

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** ~~Procedures; Fees~~ **FALSE ALARMS** (§198-152 - §198-~~161~~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** ~~Notification of fourth~~ **False alarm fee.**

Immediately after the Fire Department has recorded the ~~fourth~~third false alarm in any ~~consecutive twelve month period~~calendar year from the same ~~building~~property, the Fire Department shall notify the ~~building~~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 — Plan to eliminate false alarms.**

~~The building owner or his authorized representative shall file with the Fire Department within five days of receipt of the notification a plan designed to eliminate the false alarms.~~

**§ 198-155 — Failure to submit plan.**

~~If the building owner fails to submit a timely plan satisfactory to the Fire Chief, then he/she shall be charged a fee of \$500 for each additional false alarm for the remainder of the consecutive twelve-month period or until a plan is approved by the Fire Chief.~~

**§ 198-156 — Additional false alarms.**

~~If the building owner submits a satisfactory plan to the Fire Department and subsequently has two additional false alarms in the consecutive twelve-month period, the building owner shall be charged a fee of \$500 for each additional false alarm (starting after the second false alarm) for the remainder of the consecutive twelve-month period.~~

**§ 198-157154 Responsibilities of buildingproperty owner.**

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

**§ 198-158155 Liability.**

The Town of Smithfield, its Fire Department, and ~~any~~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 ~~of fire~~.

**§ 198-159156 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.

**§ 198-160157 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.

**§ 198-161158 Violations and penalties.**

A ~~building~~property owner who fails to pay the ~~fine~~false alarm fee provided in ~~§ 198-155 or 198-156~~ hereofin within ~~40~~30 days of written notice thereof sent by the Smithfield Town ClerkFire 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.

THIS ORDINANCE AMENDMENT SHALL BECOME EFFECTIVE AT THE EXPIRATION OF THIRTY (30) DAYS AFTER ADOPTION.

ORDINANCE INTRODUCED BY  
TOWN COUNCIL PRESIDENT  
RONALD F. MANNI

PROPOSED ORDINANCE  
APPROVED AS TO FORM:

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EDMUND L. ALVES, JR.  
TOWN SOLICITOR