

ORDINANCE NO. 1-2014

AN ORDINANCE OF THE SARATOGA FIRE PROTECTION DISTRICT RESTATING AND AMENDING THE REQUIREMENTS FOR INSTALLATION AND OPERATION OF THE EARLY WARNING FIRE ALARM SYSTEM

RECITALS:

A. On March 15, 2007, the Board of Fire Commissioners of the Saratoga Fire Protection District ("the District") adopted Ordinance No. 1-2006 to establish new regulations and requirements for the Early Warning Fire Alarm System ("EWAS").

B. Ordinance No. 1-2006 was amended by Ordinance 1-2009 and Ordinance 1-2012.

C. The District desires to further amend and restate the requirements for installation and operation of the EWAS. This ordinance is intended as a complete restatement of all provisions pertaining to the EWAS contained in Ordinance 1-2006, as amended by Ordinance 1-2009 and Ordinance 1-2012.

The Board of Fire Commissioners of the Saratoga Fire Protection District therefore ordains as follows:

SECTION 1: Findings.

The Board of Fire Commissioners hereby finds and determines as follows:

A. Utilization of current technology in the detection and warning of fire will significantly enhance the level of protection from such hazard while at the same time maximizing the effectiveness of existing equipment and facilities for emergency responses.

B. Certain areas of the City of Saratoga have been designated as the Wildland-Urban Interface Fire Area on the City's Wildland-Urban Interface Fire Area Map, which are defined as any land covered with grass, grain, brush or forest which is so situated or is of such inaccessible location, that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage

through fire or resulting erosion. The response time of emergency equipment to calls for aid in the Wildland-Urban Interface Fire Area is impaired due to: (1) non-availability of access to some portions of such areas; (2) steep, narrow streets and roadways located in such areas; (3) lack of connecting streets and roadways in such areas; and (4) the unusual topography of such areas. Further, the presence of heavy vegetation in the Wildland-Urban Interface Fire Area increases the potential for the rapid spread of any fire which may start in such areas, particularly during seasonal dry spells.

C. A substantial portion of the new single-family dwellings being constructed in the City of Saratoga are larger structures, typically in excess of five thousand square feet with three-car garages. By reason of their size, a fire in these structures can be more difficult to extinguish.

D. The risk of fire to persons and property within multi-family dwellings and structures containing multiple sleeping units is proportionately greater because of the higher density of occupants. Immediate warning of the existence and location of fire will serve to reduce the possibility of death, injury and property damage.

E. Because commercial buildings and community facilities are public gathering places, the public health and safety risks of fire are particularly acute. Immediate warning of the existence and location of fire will serve to reduce the possibility of death, injury and property damage in these structures.

F. The public safety and welfare may necessitate installation of an early warning fire alarm system in a commercial structure or community facility, depending upon the facts and circumstances to be evaluated by the Fire Chief in each individual case.

G. The City of Saratoga, through the adoption of the Safety Element of its General Plan, as implemented by the City's subdivision, zoning, and building regulations, has required installation of an Early Warning Fire Alarm System ("EWAS"), in accordance with standards and requirements established from time to time by the District, and connection of such system to a monitoring station, in each of the following cases:

- (1) All new single-family dwellings, commercial structures and community facilities located within the designated Wildland-Urban Interface Fire Area.

- (2) Any existing single family dwelling, commercial structure or community facility which is expanded by fifty percent or more in floor area and is located within the designated Wildland-Urban Interface Fire Area.
- (3) All new single-family dwellings, commercial structures and community facilities having a floor area in excess of five thousand square feet.
- (4) Any existing single-family dwelling, commercial structure or community facility which is expanded by fifty percent or more in floor area which, after such expansion, will exceed five thousand square feet in floor area.
- (5) All new residential structures classified as "R" occupancies in the most recent version of the California Building Code adopted by the City of Saratoga, except R-3 occupancies (detached single family dwellings) which are not otherwise required to install the EWAS under Paragraphs (1), (2), (3) or (4) above.
- (6) Any existing residential structure classified as an "R" occupancy, except an R-3 occupancy as described in Paragraph G(5) above, which is expanded by fifty percent or more in floor area.
- (7) When required by the Chief of the fire district having jurisdiction over the project, an early warning fire alarm system shall be installed in an existing commercial structure or community facility which is remodeled or the use thereof is changed, and such commercial structure or community facility either: (i) has a floor area in excess of five thousand square feet, or (ii) regardless of size, is located within the designated Wildland-Urban Interface Fire Area. The determination by the fire chief shall be based upon any one or more of the following considerations:
 - (a) An occupant load increase of fifty percent or more.
 - (b) New commercial cooking operations.
 - (c) Hazardous materials storage for which a permit is required.
 - (d) The principal use involves the care or supervision of building occupants such as day care facilities for children or senior citizens.

As used above, the term "commercial structure" includes, but is not limited to, office buildings, retail stores, restaurants, repair shops, and industrial buildings, and the term "community facility" includes, but is not limited to, schools, theatres, churches, meeting halls and conference centers. The determination of floor area and fifty percent expansion shall be made by the City of Saratoga Building Department in accordance with the rules and procedures established in the City's Building and Zoning regulations.

SECTION 2: Standards and requirements for installation and operation of the early warning fire alarm system.

Where an early warning fire alarm system is required by the City of Saratoga to be installed in any structure, such system shall be installed and operated in compliance with the technical standards and requirements as adopted from time to time by resolution of the District's Board of Fire Commissioners. Copies of the adopted standards and requirements for the early warning fire alarm system shall be kept on file and available for distribution to the public at the business office of the District. A current copy of the standards and requirements shall also be provided by the District to the Building and Planning Departments of the City of Saratoga and to the Chief of the Santa Clara County Central Fire Protection District.

SECTION 3: Maintenance and repair.

Every owner of property on which an early warning fire alarm system has been installed pursuant to a requirement of the City of Saratoga shall be responsible for maintaining the system in good operating condition and repair. In the event the system becomes impaired or inoperable and the owner fails or refuses to perform any necessary maintenance, repair or replacement work within a reasonable time after receiving written notice from the District or the City to do so, such failure or refusal shall constitute a violation of this Ordinance and also a breach of the condition of development approval imposed by the City of Saratoga pertaining to installation of the early warning fire alarm system.

SECTION 4: Connection to monitoring station; Payment of service fee.

A. Every early warning fire alarm system installed pursuant to a requirement of the City of Saratoga shall be connected to a monitoring station and continuously monitored 24 hours a day, 7 days a week.

B. Every owner of property on which an early warning fire alarm system has been installed and for which monitoring service is being provided by the District, shall be responsible for payment of a service fee to the District, in such amount and payable in such manner as established from time to time by resolution of the District's Board of Fire

Commissioners. The service fee shall constitute an unsecured indebtedness owed by the property owner to the District and upon any failure to pay such fee when due, the District may commence a civil action for collection of the delinquent fee together with interest thereon at the rate then applicable to money judgments, plus costs and attorney's fees.

C. Upon the District giving written notice to the property owner that the monitoring service will no longer be provided by the District, the owner's responsibility for payment of a service fee to the District shall be terminated, effective as of the date on which the monitoring service is discontinued as set forth in the notice. However, the property owner shall continue to be responsible for payment of any service fees which have accrued prior to the effective date of discontinuance.

D. Prior to receipt of notice from the District that monitoring service will no longer be provided, any owner of property on which an early warning fire alarm system has been installed which is being monitored by the District may voluntarily discontinue the monitoring service. The owner shall give written notice to the District of the owner's election to use a different monitoring station. The notice shall contain a description of the new monitoring station, including name, address, contact information, a general description of the monitoring service to be provided, and the manner in which the alarm system will be connected to the new monitoring station. The property owner's obligation for payment of the service fee to the District shall terminate as of the date on which monitoring service is discontinued by the District.

E. Upon discontinuance of monitoring service provided by the District, whether initiated by the District pursuant to Paragraph 4C or initiated by the property owner pursuant to Paragraph 4D above, the property owner shall be solely responsible for the continued monitoring of the early warning fire alarm system in compliance with the requirements of Paragraph 4A of this Ordinance.

SECTION 5: Inspection of EWAS Monitored by District.

During any period of time in which the District is providing monitoring services for an installed early warning fire alarm system, the District and its authorized agents shall have the right to inspect such system for the purpose of determining whether the system (1)

is being maintained in a proper condition, and (2) is operating in a proper manner. If the system is found to be inoperable or in need of major replacement or repair, the cost of the inspection may be charged to the property owner. In addition, upon failure of the property owner to make the necessary replacements or repairs, the District may initiate proceedings to record a Notice of Violation pursuant to Section 7(C) of this Ordinance.

SECTION 6: Recorded Notice of Fire Alarm System.

A. When required by the District or the City of Saratoga, or with the consent of the property owner, a disclosure form giving notice that the early warning fire alarm system has been installed on the property shall be recorded in the office of the Recorder for Santa Clara County. The disclosure shall be signed by an authorized representative of the District.

B. The disclosure may include the following information:

- (1) The address and legal description of the property on which the early warning fire alarm system has been installed;
- (2) A general description of the fire alarm system.
- (3) A reference to the permit or other development approval granted by the City of Saratoga which required installation and continued operation of the fire alarm system, if applicable.
- (3) The obligation of the property owner to maintain the fire alarm system in good condition and repair.
- (4) The manner in which the fire alarm system is being monitored. If the monitoring service is being provided by the District, the obligation of the property owner to pay a fee to the District for such service.

SECTION 7: Administration and enforcement.

A. **Enforcement Officer.** The acting Chief of the Saratoga Fire Protection District, or his or her authorized representative, shall have authority to administer and enforce the provisions of this Ordinance and any resolution by the Board of Fire Commissioners adopted pursuant hereto.

B. Infraction Offense. Any violation of this Ordinance shall constitute an infraction and a public nuisance for which penalties may be imposed and other relief sought by the District as provided by law, including recordation of a Notice of Violation pursuant to Paragraph C of this Section. Each violation shall constitute a separate offense.

C. Recorded Notice of Violation.

- (1) Whenever the Fire Chief, or the Fire Chief's designated representative ("Fire Chief") has knowledge of a violation of any provision of this Ordinance, or any amendment hereof, the Fire Chief may give written notice of such violation to the owner of the property on which the early warning fire alarm system has been installed. Violations may include failure to install, operate, or maintain the alarm system in accordance with the applicable standards and requirements adopted by the District, or failure to have the alarm system continuously monitored 24 hours a day, 7 days a week. Such notice shall be mailed to the person and address as shown on the records of the District, or if such record does not exist or is known to be inaccurate, to the person and address as shown on the latest available County assessment roll or as otherwise known to the Fire Chief.
- (2) If the property owner fails to correct the violation within the time specified in the notice, or such additional time as may be granted by the Fire Chief, a further written notice may be given of the Fire Chief's intention to record a Notice of Violation in the office of the County Recorder. The notice of intent shall describe the nature of the violation and inform the owner that a Notice of Violation will be recorded unless a hearing before the District's Board of Fire Commissioners is requested by the owner within twenty (20) days from the date of the notice.
- (3) In the event a hearing is not requested and the violation has not been corrected, or in the event that after the conduct of a hearing by the Board of Fire Commissioners and consideration of all evidence presented thereat by the owner, the Board determines that a violation of this Ordinance in fact exists, the Fire Chief may record a Notice of Violation in the office of the County Recorder.
- (4) At the request of the affected property owner or other interested person and upon determination by the Fire Chief that the violation described in the Notice has been fully corrected and no longer exists, the Fire Chief shall furnish to the owner or other interested person a notice of expungement of the previously recorded Notice of Violation.
- (5) The recording of a Notice of Violation pursuant to this Section shall be in addition to any other rights, remedies or actions available to the District by reason of the same violation as described in the notice.

SECTION 8: Restatement and Amendment of Prior Ordinances.

This Ordinance is intended as a complete restatement and amendment of Ordinance 1-2006, as amended by Ordinance 1-2009 and Ordinance 1-2012, and the provisions hereof shall supersede and replace all of the provisions contained in such prior ordinances, effective as of the effective date of this Ordinance.

SECTION 9: Partial invalidity.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Fire Commissioners of the Saratoga Fire Protection District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 10: Effective date.

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

SECTION 11: Posting and Publication.

Pursuant to Government Code Section 25124(b)(1), the full text of this Ordinance has been posted in the office of the Clerk of the District for at least five (5) days prior to the date of adoption and a summary of the proposed ordinance was published at least five (5) days prior to the date of adoption. The District Clerk is instructed to publish a summary of this Ordinance within fifteen (15) days after the date of adoption and to post the full text of this Ordinance in her office, along with the names of the Fire Commissioners voting for and against the Ordinance.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the Board of Fire Commissioners of the Saratoga Fire Protection District held on the ____ day of November, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Joe Long, Chairperson

ATTEST:

Trina Whitley, District Clerk

APPROVED AS TO FORM:

District Counsel