

ORDINANCE 2006 - 11

AN ORDINANCE relating to fees for multiple “nuisance” fire alarms creating a new Municipal Code Chapter 7.11, “Fees for Multiple Nuisance Fire Alarm Responses.”

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 7.11, “Fees for Multiple Nuisance Fire Alarm Responses,” is hereby added as follows:

FEEES FOR MULTIPLE NUISANCE FIRE ALARM RESPONSES

Section:

- 7.11.010 Purpose**
- 7.11.020 Definitions**
- 7.11.020 Cost Recovery Imposed**
- 7.11.040 Methodology**
- 7.11.050 Appeal**
- 7.11.060 Failure to Pay Service Fee**
- 7.11.070 Release From Lien**
- 7.11.080 Severability**

7.11.010 Purpose.

The City Council has determined it is reasonable and appropriate to enact and impose a fee for Fire Department responses to multiple nuisance fire alarms at the same occupancy within a period of one year.

7.11.020 Definitions.

- 1) Nuisance Fire Alarms - The activation of a fire alarm system caused by its mechanical failure, malfunction, improper installation, and / or lack of proper maintenance.
- 2) A one-year period - Any consecutive twelve-month period, beginning on the date of the first nuisance alarm response.

7.11.030 Fee imposed.

The provisions of this Section shall **not** apply to a newly installed fire alarm system for a period of thirty (30) days after the date of its acceptance testing. The following fees shall be assessed when the nuisance fire alarms continue within any consecutive twelve-month period. The date of reference is the date on which the series initiating Notice of Violation was issued.

<u>Number of nuisance fire alarms (consecutive 12 months)</u>	<u>Service fee</u>
One	None
Two	None
Three	\$250
Four	\$500
Five	\$750*
Six or more	\$1000*
Appeal Fee	\$50

*plus the cost of responding equipment and personnel

7.11.040 Methodology.

- 1) The responding Fire Department personnel will complete a "Notice of Violation" each time a response is made to a nuisance fire alarm. One copy of the Notice of Violation will be given to the owner / manager / person responsible at the location of the alarm. One copy of the Notice will be given to Fire Administration for tracking purposes. When three fire responses have been made to the same occupancy for nuisance fire alarms within a consecutive 12-month period, an invoice shall be sent to the business owner.
- 2) The invoice shall list the dates of each nuisance alarm response to that location within the consecutive 12-month period.
- 3) In cases where circumstances warrant special consideration, the charge may be waived by the Fire Chief or designee.
- 4) The business owner / manager may appeal the fee as outlined in Section 7.11.050.

7.11.050 Appeal.

An owner may appeal the assessment of service fees to the Fire Chief. An appeal fee of \$50 will accompany the appeal. The appeal fee will be returned to the owner if the appeal is upheld. The filing of an appeal with the Fire Chief stays the assessment of the service fee until the Fire Chief makes a final decision. The owner shall file a written appeal to the Fire Chief by setting forth the reasons for the appeal within ten (10) days after notice is mailed.

The Fire Chief or designee shall review the facts and circumstances and shall determine whether the owner has shown good cause why the order should be withdrawn.

7.11.060 Failure to pay service fee.

Unless the amount of fee imposed under this Section is paid within seven (7) days after notice of fee or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's property and shall be recorded in the City Lien Docket. Where the notification has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The service fee provided in the order, so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.

7.11.070 Release from lien.

Any lien for a service fee may be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefor, stating that the full amount of service fee, interest, recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.

7.11.080 Severability

The provisions of this Ordinance are severable. If a court determines a word, phrase, clause, sentence, paragraph, subsection, section, or other provision invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provision and the application of those provisions to other persons or circumstances are not affected by that decision. This Ordinance shall take effect immediately.

Section 2. This Ordinance shall become effective July 1, 2006.

PASSED by the Council this 1st day of May, 2006.

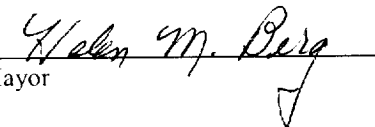
APPROVED by the Mayor this 1st day of May, 2006.

EFFECTIVE on the 1st day of July, 2006.

ATTEST:



City Recorder



Mayor