

**ORDINANCE NO. 2336**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, FINDING THAT THIS ORDINANCE IS NOT SUBJECT TO REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING THE WEST COVINA MUNICIPAL CODE WITH THE ADDITION OF A CHAPTER 4.5 (FIRE ALARM SYSTEMS) PERTAINING TO ALARM REGISTRATION, A REGULATORY SCHEME FOR ADMINISTERING AND MANAGING THE CITY'S RESPONSE TO ALARMS, FEES, FINES, APPEAL PROCESS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO**

WHEREAS, a high incidence of False Fire Alarms and/or Nuisance Fire Alarms causes a significant misuse of the manpower and resources of the fire department by causing the dispatch of emergency units to the scene of a Nuisance Fire Alarm or False Fire Alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and,

WHEREAS, the continued high incidence of False Fire Alarms and/or Nuisance Fire Alarms are a threat to the health, safety and welfare of the citizens of the City of West Covina; and,

WHEREAS, the procedures, Fees and Fines for multiple False Fire Alarms and Nuisance Fire Alarms would serve to improve public health, safety and welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1: The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION NO. 2: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION NO. 3: The West Covina Municipal Code is hereby amended with the addition of a new Chapter 4.5 (Fire Alarm Systems) as follows:

**Chapter 4.5 – Fire Alarm Systems**

**Sec. 4.5-1 - Purpose**

- (a) The purpose of this Ordinance is to reduce the dangers and inefficiencies associated with False Alarms and to encourage Owners/Entities and Fire Alarm Businesses to properly use and maintain the operational effectiveness of Fire Alarm Systems in order to improve the reliability of Fire Alarm Systems and reduce or eliminate False Fire Alarms and Nuisance Fire Alarms.

- (b) The vast majority of emergency alarms to which the fire department responds are False Alarms, which are reported to the fire department by Fire Alarm Businesses.
- (c) Most False Alarms are the result of improper maintenance or improper or careless use of an Alarm System.
- (d) Alarm Owners are able to control the number of False Alarms to which the fire department must respond by appropriately and diligently maintaining their Fire Alarm System.
- (e) Both the public and members of the fire department are subjected to needless danger when the fire department is called to respond to False Alarms.
- (f) Firefighters responding to False Alarms are not available to carry out other fire or medical-related duties.
- (g) In the interest of using limited fire department resources most effectively and efficiently, the number of False Fire Alarms can and must be reduced.
- (h) This Ordinance governs Fire Alarm Systems intended to summon fire department personnel, and requires registration fees, assessment of fines for excessive False Fire Alarms and Nuisance Fire Alarms, violation fines, civil-penalty violation fines, provides procedures for repeat offenders, education of Alarm Owners, provides for the severability of the parts hereof if declared invalid, and includes an effective date.

Sec. 4.5-2 – Definitions. As used in this Ordinance, the following words and terms shall have the following meanings:

- (a) **Adopted Code(s)** means all the Fire Codes and applicable Standards adopted by the City of West Covina, inclusive of all local amendments to said Codes, in compliance with the California Fire Code, 2016 Edition, including all indices and appendices that are enforced by the Fire Prevention Bureau as part of the West Covina Fire Department, which is hereby established and which shall be operated under the supervision of the Fire Chief.
- (b) **Alarm Administrator** means the person or persons designated by the Fire Department to administer the provisions of this Chapter.
- (c) **Alarm Initiating Device** means a fire alarm device that is designed to initiate a fire alarm signal, either by manual or automatic means, and is connected to a fire alarm control panel.
- (d) **Alarm Response Manager (ARM)** means a person designated by a Fire Alarm Business to handle alarm issues for the business and act as the primary point of contact for the West Covina Fire Department’s Alarm Administrator.
- (e) **Building Division** means the Building Division within the West Covina Department of Public Works.
- (f) **Business License** means a business license issued by the City of West Covina to a Fire Alarm Business, an Alarm Installation Company or Alarm Monitoring Company to conduct business in the City of West Covina.

- (g) **Certificate of Occupancy** means a Certificate issued by the City Building Division, allowing a given premises to be occupied, after any and all appropriate improvements, safety measures, and/or fire protection installations have been completed and approved. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. Issuance of a Certificate of Occupancy shall not be construed as an approval of any violation of any City code or other ordinance of the City of West Covina.
- (h) **Cancellation** means the termination of a fire department response to a Fire Alarm System location after a Fire Alarm Dispatch Request is made, but prior to the arrival of fire department units to that site.
- (i) **Conversion of Owner** means the transaction or process by which one Fire Alarm Business begins the servicing and/or monitoring of a previously unserved or unmonitored Fire Alarm System or a Fire Alarm System that was previously serviced or monitored by another Fire Alarm business.
- (j) **False Fire Alarm** means 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.
- (k) **Fee** means the assessment of a monetary charge payable to the City of West Covina Fire Department, as authorized pursuant to this Ordinance, to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm and the costs associated with administration of this ordinance.
- (l) **Fire Alarm Dispatch Request** means a notification to the fire department that a fire alarm, either manual or automatic, has been activated at a particular Premise.
- (m) **Fire Alarm Business** means any individual, partnership, corporation or other entity that is appropriately licensed by the California State Contractor's License Board that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services or monitors any Fire Alarm System.
- (n) **Fire Alarm System** means a system or portion of a combination system consisting of components and circuits arranged to initiate fire alarm signals, annunciate these signals, provide monitoring (if required) of alarm and supervisory devices and to provide for automatic notification and response to these signals.
- (o) **Fire Department** means the West Covina Fire Department.
- (p) **Fire Watch** means the assignment of an Alarm Administrator, qualified designee, or West Covina Fire Department official at a specific Premises for the purpose of constant site surveillance in order to protect occupants from fire and/or to report emergencies and summon appropriate responders.
- (q) **Monitored System** means that a given Fire Alarm System has communications hardware in place whereby a Fire Alarm Business receives signals from the main fire alarm control panel and personnel working at the Fire Alarm Business will immediately notify both the West Covina Fire Department and the Owner of the Premises regarding said signals.

- (r) **Nuisance Fire Alarm** means the activation of any Fire Alarm System, which results in a response by the fire department, and is caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other reason other than a legitimate or real alarm signal, whereby the system activated as designed and installed.
- (s) **Owner** means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons, who lease, operate, occupy or manage the Premises or a person capable of appearing at the premises upon request who has access to the location, the code to the Fire Alarm System and the authority to approve repairs to the Fire Alarm System.
- (t) **Premises** means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose such as, but not limited to, commercial use, schools, churches, wherein a Fire Alarm System is installed.
- (u) **Qualified Fire Alarm Technician** means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be licensed by the California State Contractor's License Board and be qualified as defined and outlined in the current NFPA 72 Standard.
- (v) **Registration** means the applying for and paying a registration fee by an Owner to the Alarm Administrator at The City of West Covina, along with providing documentation to show that a Fire Alarm System has been properly installed and has been tested and inspected by the fire department.
- (w) **Registration Number** means a unique individual number issued by the Fire Alarm Administrator/fire department and assigned to an Owner as part of the Fire Alarm Registration process.

Sec. 4.5-3 - Administration; Funding; Increases in fees; Annual Evaluation

- (a) Responsibility for administration of this Section is vested with the Fire Chief. The Fire Chief is the principal City official for administration of this Section.
- (b) The Fire Chief shall designate an Alarm Administrator to carry out the duties and functions described in this Section.
- (c) Monies generated by False Fire Alarm fees and registration fees assessed pursuant to this Section shall be dedicated for fire department use for costs associated with the administration and fire response duties related to the provisions of this Section.
- (d) The fees and fines set forth in this Section may only be increased by a duly-adopted resolution of the City Council. For purposes of this Subsection, "fees" include any type or class of fee and includes late fees.<sup>1</sup> The amount of the fees and fines shall be specified in the City Fee and Fine Schedule. For purposes of this section, "fees" include any type or class of fee and includes late charges.
- (e) The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this Section and shall identify and implement system improvements as warranted.

Sec. 4.5-4 - Registration and Renewal of Fire Alarm System

- (a) A yearly Registration fee by the Owner and renewal fee (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) shall be collected for all required Fire Alarm Systems, except for those that are exempted within this Chapter.
- (b) A Fire Alarm System Registration shall expire one (1) year after the date of issuance, and must be renewed annually by submitting a renewal application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Owner of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Owner to submit a renewal application prior to the expiration date. A late fine shall be assessed if the renewal is more than thirty (30) days late. (***See Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution.***)
- (c) The Owner shall be required to update their registration whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.
- (d) Refunds. No refund of a registration or registration renewal fee will be made.
- (e) Registrations shall not be transferable from one Premise to another or from one Owner to another.
- (f) Every Fire Alarm Business shall notify the fire department/Alarm Administrator of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this Ordinance, a Registration form, a copy of the Fire Alarm System operating instructions/manufacturer's manual and a copy of approved fire alarm plans in accordance with Adopted Codes.
- (g) The Registration form shall include all of the following information:
  1. The name(s), address of the Premises, mailing address (if different from the address of the Premises), business, mobile and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed;
  2. The name, address, telephone and mobile numbers of a minimum of two (2) persons who can be notified by the Alarm Administrator, in the event of the activation of the Fire Alarm System, who are capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof;
  3. The name, address and telephone number of the licensed/listed Fire Alarm Business which has been contracted to service the Fire Alarm System. Proof of proper licensing/listing may be presented in the form of a valid State of California C-10 license number and/or a UL listing number issued by the State's Fire Marshal's Office.
  4. The date that the Registration form is signed or the date that the Fire Alarm System is placed in operation;
  5. The location of the fire department lock/Knox box and the location of the main fire alarm control panel at the Premises;
  6. Any other documentation that is required by Adopted Codes.

- (h) When any of the information required in Section 4.5-4(g) (1), 4.5-4(g)(2), or 4.5-4(g)(3) has changed, the Owner shall report such change(s) to the Alarm Administrator within fifteen (15) days of the Owner becoming aware of such change. Failure to comply will result in the assessment of a Service Fine (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) against the Owner for a registration violation.
- (i) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Alarm Administrator before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Alarm Administrator.
- (j) When the West Covina Fire Department responds to any signal initiated from a Fire Alarm System and the Owner is not registered, a supplemental Service Fine (***See Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) shall be assessed for each fire department response. This Fine will be assessed in addition to any other Fines as set forth in this Chapter. The Alarm Administrator may waive all or part of this additional Fine for a Non-Registered Fire Alarm System if the Owner submits an application for a Registration within ten (10) business days after receiving notice of such violation. Any fire alarm system that has been installed before the effective date of this Section shall be registered and a registration fee collected by the Alarm Administrator.
- (k) Existing Fire Alarm Systems. Any Fire Alarm System which was installed before the effective date of this Ordinance must be registered by the Owner within 30 days after receiving written notification of the adopted Ordinance and its requirements.

#### Sec. 4.5-5 - Monitored Fire Alarm System

- (a) Any premises that is required by the California Fire Code to have a Fire Alarm System installed shall have the Fire Alarm System monitored by a Remote, Proprietary or Central Station monitoring company (Fire Alarm Business) unless exempted by the Fire Code, NFPA 72 Standard or other Adopted Codes. Violation of this Section will result in an assessment of a Penalty Fine (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) against the Owner for failure to have a Fire Alarm System continuously monitored. Owners that have been allowed or ordered by the fire department/Alarm Administrator to disconnect or deactivate their Fire Alarm System are exempted from this Section.
- (b) The Fire Alarm Business, in accord with NFPA 72 Section 10.20.3, shall report to the fire department/Alarm Administrator any commercial Fire Alarm System site that discontinues or disconnects their monitoring service for any reason. This report shall be made in writing and shall be reported within ten (10) days of the Fire Alarm Business being aware of this condition.

#### Sec. 4.5-6 - System Certification/Record of Completion

All newly installed or re-certified Fire Alarm Systems shall be approved by the fire department. A Record of Completion, per NFPA 72 Section 7.8.2(a) shall be submitted to the Alarm Administrator and shall indicate that the Fire Alarm System is in compliance with Adopted Codes and has been tested and inspected in the presence of a fire official. The Record of Completion shall be signed by a Qualified Fire Alarm Technician.

Sec. 4.5-7 - Inspection, Testing and Maintenance

- (a) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes.
- (b) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and in accord with the Testing and Maintenance Schedule in Chapter 14 of the NFPA 72 Standard.
- (c) All Fire Alarm Systems, unless exempted by Adopted Codes, shall be maintained and monitored by a licensed Fire Alarm Business.

Sec. 4.5-8 - Duties of Fire Alarm Business as it Pertains to This Ordinance

- (a) Each Fire Alarm Business shall designate one individual as the Alarm Response Manager (ARM) for the business. The individual designated as the ARM must be knowledgeable regarding the provisions of this Section, as well as have the capability and authority to deal with False Fire Alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the ARM must be provided to the Alarm Administrator.
- (b) The ARM must be able to report a fire alarm signal by using both alarm equipment and telephone numbers designated by the Alarm Administrator.
- (c) After a Fire Alarm Dispatch Request, the ARM shall promptly advise the fire department if the Owner or designated representative is responding to the Premises.
- (d) Each Fire Alarm Business that monitors a Fire Alarm System must maintain, for a period of at least one year after the date of a Fire Alarm Dispatch Request, all records relating to the Fire Alarm Dispatch Request. Records must include the name, address and telephone number of the Owner, each Fire Alarm System zone activated, the time of the Fire Alarm Dispatch Request. The Alarm Administrator may request copies of such records for any individual Owner. If the request is made within 60 days after the Fire Alarm Dispatch Request, the Fire Alarm Business shall furnish requested records within (10) ten business days after receiving the request. If the records are requested between sixty (60) days and (one) 1 year after the Fire Alarm Dispatch Request, the Fire Alarm Business shall furnish the requested records within thirty (30) days after receiving the request.
- (e) Each Fire Alarm Business shall, upon request, immediately provide the Fire Department with the names and phone numbers of the owner's emergency contacts at the time of each Fire Alarm Dispatch Request.
- (f) Existing Accounts. Within thirty (30) days prior to the first day of January of each year, a Fire Alarm Business shall provide the Alarm Administrator with a complete list of active customers whose Premises are located within the city, to assist the Alarm Administrator with creating and maintaining tracking data. The customer information must be provided in a format acceptable to the Alarm Administrator, which includes the following:
  - 1. Customer name
  - 2. Customer billing address
  - 3. Customer telephone number
  - 4. Premise address
  - 5. Fire Alarm Business State of California license number
  - 6. Fire Alarm Business State of California license number/UL listing number that monitors the Premises, if different

- (g) Conversion of Owners. A Fire Alarm Business that converts the servicing of any Fire Alarm System account from another business shall notify the Alarm Administrator of such conversion and shall provide to the Alarm Administrator, within thirty (30) days from the date of conversion, an Owners List of the converted accounts, in a format acceptable to the Alarm Administrator, which includes the following:
  - 1. Customer name
  - 2. Customer billing address
  - 3. Customer telephone number
  - 4. Premise address
  - 5. Fire Alarm Business State of California license number
  - 6. Fire Alarm Business State of California license number that monitors the Premise if different
- (h) Any Fire Alarm Business that fails to comply with any applicable requirement within this Section shall be assessed a Penalty Fine (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***).

Sec. 4.5-9 - Fire Alarm Activation; Response

- (a) The Owner 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.
- (c) The Owner shall be responsible for the hired Fire Alarm Business reporting a fire alarm signal by using automatic means AND by telephone numbers designated by the Alarm Administrator.
- (d) The Owner shall be responsible for the Fire Alarm Business' ability to communicate a fire alarm signal to the fire department in a manner and form determined by the fire official and Alarm Administrator.
- (e) In the event the Fire Alarm System is not a Monitored System, the Alarm Administrator shall notify any person identified in the Registration required pursuant to Section 4(G) (1-3) of the activation of the Fire Alarm System and shall require such person to respond to the Premises.
- (f) It is the responsibility of the Fire Alarm Business monitoring the fire alarm system to notify any person identified in the Registration at the request of the Alarm Administrator.
- (g) In the event that a Fire Alarm System IS monitored, it is the responsibility of the Fire Alarm Business to forward any cancellation of a fire alarm signal to the fire department.
- (h) Every premises having a monitored fire alarm system shall have at least one dedicated phone line available for signal transmission, unless otherwise permitted by NFPA 72 in light of technological advances and as approved by the fire department during installation and testing.



#### Sec. 4.5-10 - System Performance Review

The Alarm Administrator may require that a System Performance Review be held with an Owner and the Fire Alarm Business responsible for repairing or monitoring of the Fire Alarm System to review the circumstances of each False Fire or Nuisance Alarm. The review meeting may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate by the Owner shall result in a Penalty Fine (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) for failure to participate in a scheduled system performance review.

#### Sec. 4.5-11 - Nuisance Fire Alarms

- (a) In the event the activation of a Fire Alarm System is deemed by the Alarm Administrator to be a Nuisance Fire Alarm, the Owner shall be notified by a mail, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.
  1. The Owner shall be advised to:
    - a. Have the Fire Alarm System examined by a Qualified Fire Alarm Technician; and
    - b. The hired Technician shall identify and correct any defect of design, installation or operation of the Fire Alarm System which is determined to be as the cause of the Nuisance Fire Alarm.

#### Sec. 4.5-12 - Service Fines

- (a) The provisions of this Section shall not apply to any newly installed Fire Alarm System for a period of thirty (30) days from the date of installation, but shall apply from and after the expiration of the initial thirty (30) day period following installation.
- (b) Should any Fine assessed pursuant to this Ordinance remain unpaid in excess of thirty (30) days from the date the Fine is billed, a late Fine in the amount (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) shall be assessed and shall be payable by the Owner in addition to the original Fine.
- (c) False Fire Alarm and Nuisance Fire Alarm Fines
  1. No Fine shall be assessed for the first (1) False Alarm call, whether it is a False Fire Alarm or a Nuisance Fire Alarm at the same Premises responded to by the fire department, during each registration period. Thereafter, the Owner shall pay the following Fines listed in the ***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution*** for False Fire Alarms and Nuisance Fire Alarms responded to by the Fire Department at the same Premises during each registration period, except when the Fire Alarm Business is responsible for the False Fire Alarm per Section 4.5-12(c)(2).
  2. The Fire Alarm Business shall be assessed a Fine ***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution*** if an Alarm Administrator determines that a False Fire Alarm or Nuisance Fire Alarm was directly caused by an onsite employee or representative of the Fire Alarm Business. In this event, no False Fire Alarm or Nuisance Fire Alarm shall be counted against the Owner.
  3. False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this Subsection.

4. The activation of a Fire Alarm System will not be considered a False Fire Alarm or Nuisance Fire Alarm if the alarm is activated due to malicious causes beyond the control of the Owner.
5. If Cancellation of either a False Fire Alarm or a Nuisance Fire Alarm occurs prior to the Fire Department's arrival at the Fire Alarm System site, the response is not considered a False Alarm and no False Alarm fine will be assessed.
6. The following fines shall be assessed for False Fire Alarms and Nuisance Fire Alarms: ***(Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution)***

Sec. 4.5-13 - Remedies and Penalties

- (a) The Alarm Administrator has the authority to order a Fire Watch in accordance with Adopted Codes, due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, until corrective action is taken, or to revoke the Certificate of Occupancy, if so approved by the Building Division, for the premises by written notice to the Owner of the Premises, for any of the following reasons:
  1. Failure to meet all requirements or pay the Fees and Fines provided for in this Ordinance within thirty (30) days after the notice is mailed to the Owner;
  2. A fourth False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fine is charged pursuant to this Ordinance as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or
  3. The failure of a person notified pursuant to Section 4.5-4(g)(2) and Section 9(d)(1) of this Ordinance to appear within one (1) hour after being notified to respond, if such failure to timely response occurs three or more times within a registration period.
- (b) A written notice to allow or order disconnect or deactivation of a fire alarm system shall be mailed to the Owner by the Fire Alarm Administrator using certified mail with return receipt requested. The letter shall specify the date on which the Owner is required/allowed to disconnect or deactivate the Fire Alarm System. This date shall be at least fifteen (15) days after the notice is mailed to the Owner. The Owner may appeal the order of the Alarm Administrator pursuant to Section 4.5-14(b).
- (c) Each tenant space affected due to the Fire Alarm System being disconnected or deactivated may be required to establish a Fire Watch until the Fire Alarm System has been returned to service. Duties of Fire Watch personnel may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.
- (d) The Owner is responsible for paying all costs associated with establishing a Fire Watch.
- (e) The Alarm Administrator has the authority to request from the Building Division a temporarily suspension of the Certificate of Occupancy of the Premises until all outstanding repairs are made on the Fire Alarm System or if the Fire Watch is not maintained to the satisfaction of the Alarm Administrator.
- (f) The Alarm Administrator shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.

- (g) Anyone convicted of falsifying reports as required under this Ordinance is subject to maximum penalty as established by the City of West Covina Ordinance.

#### Sec. 4.5-14 - Appeals

- (a) An Owner or Fire Alarm Business may appeal the assessment of fees or fines to the Alarm Administrator. An appeal fee (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) will accompany the appeal. Appeal fees will be returned to the Owner or Fire Alarm Business if the appeal is upheld. The filing of an appeal with the Alarm Administrator stays the assessment of the Fee or Fine until the Alarm Administrator and Fire Chief make a final decision. The Owner or Fire Alarm Business shall file a written appeal to the Alarm Administrator by setting forth the reasons for the appeal within fifteen (15) days after notice is mailed.
- (b) An Owner to whom a notice to disconnect or deactivate a Fire Alarm System was mailed, pursuant to Section 4.5-13(b), shall be entitled to appeal the order to the Alarm Administrator and Fire Chief. An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. A disconnect appeal fee (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) will accompany the appeal. The appeal shall be made within fifteen (15) days after notice to disconnect is mailed to the Owner. The Alarm Administrator, Fire Chief or his designee shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. If the Alarm Administrator and Fire Chief affirm the order to disconnect or deactivate a Fire Alarm System, the Owner shall have fifteen (15) days after the written decision is mailed to the Owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Alarm Administrator and Fire Chief.
- (c) In the event the appeal is not upheld, the Owner or Fire Alarm Business shall also be responsible for any Fee assessed to reimburse the Alarm Administrator for any legal fees or costs incurred by the Alarm Administrator in enforcement of this Ordinance.

#### Sec. 4.5-15 - Reconnection of Fire Alarm System

- (a) A Fire Alarm System may be reactivated upon a finding by the Alarm Administrator that the Owner of the Premises has taken corrective action to remedy the cause of the False Fire Alarms or Nuisance Fire Alarms at the Premises.
- (b) In making a request for such a reactivation, the Owner shall have the burden of showing what corrective action has been taken and provide documentation for such.
- (c) The Alarm Administrator shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or reactivate the Fire Alarm System.
- (d) A reconnection fee (***Fire False Alarm – Fee and Fine Schedule as set by City Council Resolution***) shall be assessed to the Owner before any reconnection of a Fire Alarm System may be made.
- (e) The Alarm Administrator shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee or Fine pursuant to this Ordinance.

#### Sec. 4.5-16 - Exemptions

- (a) City, County, State and Federal government facilities including the West Covina Independent School District are not exempt from the provisions of this ordinance and must register, renew, pay applicable fees or fines and otherwise comply with all requirements of this ordinance with the exception that they are exempted from the paying of the registration and renewal fees.
- (b) All Premises that are classified as “dwelling units” by the California Building Code definition are exempt from the Registration requirements of this Ordinance. This includes single-family or multi-family residences, except those that are required to have a separate *commercial* Fire Alarm System. These occupancies, however, are still subject to all False Fire Alarm and Nuisance Fire Alarm Service Fees.
- (c) Any alarm site that is exempted from the Registration fee is still required to obtain permits and maintain valid records for any repair, upgrade or replacement of system components, and is still subject to laws and Codes governing testing and maintenance of its fire alarm system.

#### Sec. 4.5-17 - Confidentiality

Any information supplied to the Alarm Administrator shall be held in confidence by all employees or representatives of the Alarm Administrator and by any third-party administrator or employees of a third-party administrator with access to such information.

#### Sec. 4.5-18 - Government Immunity

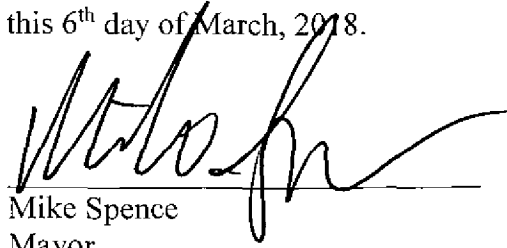
Registration of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of automatic or guaranteed fire department response to any fire alarm. Any and all liability and consequential damage resulting from the failure to respond to an alarm notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering a Fire Alarm System, the Owner acknowledges that fire department response may be based on factors such as availability of fire department units, priority of calls, prevailing weather conditions, traffic conditions, emergency conditions, staffing levels, prior alarm history and administrative actions. The City of West Covina, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Owner of the Premises.

SECTION NO. 4: This Ordinance shall take effect thirty (30) days after its adoption.

SECTION NO. 5: If any Section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every Section, Subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion or the ordinance would be subsequently declared invalid or unconstitutional.

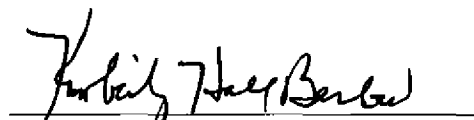
SECTION NO. 6: The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary of the Ordinance, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of West Covina.

**PASSED, APPROVED, AND ADOPTED** this 6<sup>th</sup> day of March, 2018.




Mike Spence  
Mayor

**APPROVED AS TO FORM:**



Kimberly Hall Barlow  
City Attorney

**ATTEST:**



Nickolas S. Lewis  
City Clerk

I, NICKOLAS S. LEWIS, City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2336 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 20<sup>th</sup> day of February, 2018. That thereafter said Ordinance was duly adopted and duly adopted and passed at a regular meeting of the City Council on the 6<sup>th</sup> day of March, 2018 by the following vote of the City Council:

AYES: Johnson, Toma, Warsaw  
NOES: Wu, Spence  
ABSENT: None  
ABSTAIN: None

A handwritten signature in black ink, appearing to read "Nickolas S. Lewis", written over a horizontal line.

Nickolas S. Lewis  
City Clerk