

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO 2317

AN ORDINANCE AMENDING CHAPTER FIVE OF THE STEAMBOAT SPRINGS MUNICIPAL CODE BY ADOPTING A NEW ARTICLE IV CREATING A FEE SCHEDULE FOR EXCESSIVE AND/OR UNNECESSARY EMERGENCY ALARMS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND SETTING A HEARING DATE.

WHEREAS, the City of Steamboat Springs finds that excessive and/or unnecessary emergency alarms cause a significant misuse of the manpower and resources of the City of Steamboat Springs by causing the dispatch of emergency units to the scene of a emergency alarm , which renders them out of service and unavailable to respond to legitimate emergency situations; and

WHEREAS, the City of Steamboat Springs finds that the continued excessive and/or emergency alarms are a threat to the health, safety and welfare of the citizens of the City of Steamboat Springs; and

WHEREAS, the Fire Chief and Police Chief have reviewed the new Excessive and/or Unnecessary Emergency Alarm fee schedule and recommend its adoption; and

WHEREAS, the City Council believes it is in the best interest of the public health, safety and welfare of its citizens and visitors to adopt a fee schedule for excessive and/or unnecessary emergency alarms.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Chapter 5 of the Steamboat Springs Revised Municipal Code is hereby amended by the addition of the following Article IV:

ARTICLE IV. EXCESSIVE AND/OR UNNECESSARY EMERGENCY ALARMS.

Sec. 5-101. Purpose.

- A)** The purpose of this Article is to encourage Owners and Alarm Companies to maintain the operational effectiveness of Emergency Alarm Systems in order to improve the reliability of Emergency Alarm Systems and reduce or eliminate excessive and/or unnecessary emergency alarms.

- B)** This Article governs Emergency Alarm Systems intended to summon Fire and Law Enforcement personnel, and requires assessment of fees for excessive and/or unnecessary emergency alarms, and provides procedures for repeat offenders.

Sec. 5-102. Definitions. The following definitions shall apply to this Article:

- A) Emergency Alarm System:** A system or portion of a combination system consisting of components and circuits arranged to monitor the status of emergency alarm or supervisory signal-initiating devices and to signal or transmit Emergency Alarms of any kind, including, but not limited to, fire alarms, smoke alarms, emergency alarms as well as burglar, robbery and panic alarms.

- B) Emergency Alarm:** A signal or transmission to any public Fire or Law Enforcement agency, or to any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is an emergency at or near a place indicated by the signal or transmission.

- C) Category I Emergency Alarm:** Any Emergency Alarm requiring a Fire and/or Law Enforcement response to a non-emergency situation where the system operated properly under the following conditions:

- 1) Accidental:** The Emergency Alarm was caused by the following:
 - a. A guest or circumstances beyond the control of the Emergency Alarm System Owner.
 - b. An accidental smoke, fire or intrusion condition.

Category I Emergency Alarms shall not be assessed a fee.

- D) Category II Emergency Alarm:** Any emergency alarm requiring a Fire and/or Law Enforcement response to a non-emergency situation under the following conditions:

- 1) System Malfunctions:** The Emergency Alarm was caused by poor or improper maintenance, improper installation of Emergency Alarm equipment, hardware or wiring. An improper action by the Emergency Alarm monitoring center

or Emergency Alarm installation/testing company shall also be considered a system malfunction.

- 2) **User Error:** The act or omission of an agent, employee or contractor of the Emergency Alarm System Owner or, in the case of a construction site, by the general contractor.
- 3) **Undetermined Cause:** Any Emergency Alarm which after investigation by Fire and/or Law Enforcement personnel does not reveal the apparent cause of the emergency alarm. If the Emergency Alarm System owner or, in the case of a construction site, the general contractor, or their agent, can provide proof of cause within two working days from the emergency alarm time, the responding agency may re-evaluate the assessment.

Category II Emergency Alarms shall be termed "unnecessary" and will be assessed a fee as outlined in Table 1, Section 5-104.

E) Malicious: Any Emergency Alarm caused by malicious or mischievous action.

Malicious Emergency Alarms will be assessed a fee as outlined in Table 1, Section 5-104. These emergency alarms are also unlawful. The individual(s) responsible for a Malicious Emergency Alarm(s) may be subject to criminal action as defined in the Colorado Revised Statutes. 18-8-111(1)(a)

Sec. 5-103. Excessive and/or Unnecessary Alarm Rate:

- a) *Emergency Alarm System Owner Liability:* Any Emergency Alarm System found to have two or more Category II Emergency Alarms, as defined in this ordinance, within a twelve month period shall be considered in violation of this ordinance.
- b) *Emergency Alarm Installation/Testing, Emergency Alarm Monitoring or Emergency Alarm Maintenance Company Liability:* Any emergency alarm monitoring or maintenance company found to have two or more Category II Emergency Alarms at any combination of properties, as defined in this ordinance, within a twelve month period shall be considered in violation of this ordinance.
- c) *New Construction Contractor Liability:* Any new construction site found to have two or more Category II Emergency Alarms, as defined in this ordinance, shall be considered in violation of this ordinance.

Sec. 5-104. Excessive and/or Unnecessary Emergency Alarm Fees.

- a) A fee shall be charged to the owner of any Emergency Alarm System in violation of Section 5-103(a) of this ordinance.
- b) A fee shall be charged to the emergency alarm installation/testing company, emergency alarm monitoring company, or emergency alarm maintenance company depending upon which is found to be the cause of the emergency alarm in violation of Section 5-103(b) of this ordinance. If designation of cause cannot be distinguished between companies, then the owner of the property found to be in violation of Section 5-103(b) of this ordinance shall be charged the appropriate fee.
- c) A fee shall be charged to the owner or general contractor of said property found to be in violation of Section 5-103(c) of this ordinance.

The fee shall be assessed as follows: The second Category II Emergency Alarm in violation of Section 5-103 within a twelve month period, will be assessed a fee of \$200.00. The fee will progressively increase by an additional \$100.00 for each violation with no fee limit. See Table 1 for Fee Schedule.

Table 1- Fee Schedule

In Violation of Section 5-103(a), (b), or (c)		Malicious Alarms	
Number of Emergency Alarms	Fee For Each Emergency Alarm	Number of Emergency Alarms	Fee for Each Emergency Alarm
1	Warning Letter	1	\$200.00
2	\$200.00	2	\$300.00
3	\$300.00	3	\$400.00
4	\$400.00	4	\$500.00
5	\$500.00	5	\$600.00
6	\$600.00	6	\$700.00
7	\$700.00	7	\$800.00

Sec. 5-105. Rebate Eligibility. Within thirty days following any emergency alarm in violation of Section 5-103(a) of this ordinance the owner may provide Fire and/or Law Enforcement personnel with a written document which shows that necessary repairs or corrections have been made to the Emergency Alarm System by a qualified agency. Upon determination by Fire and/or Law Enforcement personnel that all necessary repairs to the Emergency Alarm System have been made, the owner is eligible to receive a fifty percent rebate on

the assessed Excessive and/or Unnecessary Emergency Alarm fee, if requested within thirty days of the determination by Fire and/or Law Enforcement personnel.

This Section shall not apply to Sections 5-103(b) or (c).

Sec. 5-106. Failure to Pay Fees. Failure of any fees to be paid by contracted companies or general contractors shall be charged to the owner of the Emergency Alarm System in violation of this ordinance. Owners of Emergency Alarm Systems more than ninety days in arrears for all assessed Excessive and/or Unnecessary Emergency Alarm fees, due under this ordinance, shall have a perpetual lien placed against the property. In addition, the failure of any person, corporation, or other entity that to pay a fee assessed hereunder within ninety days of its assessment shall be a violation of this Code punishable as provided in Section 1-15 of this Revised Municipal Code.

Sec. 5-107. Determination of violation/Appeal.

The senior official of the primary agency responding to an emergency alarm shall have authority to assess fees pursuant to Table 1 of Section 5-104. The assessing agency shall provide written notice of the assessment to the offending party. The assessing agency shall also provide copies of the notice to the following: when a property owner is assessed, to the alarm maintenance or monitoring company; when an alarm maintenance or monitoring company is assessed, to the property owner; and when a general contractor is assessed, to both the property owner and the alarm maintenance or monitoring company. Any person assessed a fee may request reconsideration of the assessment within ten (10) days of receiving notice of the fee assessment. The official responsible for the assessment shall consider evidence submitted by the appellant and shall withdraw the assessment if the official determines by a preponderance of the evidence that the alarm for which the fee is assessed is not a Category II or malicious alarm.”

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.


Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 4th day of May, 2010.

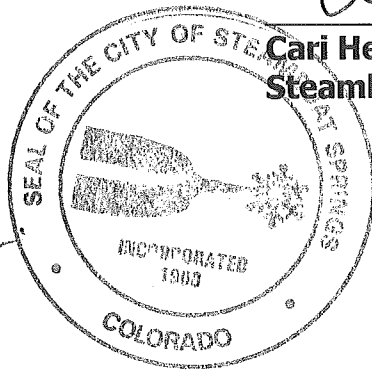


**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:



**Julie Franklin, CMC
City Clerk**



FINALLY READ, PASSED AND APPROVED this 18th day of May, 2010.



**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:



**Julie Franklin, CMC
City Clerk**

