

**ORDINANCE NO. \_\_\_\_\_ N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLVILLE,  
WASHINGTON, CREATING A NEW CHAPTER IN THE COLVILLE MUNICIPAL  
CODE FOR FALSE FIRE ALARMS.**

**WHEREAS**, the City's Fire Department responds to many false alarms each year, resulting in a reduction of availability of resources for response to actual emergencies; and

**WHEREAS**, many locations in the City have multiple false alarms in one year; and

**WHEREAS**, the City of Colville is a safe place to live and will be safer if there are fewer false alarms that put a strain on City Fire Department Personnel and resources; and

**WHEREAS**, the City desires to provide for cost recovery of Fire Department services used in response to repetitive false alarms.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF COLVILLE,  
WASHINGTON DOES ESTABLISH A NEW COLVILLE CITY CODE ORDINANCE  
SECTION REGARDING FALSE FIRE ALARMS:

**SECTION 1:**

**Chapter 8.34 – FALSE FIRE ALARMS**

**Sections:**

- 8.34.010 False Alarm Code
- 8.34.020 Violation – Penalty
- 8.34.030 Appeal of a Civil Infraction
- 8.34.010 FALSE FIRE ALARMS**

(1) For the purposes of this Section, a fire alarm shall be deemed and construed as being any act as follows:

The giving, signaling or transmitting of a fire alarm to any public fire station, fire company, fire officer or any employee of the jurisdiction who has normal responsibilities for public safety, or to any central station monitoring agency whose purpose is to monitor fire and/or public safety, whether by telephone, spoken word, electronic conveyance or otherwise, any information to the effect that there is a fire or emergency at or near the place indicated by such signal or transmission.

(2) It shall be unlawful for any person to give, signal, or transmit or for any person to cause or permit to be given, signaled, or transmitted, in any manner any false alarm.

(3) It shall be unlawful for any person to tamper with or maliciously injure any fire alarm system or equipment maintained for the purpose of transmitting fire alarms to the fire department.

(4) Nothing in this Section shall prohibit the sounding of any such signal essential for the carrying out of any system maintenance or fire drill. Dispatch, or the responsible central station monitoring agency, shall be notified in advance when such signal will be sounded.

(5) Any person, firm or corporation who is found to have signaled or transmitted a false alarm shall be guilty of a civil infraction and shall be fined as follows:

(A) For the first two Preventable False Alarms, and all Unpreventable False Alarms, in a one year period no fee will be charged.

(B) For the third Preventable False Alarm and each additional Preventable False Alarm response to a premises within any one year period, a fee of Two Hundred Dollars (\$200.00) shall be charged.

(6) Definitions:

**False Alarm:** False alarm shall mean the activation of a fire alarm at a time when no conditions attributable to a fire or smoke condition are found to exist upon arrival of the fire department.

**Fire Code Official:** Fire Code Official shall mean the Chief of the Fire Department, or their designated representative.

**Person:** Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

**Preventable False Alarm:** Preventable alarm shall mean a false alarm caused or initiated or allowed to be caused or initiated by the premises owner, or by a representative, assignee, or other persons that function under the direction or control of the owner, whether caused by direct intent, malicious action or by system neglect or improper system maintenance.

**Unpreventable False Alarm:** Unpreventable false alarm shall mean a false alarm caused by power failures or interferences unrelated to the operation of the premises.

(7) The fire duty officer shall document the false alarm on their incident report. The incident report shall be sent to the Clerk's office and the building official. The building

official shall determine any corrective actions needed to be taken by the person owning or maintaining the fire alarm, and make a report to the fire chief.

(8) The determination whether or not a false alarm was preventable shall be made by the fire code official. Any fee resulting from a determination that a false alarm was preventable shall be billed by the City Treasurer's Office and shall be deposited in the General Fund.

#### **8.34.020 VIOLATION - PENALTY.**

(1) Any violation of any provision of this chapter of the Colville Municipal Code, constitutes a civil violation under Chapter 1.10 CMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

(2) In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any of the provisions of this chapter of the Colville Municipal Code, shall be guilty of a misdemeanor pursuant to Section 1.08.010 CMC.

#### **8.34.030 APPEAL OF A CIVIL INFRACTION.**

(1) Appeals of any civil infraction shall follow the process set forth in CMC chapter 1.10.

(2) Standing to bring an appeal under this chapter is limited to the following persons:

(A) The applicant and the owner of property to which the permit decision is directed.

(B) Another person aggrieved or adversely affected by the order, determination, or decision, or who would be aggrieved or adversely affected by a reversal or modification of the order, determination, or decision. A person who is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (i). The order, determination, or decision has prejudiced or is likely to prejudice that person;
- (ii). A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the order, determination, or decision; and
- (iii). The appellant has exhausted his or her administrative remedies to the extent required by law.

**SECTION 2: Effective Date**

This ordinance shall take effect and be in full force five (5) days after passage, approval and publication.

Passed and adopted by the City Council of the City of Colville, Washington on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Louis F. Janke

Attest: \_\_\_\_\_  
Holly Pannell, MMC, PFO,  
City Clerk/Human Resources Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Logan A. Worley,  
McGrane & Schuerman, PLLC  
City Attorney

OrdinanceFalseFireAlarms

Adopted by Council on  
Published on  
Effective on

PREVIOUS  
VERSION

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**8.34.010 FALSE ALARM CODE.**

(1) For the purposes of this Section, a fire alarm shall be deemed and construed as being any act as follows:

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(2) It shall be unlawful for any person to give, signal, or transmit or for any person to cause or permit to be given, signaled, or transmitted, in any manner any false alarm.

(3) It shall be unlawful for any person to tamper with or maliciously injure any fire alarm system or equipment maintained for the purpose of transmitting fire alarms to the fire department.

(4) Nothing in this Section shall prohibit the sounding of any such signal essential for the carrying out of any system maintenance or fire drill. The fire code official, his designated representative, or the responsible central station monitoring agency, shall be notified in advance when such signal will be sounded.

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**Unpreventable False Alarm:** Unpreventable false alarm shall mean a false alarm caused by power failures or interferences unrelated to the operation of the premises.

(7) Any person having or maintaining a fire alarm shall, within three working days after notice by the fire code official at the scene of a false alarm, shall make a written report to the fire code official setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized service person, and such other information as the fire code official may reasonably require to determine the cause of such false alarm and the prescribed action necessary. The fire duty officer shall document the false alarm on their incident report. The incident report shall be sent to the Clerk's office and the Building Official. The Building Official shall determine any

corrective actions needed to be taken by the person owning or maintaining the fire alarm, and make a report to the fire chief.

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(i). The order, determination, or decision has prejudiced or is likely to prejudice that person;

(ii). A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the order, determination, or decision; and

(iii). The appellant has exhausted his or her administrative remedies to the extent required by law.

**SECTION 2:**

This ordinance shall take effect and be in full force five (5) days after passage, approval and publication.

Passed and adopted by the City Council of the City of Colville, Washington the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Louis F. Janke, Mayor

Attest: \_\_\_\_\_  
Holly Pannell, MMC, PFO,  
City Clerk/Human Resources Manager

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