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(0-93-119)

ORDINANCE NUMBER O- 17928 (NEW SERIES)

ADOPTED ON JUN 07 1993

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 55.0314.0108 RELATING TO AN ADMINISTRATIVE PENALTY BEING IMPOSED RELATING TO FALSE FIRE ALARMS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 5, Division 3, of the San Diego Municipal Code be and the same is hereby amended by adding Section 55.0314.0108 to read as follows:

SEC. 55.0314.0108 ADMINISTRATIVE PENALTY FOR FALSE FIRE ALARM

U.F.C. 14.108 (1991 Edition) is hereby adopted and amended to read as follows:

(a) Purpose and Intent. The City Council has determined that poorly maintained or malfunctioning fire alarm systems offer decreased fire protection to the occupants of a facility. Council has also determined that when a fire company responds to a false alarm, the same crew is unable to respond to actual emergency calls. Therefore, as a means of encouraging compliance with regulations requiring maintenance of alarm systems, an administrative penalty schedule is hereby established.

(b) Standby Fire Personnel. In the event of a

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temporary failure of an alarm system or an excessive number of false alarms, the Fire Chief may order the building owner or occupant to provide standby fire personnel described by section 55.0425.0117 until the system is restored.

(c) Proper Maintenance. The following is an administrative penalty schedule that will encourage proper maintenance of fire protection alarm devices:

(1) Upon determination by a responding fire company that an incident was a false fire alarm due to a poorly maintained or malfunctioning fire alarm system, the Fire Chief may issue a notice to the owner or occupant that the system is malfunctioning and that continued false fire alarm incidents may result in the imposition of an administrative penalty by the Fire Department. The Fire Chief may impose an administrative penalty against the owner or occupant resulting from the City responding to a false fire alarm. More than three (3) false fire alarms in twelve (12) calendar months may result in an administrative penalty being imposed by the City for responding to the false fire alarm.

(2) The Fire Chief shall establish an administrative penalty schedule based upon (a) the type of structure, (b) the number of

fire units that respond to a false fire alarm, (c) the number of smoke detectors within the structure, and (d) the number of false fire alarms in a twelve (12) calendar month period. The schedule shall be determined by the Fire Chief after an annual review by, and in consultation with, the City Manager. This administrative penalty schedule shall be promulgated in the City Clerk Composite Rate Book and shall be exclusive of any other costs or fees required under any other section of the San Diego Municipal Code or the U.F.C. (1991 Edition).

(d) Administrative Procedure. The Fire Chief shall adopt an Administrative Procedure entitled "False Fire Alarms" to assist the Fire Department in implementing section 55.0314.0108. These administrative procedures shall be reviewed annually by the Fire Department.

(e) Appeal Process. An appeal process shall be promulgated in the Fire Department's Administrative Procedure entitled "False Fire Alarms", which will provide an opportunity for a building owner or occupant who disagrees about the cause of the false fire alarm to appeal the determination to the City Manager.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Elmer L. Heap, Jr.
Deputy City Attorney

ELH:CCM:smm
04/01/93
Or.Dept:Fire
0-93-119
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(O-93-119)

STRIKEOUT ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5,
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE
BY ADDING SECTION 55.0314.0108 RELATING TO AN
ADMINISTRATIVE PENALTY BEING IMPOSED RELATING
TO FALSE FIRE ALARMS.

ALL NEW LANGUAGE:

**SEC. 55.0314.0108 ADMINISTRATIVE PENALTY FOR FALSE FIRE
ALARM**

U.F.C. 14.108 (1991 Edition) is hereby adopted and
amended to read as follows:

(a) Purpose and Intent. The City Council has
determined that poorly maintained or malfunctioning
fire alarm systems offer decreased fire protection to
the occupants of a facility. Council has also
determined that when a fire company responds to a false
alarm, the same crew is unable to respond to actual
emergency calls. Therefore, as a means of encouraging
compliance with regulations requiring maintenance of
alarm systems, an administrative penalty schedule is
hereby established.

(b) Standby Fire Personnel. In the event of a
temporary failure of an alarm system or an excessive
number of false alarms, the Fire Chief may order the
building owner or occupant to provide standby fire

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SAN DIEGO, CA

personnel described by section 55.0425.0117 until the system is restored.

(c) Proper Maintenance. The following is an administrative penalty schedule that will encourage proper maintenance of fire protection alarm devices:

(1) Upon determination by a responding fire company that an incident was a false fire alarm due to a poorly maintained or malfunctioning fire alarm system, the Fire Chief may issue a notice to the owner or occupant that the system is malfunctioning and that continued false fire alarm incidents may result in the imposition of an administrative penalty by the Fire Department. The Fire Chief may impose an administrative penalty against the owner or occupant resulting from the City responding to a false fire alarm. More than three (3) false fire alarms in twelve (12) calendar months may result in an administrative penalty being imposed by the City for responding to the false fire alarm.

(2) The Fire Chief shall establish an administrative penalty schedule based upon (a) the type of structure, (b) the number of fire units that respond to a false fire alarm, (c) the number of smoke detectors within the structure, and (d) the number of

false fire alarms in a twelve (12) calendar month period. The schedule shall be determined by the Fire Chief after an annual review by, and in consultation with, the City Manager. This administrative penalty schedule shall be promulgated in the City Clerk Composite Rate Book and shall be exclusive of any other costs or fees required under any other section of the San Diego Municipal Code or the U.F.C. (1991 Edition).

(d) Administrative Procedure. The Fire Chief shall adopt an Administrative Procedure entitled "False Fire Alarms" to assist the Fire Department in implementing section 55.0314.0108. These administrative procedures shall be reviewed annually by the Fire Department.

(e) Appeal Process. An appeal process shall be promulgated in the Fire Department's Administrative Procedure entitled "False Fire Alarms", which will provide an opportunity for a building owner or occupant who disagrees about the cause of the false fire alarm to appeal the determination to the City Manager.

ELH:CCM:smm
04/01/93
Or.Dept:Fire
0-93-119
Form=o.code

Passed and adopted by the Council of The City of San Diego on **JUN 07 1993**,
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on **MAY 24 1993**, and on **JUN 07 1993**.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number 0-17928	Adopted JUN 07 1993

CERTIFICATE OF PUBLICATION RECEIVED
CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5...

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17928 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 55.0314.0108 RELATING TO AN ADMINISTRATIVE PENALTY BEING IMPOSED RELATING TO FALSE FIRE ALARMS.
This ordinance would institute an administrative penalty for false fire alarms which are the result of poorly maintained or malfunctioning fire alarm systems. The ordinance provides that continued false fire alarm incidents may result in the imposition of an administrative penalty by the Fire Department.
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON MAY 24 1993. Passed and adopted by the Council of the City of San Diego on JUN 07 1993.
AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By MARY CEPEDA, Deputy
Pub. June 21 275064

ORDINANCE NUMBER O-17928 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JUNE 21

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 21st day of JUNE, 19 93.

Corey Donahue

(Signature)