pay the following Fees for False Fire Alarms responded to by the fire department at the same Premises during each 12-month period, except when the Fire Alarm Business is responsible for the False Fire Alarm per Section 8(C)(2). No Fees shall be assessed to recognized Municipal / Political subdivisions of the State.
 - (2) The Fire Alarm Business shall be assessed a Fee of **(See Appendix A – Service Fees)** if an Enforcement Official determines that a False Fire Alarm was directly caused by an onsite employee or representative of the Fire Alarm Business. In this event, no False Fire Alarm shall be counted against the Owner.
 - (3) False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this subsection.
 - (4) The activation of a Fire Alarm System will not be considered a False Fire Alarm if the alarm is activated due to malicious causes beyond the control of the Owner.
 - (5) The following fees shall be assessed for False Fire Alarms:

Number of False Fire Alarms/Service Fees:	
First to Third	(See Appendix A – Service Fees)
Fourth	(See Appendix A – Service Fees)

Fifth *(See Appendix A – Service Fees)*
Sixth and above
Service Fee per False Fire Alarm *(See Appendix A – Service Fees)*

(D) Nuisance Fire Alarms:

- (1) The following fees shall be assessed when a Report of Service/Repair has been returned to the Enforcement Official, but the Nuisance Fire Alarms continue:

Number of Nuisance Fire Alarms/Service Fees

First to Third *(See Appendix A – Service Fees)*

Fourth *(See Appendix A – Service Fees)*

Fifth *(See Appendix A – Service Fees)*

Sixth and above

Service Fee per False Fire Alarm *(See Appendix A – Service Fees)*

- (2) In the event the Premises are equipped with a Fire Alarm System with over one hundred (100) Alarm Initiating Devices, the Enforcement Official may waive one Nuisance Fire Alarm per 12-month period.

SECTION 9. Remedies and Penalties

- (A) The Enforcement Official has the authority to order a Fire Watch in accordance with Adopted Codes, due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, until corrective action is taken, or to revoke the occupancy certificate for the premises by written notice to the Owner of the Premises, for any of the following reasons:

- (1) Failure to meet all requirements or pay the Fees provided for in this Ordinance within fifteen (15) days after the notice is mailed to the Owner;
- (2) Failure of the Owner to provide a written Report of Service/Repair required by this Ordinance;
- (3) A fourth False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fee is charged pursuant to this Ordinance as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or
- (4) The failure of a person notified pursuant to Section 3(E)(2) and Section 6(B)(1) of this Ordinance to appear within one (1) hour after being notified to respond, if such failure to timely response occurs four or more times within a 12-month period.

- (B) The written notice to disconnect or deactivate shall be mailed by certified mail, return receipt requested to the Owner and shall specify the date on which the Owner shall be required to disconnect or deactivate the Fire Alarm System. This date shall be at least fifteen (15) days after the notice is mailed to the Owner. The Owner may appeal the order of the Enforcement Official pursuant to Section 10.

- (C) Each building affected because the signal from the Fire Alarm System has been disconnected or deactivated may be required to establish a Fire Watch until the Fire Alarm System has been returned to service. Duties of the Fire Watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.

- (D) The Owner is responsible for paying all costs associated with establishing a Fire Watch.
- (E) The Enforcement Official has 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 Enforcement Official.
- (F) The Enforcement Official shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.
- (G) Anyone convicted of falsifying reports as required under this Ordinance is subject to maximum penalty as established by state or local law.

SECTION 10. Appeals

- (A) An Owner or Fire Alarm Business may appeal the assessment of fees to the Enforcement Official. The filing of an appeal with the Enforcement Official stays the assessment of the Fee until the Enforcement Official makes a final decision. The Owner or Fire Alarm Business shall file a written appeal to the Enforcement Official by setting forth the reasons for the appeal within fifteen (15) days after notice is mailed.
- (B) An Owner to whom a notice to disconnect or deactivate a Fire Alarm System was mailed, pursuant to Section 9 (B), shall be entitled to appeal the order to the Enforcement Official. An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. The appeals shall be made within fifteen (15) days after notice to disconnect is mailed to the Owner. The Enforcement Official or his designee shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. If the Enforcement Official affirms the order to disconnect or deactivate a Fire Alarm System, the Owner shall have fifteen (15) days after the written decision is mailed to 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 Enforcement Official.
- (C) In the event the appeal is not upheld, the Owner or Fire Alarm Business shall also be responsible for any Fee assessed to reimburse the Enforcement Official for any legal fees or costs incurred by the Enforcement Official in enforcement of this Ordinance.

SECTION 11. Reconnection of Fire Alarm System

- (A) A Fire Alarm System may be reactivated upon a finding by the Enforcement Official that the Owner of the Premises has taken corrective action to remedy the cause of the False Fire Alarms or Nuisance Fire Alarms at the Premises.
- (B) In making a request for such a reactivation, the Owner shall have the burden of showing what corrective action has been taken.
- (C) The Enforcement Official shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or reactivate the Fire Alarm System.
- (D) A reconnection fee of (*See Appendix A – Service Fees*) shall be assessed to the Owner before any reconnection of a Fire Alarm System may be made.

(E) The Enforcement Official shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee pursuant to this Ordinance.

SECTION 12. Confidentiality

Any information supplied to the Enforcement Official shall be held in confidence by all employees or representatives of the Enforcement Official and by any third-party administrator or employees of a third party administrator with access to such information.

SECTION 13. Government 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 response. 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 acknowledges that 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, 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 Owner of the Premises.

SECTION 14. 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.

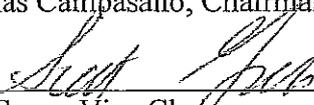
This Ordinance shall take effect the date adopted by the Board of Selectmen.

PUBLIC HEARINGS: 8/25/2008 & 9/8/2008

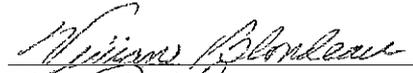
ADOPTED BY BOARD OF SELECTMEN: 9/22/2008

EFFECTIVE DATE: 10/1/2008

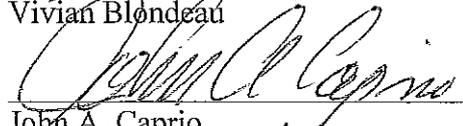
Nicholas Campasano, Chairman



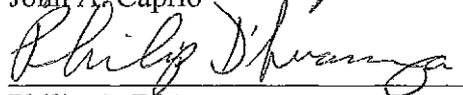
Scott Gross, Vice Chairman



Vivian Blondeau



John A. Caprio



Philip A. D'Avanza

Appendix A:

Service Fees

Description	Reference	Ratio	Total Fee
Fee – 1 st False Fire Alarm	8(C)(5)	0	\$ 0
Fee – 2 nd False Fire Alarm	8(C)(5)	0	\$ 0
Fee – 3 rd False Fire Alarm	8(C)(5)	0	\$ 0
Fee – 4 th False Fire Alarm	8(C)(5)	X	\$ 50
Fee – 5 th False Fire Alarm	8(C)(5)	2X	\$ 100
Fee – 6 th and Above False Fire Alarm(s)	8(C)(5)	4X	\$ 200
Fee – 1 st Nuisance Fire Alarm	8(D)(1)	0	\$ 0
Fee – 2 nd Nuisance Fire Alarm	8(D)(1)	0	\$ 0
Fee – 3 rd Nuisance Fire Alarm	8(D)(1)	0	\$ 0
Fee – 4 th Nuisance Fire Alarm	8(D)(1)	½ X	\$ 25
Fee – 5 th Nuisance Fire Alarm	8(D)(1)	X	\$ 50
Fee – 6 th and Above Nuisance Fire Alarm(s)	8(D)(1)	2X	\$ 100
Late Fee	8(B)	½ X	\$ 25
Reconnection Fee	11(D)	½ X	\$ 25
Failure To Return a Report of Service/Repair	7(A)(1) & (2)	10X	\$ 500
False Fire Alarm Caused By On-site Alarm Company Employee	8(C)(2)	10X	\$ 500

Appendix B

Fire Alarm Process Flow Chart

