

Ordinance Number 25-02

AN ORDINANCE OF THE SOUTHERN DALLAS COUNTY FIRE PROTECTION DISTRICT ESTABLISHING AND IMPLEMENTING FINES AND PENALTIES FOR FALSE SMOKE, FIRE AND/OR MEDICAL ALARMS

WHEREAS, the Southern Dallas County Fire Protection District is a fire protection district duly organized under the laws of the State of Missouri; and

WHEREAS, the Board of Directors of the District has express power pursuant to RSMo 321.220 (12) to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the District for carrying into effect the objectives for which the District was formed; and

WHEREAS, many homes, business establishments and public buildings within the District are equipped with systems, including automatic alarm and detection as well as signaling devices that transmit alarms or signals of a fire or medical emergency to a central station monitoring system who in turn notifies Dallas County 911 Central Dispatch; and

WHEREAS, a variety of circumstances result in false alarms being transmitted, which endangers the life safety of innocent people and result in the expenditure of potentially substantial amounts of money for personnel and equipment sent to respond to such false alarms; and

WHEREAS, the Board of Directors desires to create a schedule of fines and penalties for false alarms in order that the District may be adequately compensated for the cost of responding to false alarms and to provide incentives to building owners within the District to maintain their private alarm systems in good working order and repair, while penalizing those who fail to do so; and

WHEREAS, the District finds that the procedures and fees for multiple false alarms would serve the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Southern

Dallas County Fire Protection District as follows:

Section One: Definitions. For the purpose of this section, the following words and phrases shall have the meanings ascribed to them in this section.

- A. **False Alarm:** An alarm signal which indicates the existence of any emergency situation when in fact, no such emergency exists, and shall include any alarm signal generated by any fire protection or medical alarm system by whatever means, but shall not include alarms resulting from any of the following causes:
1. Fire causing damage to structures or contents of a protected premises when verified by the Fire District.
 2. Earthquake causing structural damage to the protected premises.
 3. Tornado or hurricane winds causing structural damage to the protected premises.
 4. Flooding to the protected premises due to overflow of natural drainage or other water leaks within the building (excluding leaks due to building neglect).
 5. Lightning causing physical damage to the protected premises.
 6. Telephone line malfunction verified to the Fire District by an authorized telephone company supervisor within seven days of the occurrence.
 7. Electrical service interruption verified to the Fire District by the local power company manager within seven days of the occurrence.
 8. Plumbing or electrical malfunctions unrelated to the fire protection system.
- B. **User:** The owner of the property from which the False Alarm originates and any individual, partnership, corporation, organization or other entity on the property shall be included in this definition.
- C. **Improper Installation or Design:** Under the scope of this definition when a new System is installed in a negligent or faulty manner, or when a System is designed in a substandard or faulty manner, either of which results in a False Alarm activation in a non-emergency situation.
- D. **Improper Maintenance:** Under the scope of this definition, when existing Systems have not been properly maintained by the property owner, which results in a False

Alarm activation in a non-emergency situation. This definition includes, but is not limited to, the proper maintenance of all components within any System.

- E. **Improper Use:** Under the scope of this definition when an action of a User results in a False Alarm activation in a non-emergency situation due to the User's carelessness or negligence.
- F. **Intentional or Malicious False Alarms:** Those False Alarms that are purposely and non-accidentally activated in non-emergency situations without prior notification to the Southern Dallas County Fire Protection District.
- G. **System:** Includes all fire alarm systems, sprinkler systems and other automated systems that transmit or sound alarms or signals that require a response by the Fire District.
- H. **Twelve-month Period:** The Twelve-month Period shall be the 12 calendar months immediately preceding the date of the False Alarm for which the citation was issued.

Section Two: Schedule of Fines: The schedule of fines for False Alarms is follows:

SOUTHERN DALLAS COUNTY FIRE PROTECTION DISTRICT SCHEDULE OF FINES FOR FALSE ALARMS

- A. **Type of False Alarms Charged:** A User shall be cited for each False Alarm if such False Alarm is:
 - 1. Intentional False Alarm;
 - 2. Due to or caused by Improper Installation or Design;
 - 3. Due to or caused by Improper Maintenance;
 - 4. Due to or caused by Improper Use;
 - 5. Resulting from any test, repair, alteration or addition to a System without prior notification thereof to the Southern Dallas County Fire Protection District or the Dallas County 911 Dispatch Center; or
 - 6. An alarm responded to that was reported by a central station monitoring service.

- B. **Fines:** A User shall be fined for False Alarms as follows:
1. First False Alarm within a Twelve-month Period: warning letter (no fine) and a copy of this false fire alarm ordinance and fine schedule;
 2. Second False Alarm within a Twelve-month Period: \$250 fine;
 3. Third (or more) False Alarm(s) within a Twelve-month Period: \$500 fine for each occurrence.
- C. **Joint and Several Liability:** More than one User may be charged under this Ordinance for a single False Alarm, and the User(s) so charged are jointly and severally liable for any citations and fines due under this Ordinance.

Section Three: Penalties: That, in addition to the fines set forth in Section Two, if any User refuses to pay or fails to pay within 60 days of notice of the fine, the User will be deemed to have further violated this Ordinance and will incur an additional penalty of not less than \$50, nor more than \$250 for each offense plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, staff costs of inspection or re-inspection, legal fees, and staff cost of enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.

Section Four: Failure to Pay: Failure to pay any fine or penalty imposed by this Ordinance will result in the imposition of judicial proceedings to collect said fine or penalty. In the event it is necessary to seek judicial relief, the District shall be entitled to collect any and all attorneys' fees, witness fees and other court costs incurred by virtue of the court proceedings.

Section Five: Liability: The Southern Dallas County Fire Protection District assumes no liability for:

- A. Any defects in the operation of a System;
- B. For failure or neglect to respond appropriately upon receipt of an alarm;
- C. For failure or neglect of any person in connection with the installation, operation or

maintenance of any System; or

- D. The transmission of alarm signals, pre-recorded alarm messages, or the relaying of such signals and messages.

Section Six: Waivers:

- A. The Fire Chief and his designees are hereby permitted to waive the warnings and/or fees due under this Ordinance in cases of demonstrated financial hardship, intergovernmental cooperation, or in cases where Systems have been repaired or replaced and are operating properly. Special consideration shall be granted to the unintentional alarms of Users of newly installed Systems during the first three months after the service to the System has commenced.
- B. Requests for the waiver of fees must be made in writing to the Fire Chief, who shall make the initial determination as to the validity of the waiver request. Any waiver or forbearance under this Paragraph shall not be deemed a waiver by the District to pursue future violations by the user.

Section Seven: Revenues: All revenue from the charges assessed pursuant to this Ordinance shall be deposited in the general operating fund of the Southern Dallas County Fire Protection District.

Section Eight: Refusal of Service Prohibition: Nothing in this Ordinance shall authorize the District to refuse to provide any service to any person, business or other entity that has not paid for services previously provided or that owes money for services previously rendered.

Section Nine: Publication: That the Secretary of the Southern Dallas County Fire Protection District is hereby directed to publish this Ordinance in full at least once in a newspaper published in the County. Publication shall take place at least ten (10) days prior to implementation of this Ordinance. That the provisions of this Ordinance shall be in full

force and effect ten (10) days after publication as provided by law.

Section Ten: Effective Date: This Ordinance was published in the local newspaper on March 19, 2025, and is in full force and effect as of March 29, 2025.

Gary Thompson, Chair

March 29, 2025

Attest:

Dave Moore

Dave Moore, Secretary

March 29, 2025