

ORDINANCE NO. F-1928

AN ORDINANCE AMENDING ARTICLE XV “UNIFORM STANDARDS FOR INSTALLATION, MAINTENANCE AND TRANSMISSION FOR PRIVATE FIRE ALARM SYSTEMS CONNECTED TO THE CITY OF WHEATON’S WIRELESS ALARM NETWORK” OF CHAPTER 22 “BUILDINGS AND BUILDING REGULATIONS” OF THE WHEATON CITY CODE

WHEREAS, the corporate authorities of the City of Wheaton previously adopted Article XV “Uniform Standards for the Installation, Maintenance and Transmission for Private Fire Alarm Systems Connected to the City of Wheaton’s Wireless Alarm Network;” and

WHEREAS, the purpose of the adoption of Ordinance Number F-1498 was to reduce response times for fire alarm calls, reduce the number of false fire alarm signals and provide the most efficient service at the lowest overall and inclusive costs for persons required to install fire alarm systems; and

WHEREAS, the City began migrating to the new Wireless Alarm Network in August of 2010; and

WHEREAS, a comparison of false alarms in the period three years prior to and three years subsequent to the adoption of the home rule ordinance establishing the new Wireless Alarm Network in August of 2010 establishes an eight-six percent (86%) reduction in false alarms; and

WHEREAS, false alarms put the public and firefighters at risk as firefighters respond (travel) to such alarms; and

WHEREAS, the reduction in false alarms has reduced risk to the public and firefighters and increased the availability of firefighters to perform other tasks in furtherance of the public health, safety and welfare; and

WHEREAS, it is a reasonable legislative inference that the reduction in false alarms is the result of the City’s migration to the new Wireless Alarm Network; and

WHEREAS, the City’s Wireless Alarm Network significantly reduced the overall cost to monitor fire alarm systems as a direct result of eliminating the need for an AT&T circuit line by moving to a wireless transmission platform; and

WHEREAS, numerous studies using temperature-time curves, including NFPA 255, Standard Method of Test of Surface Burning Characteristics of Building Materials, identify the rapid growth of a fire within 10 minutes after ignition; and

WHEREAS, the City’s Wireless Alarm Network notifies the City’s dispatch center, DuComm, of fire alarm activation within, a rounded up maximum, of thirty (30) seconds from subscriber alarm activation; and

WHEREAS, total response time to an activated fire alarm is improved with the Wireless Alarm Network; and

WHEREAS, the Corporate Authorities of the City of Wheaton find that information underlying the foregoing recitals establishes that this amended ordinance is in the best interests of the public safety, health and welfare of the citizens of Wheaton..

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, municipal corporation, pursuant to its home rule authority, that Article XV “Uniform Standards for Installation Maintenance and Transmission for Private Fire Alarm Systems Connected to the City of Wheaton’s Wireless Alarm Network” of Chapter 22 “Buildings and Building Regulations” of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Article XV to be titled “Uniform Standards for the Performance, Installation, Maintenance and Transmission for Private Fire Alarm Systems Required by City Code” which shall read as follows:

SECTION 1:

Article XV - Uniform Standards for the Performance, Installation, Maintenance and Transmission for Private Fire Alarm Systems Required by City Code

Section 22-209: Fire Alarm System Performance

The owner of any property required to install a fire alarm system, or any property owner or subscriber who elects to install a discretionary fire alarm system, shall install and maintain a system to monitor and transmit activated premise’s alarms, supervisory and trouble signals at a transmission rate to the City’s dispatch center of no more than thirty (30) seconds and proven technology minimizing the occurrence of false alarms per an alternative private fire alarm system to the same degree as the City’s Wireless System. The City’s Fire Chief shall review and evaluate the performance standards for fire alarm monitoring systems to ensure compliance with this section of this ordinance. No fire alarm monitoring system shall be allowed by the Fire Chief unless it at all times has a documented or tested transmission time to the City’s dispatch center of thirty (30) seconds or less and a documented or tested rate of false alarms consistent with the per false alarm rate average of the City’s Wireless Alarm System

Section 22-210: Choice of Fire Alarm Monitoring Systems

An owner of property, licensee, or subscriber, may elect to:

- (a) contract with the City through the City’s contractor to provide the equipment and operations necessary to comply with Section 22-209 of this Article; or

- (b) provide such service through a private company so long as the property owner, licensee or subscriber has a private company alarm system that fully complies with all requirements of Section 22-209 of this ordinance.

Section 22-211: Proof of Performance

Prior to the installation of the fire alarm monitoring system by a private company, a subscriber shall register the fire alarm monitoring system with the City Fire Chief providing all technical data to establish compliance with the minimum performance standards required for the system in accordance with Section 22-209. Any system which is installed and fails to meet the performance standards set forth in Section 22-210 of this ordinance shall have thirty (30) days from date of written notice from the City of non-compliance with the foregoing performance standards to fully comply with the minimum performance standards or shall, immediately after the thirty (30) days, remove and replace any non-performing fire alarm monitoring system with a compliant fire alarm monitoring system.

Section 22-212: Wireless Fire Alarm Transceiver Equipment Installation and Maintenance

The installation and the annual required maintenance, testing and repair of the City's wireless radio transceiver at the subscriber's premises will be completed by the City's designated contractor, in the case of subscribers to the City's wireless alarm system, or by the private contractor in the case of a Fire Chief authorized fire alarm monitoring system provided by that private contractor. Subscribers to the City's wireless alarm monitoring system will be advised of the City's contractor's identity. Subscribers to the City's system shall allow the City's contractor to have access to the radio transceiver during normal business hours for all necessary and required installation, annual and necessary maintenance, testing, and repair to ensure that the system remains code compliant. Subscribers using a private company shall allow that private company to have access to the radio transceiver during normal business hours for all required and necessary installation, annual and necessary maintenance, testing and repair to ensure that the system remains code compliant. For City fire alarm monitoring system subscribers, the City will lease the radio transceiver to the subscriber. The radio transceiver will remain the property of the City or its designated contractor.

Section 22-213: City Fire Alarm Monitoring Fees and Other Charges

Upon connection to the City's fire alarm monitoring system, the subscriber shall pay the City an inclusive monitoring and radio fee as set forth in subsection 11 of Appendix B (Fee Schedule). All other charges associated with the connection to the City's fire alarm monitoring system, installation of appropriate equipment and maintenance of the equipment shall be those imposed as set forth in Appendix B's Fee Schedule and as may be amended from time to time. Private fire alarm monitoring fees shall be as determined by the private provider.

Section 22-214: Fire Alarm Monitoring Registration

All connections required by this Ordinance shall be preceded by a registration of the system by the subscriber. The alarm registration form, including all of its conditions, shall be a mandatory requirement and condition for each subscriber. The registration form shall be exclusively provided by the City and shall include a copy of this Article XV. The City's registration form for the City Wireless Alarm System shall include its terms of service and costs.

Section 22-215: Alarm System Maintenance

The installation and the annual required maintenance, testing and repair of all fire alarm monitoring systems at the subscriber's premises shall be completed in accordance with applicable codes and ordinances of the City. While the City will repair and maintain its fire alarm monitoring equipment, including the radio transceiver at the subscriber's location, it will be the responsibility of the subscriber containing a fire alarm monitoring system to provide the required annual and periodic testing for all components.

Section 22-216: Change in Ownership of Subscriber's Premises

A lease, sale or transfer of a property owner's premises shall not relieve the property owner of the duties and obligations under the terms of this Article. In the case that a subscriber vacates a premises having a fire alarm system with fees due the City, the owner shall be responsible to pay the delinquent fees. No re-occupancy of the premises shall be allowed until the delinquent fees are paid in full.

Section 22-217: No Warranties or Representations

Nothing in this Article shall constitute a representation or warranty that a fire monitoring alarm system will prevent any loss by fire, burglary, or otherwise; or that the system will in all cases provide the protection for which it is installed or intended. The City makes no representations, warranties or promises, either expressed or implied, as to any matter whatsoever, including without limitation the condition of the equipment, its merchantability, or its fitness for a particular purpose. A subscriber may not rely on any representation or warranties by the City, expressed or implied, and nothing in this Article or requirements of this Article shall be deemed to create any expressed or implied warranty with regard to the alarm system or any of its components.

Section 22-218: City is not an Insurer

The City is not an insurer under this Article and the subscribers assume all risk of loss or damage to the subscriber's premises or contents thereof. The subscriber shall have the right to purchase whatever insurance the subscriber requires in order to protect their property and/or persons from injury or property damage. Neither does this Article create any certainty with regard to the response time of any fire department or police

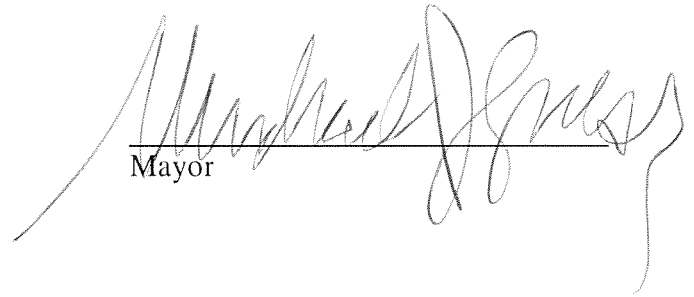
department should one or both of these departments be dispatched as a result of a signal being received by the equipment required by this Article. Nothing in this Article waives or releases any and all statutory or common law immunities or privileges of the City which are specifically reserved.

SECTION 2: If a court of competent jurisdiction sets aside any portion of this ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the ordinance.

SECTION 3: Any ordinance which is inconsistent with this ordinance is repealed to the extent of such inconsistency including preemptive Federal and State regulations.

SECTION 4: This ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

This ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Mayor

ATTEST:



City Clerk

Ayes: Roll Call Vote:
Councilman Rutledge
Mayor Gresk
Councilman Saline
Councilman Scalzo
Councilman Sues
Councilman Prendiville

Nays: None
Absent: Councilwoman Fitch

Motion Carried Unanimously

Passed: April 4, 2016
Published: April 5, 2016

