

ORDINANCE 1407

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS; CHAPTER 92 FIRE PREVENTION AND PROTECTION ADDING SECTIONS 92.090 THROUGH 92.095 ESTABLISHING DEFINITIONS, INSPECTION, TESTING, MAINTENANCE, RESPONSE AND NUISANCE ALARMS AS IT PERTAINS TO FIRE ALARM SYSTEMS AND PROVIDING FOR A FEE.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that Title IX: General Regulations; Chapter 92 be amended with the addition of the following sections:

§ 92.09 PROTECTION SYSTEMS, FIRE.

§ 92.091 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm-Initiating Device. A device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

Authorized Representative. A person or persons who lease, operate, occupy, or manage the premises.

Enforcement Official. The Fire Chief or designated representative.

False Fire Alarm. 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.

Fire Alarm Activation Report. 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. Any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services (including runner services) any fire alarm system.

Fire Protection System. 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 Department. The City of Vermillion Fire EMS Department.

Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the Fire Department.

Monitored System. The process by which a fire alarm business receives signals from a fire alarm system and notifies emergency forces.

Nuisance Fire Alarm. 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. Any person who owns the premises in which a fire alarm system is installed.

Premises. Any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multifamily 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. Any person who inspects, installs, repairs or performs maintenance on fire alarm systems. This person shall be:

- (1) Factory trained and certified;
- (2) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or
- (3) Licensed or certified by state of local authority.

§ 92.092 INSPECTION, TESTING AND MAINTENANCE.

(A) The owner or authorized representative shall ensure that all fire alarm systems are inspected and tested at least once per year or in accordance with adopted codes.

(B) The owner or authorized representative shall ensure that all fire alarm systems are periodically maintained per manufacturer specifications and adopted codes.

§ 92.093 FIRE ALARM ACTIVATION; RESPONSE.

(A) The owner or authorized representative 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 owner or authorized representative 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 the owner or authorized representative at the request of the Enforcement Official.
 - (3) In the event the fire alarm system is a monitored system, it is the responsibility of the company to forward cancellation of a fire alarm signal to the Clay-Area Emergency Communications Center (CAECC).
- (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 within five (5) business days.

§ 92.094 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 or authorized representative shall be served with a fire alarm activation report, within five (5) business days, by an officer or member of the Fire Department, indicating that the activation was deemed to be the result of a nuisance fire alarm.

(B) This shall require the owner or authorized representative to return a completed report of service/repair within 15 calendar days of receipt of the fire alarm activation report to verify, to the reasonable satisfaction of the Enforcement Official, that the fire alarm system has actually been examined by a qualified fire alarm technician; and 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.

(C) Failure to return a report of service/repair within said 15 calendar day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the owner of a fee set by resolution in the same amount as set for false alarms for the nuisance fire alarm.

§ 92.095 FEES.

The provisions of this chapter shall not apply to any newly installed fire alarm system for a period of 45 calendar days from the date of installation, but shall apply from and after the expiration of the initial 45 calendar day period following installation. The fees shall be set by resolution.

Dated at Vermillion, South Dakota this 18th day of November, 2019.



THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY John E. Powell
John E. (Jack) Powell, Mayor

ATTEST:

BY 
Michael D. Carlson, Finance Officer

First Reading: November 4, 2019

Second Reading: November 18, 2019

Published: November 29, 2019

Effective: January 1, 2020