



THE CITY OF SAN DIEGO

**FPB POLICY
F-12-12**

**FIRE/HARMFUL GAS ALARM SYSTEM
PERMIT AND MITIGATION MEETING**

I. PURPOSE

This policy outlines the process for administering the Fire/Harmful Gas Alarm System permits. It also explains how and when penalty mitigation would be appropriate.

II. SCOPE

This policy contains a description of the Fire/Harmful Gas Alarm System permit application and administration process. It also explains the current Fire/Harmful Gas Alarm System penalty fee schedule.

In addition, this policy contains guidelines for conducting Fire/Harmful Gas Alarm System mitigation meetings should reduction of fines or reinstatement of a permit be merited by the facts of any specific case.

III. PROCESS

The process for administering Fire/Harmful Gas Alarm System permits is contained in San Diego Municipal Code, Chapter 5: Public Safety, Morals and Welfare; Article 5: Fire Protection and Prevention; Division 51: Fire and Harmful Gas Emergency Alarms. Below, this policy summarizes the Municipal Code requirements, explains the process behind holding a mitigation meeting, and explains when fines for false alarms may be lowered or dismissed.

Fire/Harmful Gas Alarm System Permit

The San Diego Municipal Code requirements and SDFD policies for administering the Fire/Harmful Gas Alarm System permits are summarized as follows:

1. The Alarm User fills out an application for the Fire/Harmful Gas False Alarm permit. Alarm Users must provide the following information, along with the rest of the information listed in the code, with their permit application:
 - a. The date of installation, conversion, or takeover of their Fire/Harmful Gas Alarm System.
 - b. The City business tax certificate number and state license of the Fire/Harmful Gas Alarm Business installing the alarm system, where applicable.

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- c. The name, address, and phone number of the Fire/Harmful Gas Alarm Business responsible for providing repair service to the Alarm User's Fire/Harmful Gas Alarm System.
 - d. An indication that the Fire/Harmful Gas Alarm Business has provided the Alarm User information regarding proper use of the alarm system and how to avoid false alarms.
2. The Fire/Harmful Gas Alarm System permit application becomes a valid permit when approved by the City. Prior to approval, the City must be in receipt of all fees and outstanding penalties. This payment will be validated by a cashier's stamp. The Alarm User will make any checks payable to the City Treasurer.
 3. If the Alarm User has a current Fire/Harmful Gas Alarm System permit on file, the Fire Alarm Clerk will notify the Alarm User when its Fire/Harmful Gas Alarm System has had its first false alarm. If the false alarm is not contested per the code, it will be waived and counted as one of the first two false alarms are not penalized by a fine.

If the Alarm User does not have a permit, every false alarm will be penalized by a fine. The same notification will happen for a permitted and unpermitted Fire/Harmful Gas Alarm System. The City is required to notify the Alarm User after the first false alarm with a Warning Letter. It is generally the responsibility of the Alarm User to track additional false alarms via the Fire/Harmful Gas Alarm System permit website or by contacting the Fire Alarms Clerk.

4. The Alarm User has ten (10) days from the date of their alarm's activation to provide the Fire Alarms Clerk with satisfactory written evidence that the alarm activation was not a false alarm.
5. Below are the current fine schedules for Fire/Harmful Gas Alarm System false alarms. Any changes to the schedules below would be found in the City Clerk's Fee Ratebook.

Current fine schedule with a permitted system:

First and Second false alarm – no fine.

Third false alarm - \$195 (\$110 fine plus an \$85 administrative fee).

Fourth false alarm - \$305 (\$220 fine plus an \$85 administrative fee).

Fifth false alarm - \$525 (\$440 fine plus an \$85 administrative fee).

Sixth and all additional false alarms - \$2,285 (\$2,200 fine plus an \$85 administrative fee).

Current fine schedule with an unpermitted system:

First false alarm - \$195 (\$110 fine plus \$85 an administrative fee).

Second false alarm - \$305 \$220 fine plus \$85 an administrative fee).

Third false alarm - \$525 (\$440 fine plus \$85 an administrative fee).

Fourth and all additional false alarms - \$2,285 (\$2,200 fine plus an \$85 administrative fee).

6. For all permitted Fire/Harmful Gas Alarm Systems, a permit revocation letter will be sent to the Alarm User after the third false alarm each calendar year. The Alarm User will have ten (10) days from the date he or she received notice of this action, to request an appeal. The Fire Alarm Clerk will work with City administration to schedule all appeals. The appeal will be scheduled, at a minimum, thirty (30) days after the Fire Alarm Clerk is notified by the alarm user.

For all unpermitted Fire/Harmful Gas Alarm Systems, the Alarm User will be sent a letter requiring that he or she must obtain a Fire/Harmful Gas Alarm System permit. If the Alarm User has not obtained a Fire/Harmful Gas Alarm System permit within fifteen (15) days after written notification by the San Diego Fire-Rescue Department, the Alarm User will be assessed a fine for each San Diego Fire-Rescue Department call for service generated by their Fire/Harmful Gas Alarm System until the permit is obtained.

7. Once the fines are paid or a final decision has been determined through the appeal process, the alarm user's Fire/Harmful Gas Alarm System Permit will be reinstated and be considered a current active Fire/Harmful Gas Alarm System permit.

Fire/Harmful Gas Alarm System Mitigation Meetings

Mitigation meetings are meant to give Fire-Rescue Department officials the chance to meet with an Alarm User to address the problems with their Fire/Harmful Gas Alarm Systems that cause false alarms. In cases where a reasonable solution can be reached, the department may lower or dismiss fines relating to an Alarm User's previous false alarm violations.

Once the Alarm User receives a revocation letter from San Diego Fire-Rescue Department and requests an appeal, the department's staff may contact the Alarm User and offer a mitigation meeting prior to or after the Appeal Process. If the Alarm User wants to participate in the mitigation meeting, a meeting date will be set prior to or after the Alarm Appeal Hearing with representatives from the business and San Diego Fire-Rescue Department. The members, who will represent the City, are the Fire Marshal, the Fire Alarm Clerk, and, when necessary, a Deputy City Attorney. The Alarm User may bring anyone who can represent the business and has the authority to enter into an agreement to improve their alarm system and/or make the necessary changes that will assist in reducing the number of false alarms at the site.

Lowering or Dismissing False Fire/Harmful Gas Alarm Fines

The Fire Alarm Official may lower, dismiss, or stay a portion of any fines levied under the Fire/Harmful Gas False Alarm program. Any change in the amount of the

fine must be warranted by the particular facts of each case. In most cases, fines will only be changed if there has been a procedural error by the City in the administration of the Fire/Harmful Gas Alarm Permit or the Alarm User has agreed to remedy the problem in a way that satisfied the City in a mitigation meeting.

In cases where the City has made a procedural error in the administration of an Alarm User's permit, the City should dismiss only the fines related to this error. Common examples of procedural errors would include the City's failure to properly notify an Alarm User of pending fines or if the City sent the notices to the wrong address.

Fines may also be lowered or stayed if the Alarm User has agreed to take steps to remedy the source of the false alarms during a mitigation meeting. The fines should be stayed for a reasonable time that allows the Alarm User to correct the problem. If the Alarm User takes the agreed upon action, the stayed fines will be dismissed. If the Alarm User does not take the agreed upon action in time, the Alarm User must pay all of the stayed fines.

San Diego Fire-Rescue Department officials have the authority to lower, dismiss, or stay fines in any case the facts warrant. The department may consult with a Deputy City Attorney if questions regarding lowering or dismissing fines arise. Ultimately, the decision must be made by the Fire-Rescue Chief or his delegated official.

Promulgated by: _____

Date: _____

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