

ORDINANCE AMENDMENT

The Town of Smithfield hereby ordains:

Chapter 198, Part 5, of the Smithfield Code of Ordinances is hereby amended as follows:

CHAPTER 198: FIRE PREVENTION

PART 5

**Article XX FALSE ALARMS (§198-152 - §198-158)**

**§ 198-152 Definitions.**

For the purposes of this Part 5, the following words or phrases shall be defined as follows:

**BUILDING**

Any structure with sides and a roof, constructed of any materials and used for any purpose.

**CALENDAR YEAR**

The period commencing January 1 and ending December 31.

**FALSE ALARM**

Any alarm of fire received by the Fire Department for which there is no fire and for which apparatus and/or personnel are dispatched, except an alarm caused by an act of nature, a power outage, or a person who reasonably believes in good faith that a fire is present.

**FIRE ALARM SYSTEM**

A system which actuates a fire alarm signal either by automatically detecting a fire condition or by manual activation.

**PROPERTY**

All buildings of the owner at a common site.

**§ 198-153 False alarm fee.**

Immediately after the Fire Department has recorded the third false alarm in any calendar year from the same property, the Fire Department shall notify the property owner in writing of such fact. The Fire Department shall thereafter charge the property owner a fee of \$400 for each additional false alarm from the property for the remainder of that calendar year. A property owner may file a written appeal with the Town Manager within ten (10) days of the imposition of a false alarm fee hereunder. The Town Manager shall thereupon determine if the fee was properly imposed hereunder. The Town Manager's decision regarding the fee shall be final.

**§ 198-154 Responsibilities of property owner.**

It shall be the property owner's responsibility to ensure that all reasonable measures are used to prevent and eliminate false alarms.

**§ 198-155     Liability.**

The Town of Smithfield, its Fire Department, and all of its employees and agents, shall under no circumstances be held liable for any defects in the operation of automatic fire protection devices and fire signaling systems, for a fire alarm not being received by the Fire Department, or for any failure or neglect to respond appropriately upon receipt of any false alarm.

**§ 198-156     Exemption.**

This Part 5 shall not apply to fire alarm systems connected to automatic dialers in one-, two-, and three-family residential buildings, nor shall it apply to property owned by a unit of government.

**§ 198-157     Payment of fees.**

Fees for false alarms shall be paid to the Town of Smithfield and shall be specifically allocated to the Fire Department line item entitled "Special Fire Projects Fund" for Fire Department capital expenditures.

**§ 198-158     Violations and penalties.**

A property owner who fails to pay the false alarm fee provided herein within 30 days of written notice thereof sent by the Smithfield Fire Department if the fee is not appealed, or within 30 days of written notice from the Smithfield Town Manager if the fee is appealed, shall be subject to a fine of up to \$1,000 for each offense.