

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY OF HAMILTON ESTABLISHING A PROCESS FOR FALSE FIRE AND SECURITY ALARM RESPONSES IN THE CITY OF HAMILTON.

WHEREAS, the Fire Department and Police Department respond to many false fire and security alarms each year in the City of Hamilton, at times repeatedly to the same location; and

WHEREAS, response to false alarms uses valuable public safety public resources that are needed for legitimate fire suppression and public safety purposes; and

WHEREAS, repeated false alarms to the same location are generally preventable and can be remedied by the property owner; and

WHEREAS, on January 24, 2023, the Committee of the Whole of the Hamilton City Council held a lawfully-noticed public meeting and discussed with the Hamilton Fire Chief and Chief of Police the need to adopt a regulation for responding to and offsetting the costs of response to false alarms in the City of Hamilton; and

WHEREAS, notice of public hearings was published as required by Montana law; and,

WHEREAS, the City Council held public hearings on February 7 and March 7, 2023; and,

WHEREAS, the City Council held a first reading of this Ordinance No. 439 on February 7, 2023; and,

WHEREAS, the City Council held a second reading of this Ordinance No. 439 on March 7, 2023;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hamilton that the above-enumerated provisions of the Hamilton Municipal Code are hereby adopted as set forth in “**Exhibit 1**” attached to this Ordinance.

BE IT FURTHER ORDAINED by the City Council of the City of Hamilton that this Ordinance No. 439 is passed, approved and adopted effective thirty (30) days following the second reading thereof on March 7, 2023.

By: _____
Dominic Farrenkopf, Mayor

Attest: _____
Rose M. Allen, City Clerk

ORDINANCE NO. 439
EXHIBIT 1

Chapter 8.22 False Fire and Security Alarm Responses

8.22.010 - Definitions.

The following definitions are applicable to this section:

1. Fire/security alarm system means a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of a fire/security alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
2. False alarm means an activated fire alarm or signal from any fire alarm system which is responded to by the fire department when no emergency situation or hazardous condition exists as determined by the responding fire officer or the fire marshal, and an activated alarm system used to detect and/or verify the illegal or unauthorized entry, or other activity to which law enforcement is requested to respond, and is deemed false by responding officers.

8.22.020 – Registration of Fire/Security Systems

Effective May 1, 2023, all fire/security systems are to be registered with the City annually using a form provided by the City. An annual registration fee in an amount set by City Council resolution will be charged for each new alarm installed after May 1, 2023.

8.22.030 - False alarms.

1. No person or business owning a fire/security alarm system shall cause or permit the giving of a false alarm, whether intentional, accidental or otherwise.
2. No person shall intentionally cause the activation of a fire/security alarm system knowing that no emergency exists.

8.22.040 - Fee for false alarm response.

In the event the Fire Department or Police Department responds to a false alarm, a fee shall be imposed upon the owner or responsible person of the alarm system for the third and each subsequent false alarm at the same property in a calendar year. False alarms from fire alarm systems and security alarm systems shall be counted separately for the same location. The fee shall be set as prescribed by City Council resolution. Any fee payable to the City of Hamilton that remains unpaid thirty (30) days after imposition of the fee is delinquent and may be assessed a penalty as set forth by City Council resolution, or be subject to a collection agency.

8.22.050 – Responders for alarms.

Outside normal hours of operation, if a business owner or their designee does not respond to the location it will be presumed that the alarm was false.

8.22.060 - Exemptions.

This section shall not apply to the following:

1. An alarm system which gives a signal solely within the interior of the building in which it is located and that is not monitored by a supervising station.
2. Any third or subsequent false alarm which, in the opinion of the Fire Chief or Police Chief, is determined to have not been preventable by the owner or responsible person.

8.22.060 - Appeals.

1. The owner or responsible person of a fire alarm system may appeal an assessment of a false alarm fee to the Fire Chief. The appeal shall be filed in writing and include justification and supporting documentation within ten (10) days of receiving notice of the fee. The Fire Chief may approve or deny the appeal and his/her decision is final.
2. The owner or responsible person of a security alarm system may appeal an assessment of a false alarm fee to the Police Chief. The appeal shall be filed in writing and include justification and supporting documentation within ten (10) days of receiving notice of the fee. The Police Chief may approve or deny the appeal and his/her decision is final.