

**LAKE DILLON FIRE PROTECTION DISTRICT
RESOLUTION 2011 - 03**

A RESOLUTION ADOPTING A FEE SCHEDULE FOR EXCESS OR UNNECESSARY EMERGENCY FIRE ALARMS AS ALLOWED BY THE STATUTES OF THE STATE OF COLORADO, §32-1-1002(1)(e)(II) AS AMENDED.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LAKE DILLON FIRE PROTECTION DISTRICT, SUMMIT COUNTY COLORADO THE ADOPTION OF AN EXCESS EMERGENCY FIRE ALARM FEE SCHEDULE.

Statement of Intent: The intent of this resolution is to reduce or eliminate unnecessary fire alarms. Unnecessary false fire alarms cause an inconvenience to property management and guests. Unnecessary false fire alarms also place a burden on fire department operations and may unnecessarily endanger firefighters and citizens during a response.

Section 1 - Excessive Alarm Rate:

- 1.1 *Existing Occupancies:* Any fire alarm system found to have three or more Category II alarms, as defined in this resolution, in a calendar year shall be considered in violation of this resolution.
- 1.2 *Fire Alarm Monitoring or Fire Protection Maintenance Companies:* Any fire alarm monitoring or fire protection maintenance company found to have three or more Category II alarms at any combination of properties, as defined in this resolution, in a calendar year shall be considered in violation of this resolution.
- 1.3 *New Construction:* Any new construction site found to have three or more Category II alarms, as defined in this resolution, shall be considered in violation of this resolution.

Section 2 - Excess Fees

- 2.1 An excess emergency alarm fee shall be charged to the owner of any fire alarm system in violation of Section 1.1 of this resolution.
- 2.2 An excess emergency alarm fee shall be charged to the fire alarm installation/testing company, fire alarm monitoring company, or fire protection maintenance company depending upon which is found to be the cause of the false alarm in violation of Section 1.2 of this resolution. If designation of cause cannot be distinguished between either company, the owner of the property found to be in violation of Section 1.2 of this resolution shall be charged the appropriate fees.
- 2.3 An excess emergency alarm fee shall be charged to the owner of said property found to be in violation of Section 1.3 of this resolution.

The excess fees shall be assessed as follows:

The third Category II alarm in violation of Section 1.1, 1.2 or 1.3 in any calendar year will be assessed a fee of \$200.00. The fee will progressively increase by an additional \$100.00 for each violation with no fee limit. See Table 2 for the fee schedule.

Table 2 - Fees

| In Violation of Section 1.1, 1.2 and 1.3 | | Malicious Alarms | |
|---|--------------------|-------------------------|--------------------|
| Number of Alarms | Fee For Each Alarm | Number of Alarms | Fee For Each Alarm |
| 1 | \$ 0.00 | 1 | \$200.00 |
| 2 | \$ 0.00 | 2 | \$300.00 |
| 3 | \$200.00 | 3 | \$400.00 |
| 4 | \$300.00 | 4 | \$500.00 |
| 5 | \$400.00 | 5 | \$600.00 |
| 6 | \$500.00 | 6 | \$700.00 |
| 7 | \$600.00 | 7 | \$800.00 |

Note: This table continues indefinitely with an accumulating increase of \$100.00 per incident.

Section 3 - Rebate Eligibility. Within thirty days following any alarm in violation of Section 1.1 of this resolution the owner may provide the fire district with a written document which shows that necessary repairs or corrections have been made to the fire alarm system by a qualified agency. Upon determination by the fire district that all necessary repairs to the fire alarm system have been made, the owner is eligible to receive a fifty percent rebate on the emergency alarm inspection fee, if requested within 30 days of the determination by the district.

This Section shall not apply to Sections 2.2 and 2.3.

Section 4 - Failure to Pay Fees. Failure of any fees to be paid by contracted companies or general contractors shall be charged to the owner of the system in violation of this resolution. Owners of alarm systems more than ninety days in arrears for all excess emergency alarm inspection fees, due under this resolution, shall have a perpetual lien placed against the property pursuant to Colorado Revised Statutes, §32-1-1001(j). The owner shall be responsible to reimburse the Lake Dillon Fire Protection District for all reasonable legal fees incurred in collecting such fees.

Section 5 - Definitions. The following definitions shall apply to this resolution:

A) **Category I Alarms:** Any alarm requiring a fire department response where the system operated properly under the following conditions:

- 1) **Accidental:** Any alarms caused by the following:
 - a) A guest or circumstances beyond the control of management.
 - b) An accidental smoke or fire condition.

Category I alarms shall not be assessed a fee.

B) **Category II Alarms:** Any alarm requiring a fire department response under the following conditions:

- 1) **System Malfunction:** Any alarm caused by poor or improper maintenance, improper installation of alarm equipment, hardware or wiring. An improper action by the alarm monitoring center or fire alarm installation/testing company shall also be considered a system malfunction.

- 2) **User Error:** The act or omission of an agent, employee or contractor of management.
- 3) **Undetermined Cause:** Any alarm which after investigation by the fire department does not reveal the apparent cause of the alarm. If the alarm system owner, or their agent, can provide proof of cause within two working days from the alarm time, the fire department may re-evaluate the assessment.

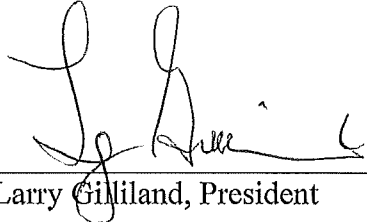
These Category II alarms shall be termed "unnecessary" and will be assessed a fee as outlined in Table 2

C) Malicious: Any alarm caused by a malicious or mischievous action.

These alarms shall be termed "unnecessary" and will be assessed a fee as outlined in Table 2. These alarms are also unlawful. The individual responsible for a malicious alarm(s) may be subject to criminal action as defined in the Colorado Revised Statutes.

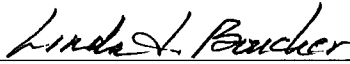
Effective 1.18.11

Introduced, read and adopted this 18th day of January, 2011 by the Board of Directors of the Lake Dillon Fire Protection District.



Larry Gilliland, President

ATTEST:



Linda Boucher, Recording Secretary