

## Mt. Crested Butte Code

### Chapter 8 FIRE PREVENTION AND PROTECTION

#### ARTICLE I. IN GENERAL

##### Note

\* **Editor's note**—Ord. No. 12-05, § 1, adopted October 2, 2012, repealed former Ch. 8, Art I in its entirety, and enacted new provisions as Art. I to read as herein set out. Prior to repeal, former Art. I pertained to similar subject matter derived from Ord. No. 99-7, § 2, adopted June 15, 1999; Ord. No. 07-2, § 2, adopted March 6, 2007; and Ord. No. 09-4, § 1, adopted November 17, 2009.

##### Sec. 8-1 Fire Code adopted.

(a) Pursuant to Title 31, Article 16, Part 2, C.R.S., there are hereby adopted by reference the following International Codes:

(1) The International Fire Code Chapters 1 through 47 and Appendix Chapters A through C and Appendix Chapters E through G, 2009 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 subject to such additions, deletions and modifications as are set forth in this article.

(b) One (1) copy of such International Codes are available for inspection in the office of the building inspector of the town during regular business hours.

(Ord. No. 12-05, § 1, 10-2-12)

##### Sec. 8-2 Title.

Section 101.1, Title, of the International Fire Code adopted in this article is hereby amended by substituting “Town of Mt. Crested Butte” for (NAME OF JURISDICTION) in the first sentence.

(Ord. No. 12-05, § 1, 10-2-12)

##### Sec. 8-3 Referenced codes and standards.

Section 102.7, Applicability, Referenced Codes and Standards, of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence:

The most current National Fire Protection Association standards may also be utilized.

(Ord. No. 12-05, § 1, 10-2-12)

##### Sec. 8-4 Appointment of the Fire Code official.

Section 103.2 Department of Fire Prevention, Appointment, of the International Fire Code adopted in this article is hereby amended in its entirety to read as follows:

Section 103.2, Fire Code official.

The Town Council of the Town of Mt. Crested Butte hereby appoints the Fire Marshall appointed by the Board of Directors of The Crested Butte Fire Protection District to serve as the Fire Code Official of the Department of Fire Prevention for the Town of Mt. Crested Butte.

(Ord. No. 12-05, § 1, 10-2-12)

##### Sec. 8-5 Permits.

Section 105.7, Permits, Required construction permits, of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence:

Automatic fire suppression system contractors or persons working on such systems shall be registered with the State of Colorado Division of Fire Safety.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-6 Requests for inspection.**

Section 106.2, Inspections, of the International Fire Code, adopted in this article is hereby amended in its entirety to read as follows:

Section 106.2.1, Inspection requests.

It shall be the duty of the person doing the work authorized by a permit to notify the Fire Code Official that such work is ready for inspection. Every request for inspection must be filed at least 5 working days before such inspection is desired. Such request may be in writing or by telephone.

It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-7 Violations—Penalties.**

Section 109.3, Violation penalties, of the International Fire Code adopted in this article is hereby amended in its entirety to read as follows:

Section 109.3, Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 1,000 dollars, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-8 Stop work orders.**

Section 111.4, Failure to comply with the International Fire Code adopted in this article is hereby amended in its entirety to read as follows:

Section 111.4, Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties outlined in Section 109.3 of this article.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-9 Fire apparatus access roads.**

Section 503, Fire apparatus access roads, and all subsequent subsections under Section 503, of the International Fire Code adopted in this article are hereby amended in their entirety to read as follows:

Section 503.1, Where required.

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1, 503.1.2 and 503.1.3.

Section 503.1.1, Buildings and facilities.

An approved fire apparatus access road shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall be on the lot upon which the facility, building or portion of a building is located and shall be within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 and fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

2. There are not more than two Group R-3 or Group U occupancies.

Section 503.1.2, Additional access.

The building official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Section 503.1.3, High-piled storage.

Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

Section 503.2, Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.6.

Section 503.2.1, Dimensions.

Fire apparatus access roads shall have an unobstructed width and vertical clearance as specified in Table 21-913 (1) of The Code of The Town of Mt. Crested Butte, Colorado as adopted when the fire apparatus access roads received design review approval except for approved security gates in accordance with Section 503.6.

Section 503.2.2, Authority.

The building official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

Section 503.2.3, Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

Section 503.2.4, Turning radius.

The required turning radius of a fire apparatus access road shall be as defined by Table 21-913 (1) of The Code of The Town of Mt. Crested Butte, Colorado, as adopted when the fire apparatus access road received design review approval.

Section 503.2.5, Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be provided with an approved area for turning around fire apparatus as defined in Section 18-131 Cul-de-sacs; hammer sacs; dead-end streets of the code of The Town of Mt. Crested Butte, Colorado, as adopted when the fire apparatus access road received design review approval.

Section 503.2.6, Bridges and elevated surfaces.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be

designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

Section 503.2.7, Grade.

The grade of the fire apparatus access road shall be within the limits established by Table 21-913 (1) of The Code of the Town of Mt. Crested Butte when the fire apparatus access road received design review approval.

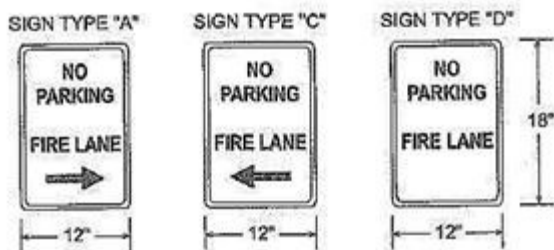
Section 503.3 Marking.

Where required by the fire code official, signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Section 503.3.1, Signs.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Figure F-503.1. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road.

Figure F-503.1



Section 503.4, Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

Section 503.5, Required gates or barricades.

The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Section 503.5.1, Secured gates and barricades.

When required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be

trespassed on or used unless authorized by the owner and the fire code official. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.  
Section 503.6, Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.  
(Ord. No. 12-05, § 1, 10-2-12)

#### **Sec. 8-10 Private underground fire service mains.**

Section 507.2.1, Fire protection water supplies, Private fire service mains, of the International Fire Code adopted in this article shall be amended by the addition of the following section:

Section 507.2.1.1, Underground fire service mains.

Projects which include private underground fire service mains will be reviewed and approved by the Crested Butte Fire Protection District pursuant to Section 24-33.5-1202, C.R.S. Construction documents shall be submitted to the Crested Butte Fire Protection District detailing the location, size, components and anticipated fire flows of all proposed private underground fire service mains. The contractor shall be responsible for demonstrating that they are registered as an Underground Fire Line Contractor by providing the Crested Butte Fire Protection District certification of the contractor's registration as an Underground Fire Line Contractor by the Colorado Division of Fire Safety. A copy of the certification shall be kept on file in the offices of the Crested Butte Fire Protection District. Prior to a request for inspection and acceptance of a project that includes a private underground fire main; the registered Underground Fire Line Contractor shall complete a contractor's Material and Test Certificate for Private Fire Service Mains form.

(Ord. No. 12-05, § 1, 10-2-12)

#### **Sec. 8-11 Obstruction.**

Section 507.5.4, Fire protection water supplies, Obstruction, of the International Fire Code adopted in this article shall be amended by the addition of the following sentence at the end of the existing text:

Snow and/or snow removal operations shall not prevent fire hydrants from being immediately discernable or hinder gaining immediate access.

(Ord. No. 12-05, § 1, 10-2-12)

#### **Sec. 8-12 Clear space around fire department hydrants.**

Section 507.5.5, Clear space around hydrants, of the International Fire Code adopted in this article is hereby amended to read as follows:

Section 507.5.5, Clear space around hydrants.

Minimum clearances must be maintained around fire hydrants to facilitate their use. It shall be the responsibility of property owners to maintain a seven foot (7') clearance on either side where 2 1/2" connectors are located; ten foot (10') clearance in front where the 4 1/2" connection is located; four foot (4') clearance in back, to include retaining walls and landscaping; 25-foot (25') clearance above all fire hydrants. The breakaway fitting must be 6 inches (6") above finish grade.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-13 Portable un-vented heaters.**

Section 603.4, Fuel-fired appliances, Portable un-vented heaters and subsequent subsections and exceptions under Section 603.4, of the International Fire Code, 2009 Edition adopted in this article is hereby amended by their deletion in their entirety and replaced with the following section:

Section 603.4, Portable unvented heaters.

Portable indoor unvented fuel-fired heating equipment shall be prohibited in all occupancies.

Section 603.6.3, Fuel-fired appliances, Decorative shrouds, of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence:

Decorative shrouds shall be designed to be easily removed to allow access for cleaning, inspection or emergency response. This requirement is for chimneys connected to solid fuel burning appliances or fireplaces.

Section 603, Fuel-fired appliances, of the International Fire Code adopted in this article is hereby amended by the addition of the following subsection:

Section 603.6.6, Spark arrestors.

Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrestor. Spark arrestors shall be constructed of woven or welded wire screening of 12 USA standard gage wire having openings not exceeding 1/2-inch.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-14 Fire protection systems.**

Section 903.4, Fire protection systems, Sprinkler system monitoring and alarms, Exception 1, of the International Fire Code adopted in this article is hereby amended by its deletion in its entirety and replacement with the following text:

Section 903.4.

Exception 1. The control valve for automatic sprinkler systems protecting one- and two-family dwellings may be locked or secured in an approved manner or the handle to such valve may be removed once the valve has been left in the open position.

Section 903.4.2, Fire protection systems, Sprinkler system monitoring and alarms, of the International Fire Code adopted in this article is hereby amended by the addition of the following subsection:

Section 903.4.2.1, Audible devices.

Automatic sprinkler systems protecting one- and two-family dwellings shall also have installed a separate interior audible device in an approved location.

(Ord. No. 12-05, § 1, 10-2-12)

### **Sec. 8-15 Additional fire protection devices required in R1, R2, R3 and R4 occupancies.**

Section 906.1, Portable fire extinguishers, Where required, of the International Fire Code, adopted in this article, is hereby amended by the addition of the following requirement:

1. All R1, R-2, R-4, and I occupancies which do not now have fire extinguishers of minimum size and rating of 2.75 lb 1A5BC installed in all accommodation or dwelling units shall be required to install and maintain them in said units.

(Ord. No. 12-05, § 1, 10-2-12)

## **Sec. 8-16 Fire alarm and detection systems.**

Section 907.2.1, Fire alarm and detection systems, Group A, and subsequent exception under Section 907.2.1, of the International Fire Code adopted in this article are hereby amended by their deletion in their entirety and the replacement of the following text:

Section 907.2.1, Fire alarm and detection systems, Group A.

A manual fire alarm system shall be installed in Group A occupancies having an occupant load of 100 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Section 907.2.2, Fire alarm and detection systems, Group B, and subsequent exception under Section 907.2.2, of the International Fire Code adopted in this article are hereby amended by their deletion in their entirety and the replacement of the following text:

Section 907.2.2, Fire alarm and detection systems, Group B.

A manual fire alarm system shall be installed in Group B occupancies having an occupant load of 100 or more persons or more than 50 persons above or below the lowest level of exit discharge.

Section 907.2.7, Fire alarm and detection systems, Group M, Exception 2, under Section 907.2.7, of the International Fire Code adopted in this article is hereby amended by its deletion in its entirety.

Section 907.2.8.1, Fire alarm and detection systems, Manual fire alarm system, Exceptions, under Section 907.2.8.1, of the International Fire Code adopted in this article is hereby amended by their deletion in their entirety.

Section 907.2.8.2, Fire alarm and detection systems, Automatic fire alarm system, under Section 907.2.8.2, of the International Fire Code adopted in this article is hereby amended by its deletion in its entirety and with the replacement of the following text:

Section 907.2.8.2. Automatic fire alarm system.

An automatic fire alarm system shall be installed throughout all interior corridors serving sleeping units, laundry rooms, mechanical rooms and all common areas.

Section 907.2.11.3, Interconnection, of the International Fire adopted in this article is hereby amended by the addition of the following subsection:

Section 907.2.11.3.1. Alarm transmission.

Within an individual dwelling unit or sleeping unit in Groups R-1, R-2, R-4 and I-1 at least one centrally located fire detection device shall transmit a trouble or supervisory signal to the building fire alarm control panel. Such device may be a combination smoke/heat detector.

Section 907.7.5, Fire alarm and detection systems, Monitoring, of the International Fire Code adopted in this article is hereby amended by the deletion of Exception 3 in its entirety.

Section 907.7.5.1, Fire alarm and detection systems, Automatic telephone-dialing devices, of the International Fire Code adopted in this article is hereby amended by the addition of the following paragraph:

Any fire alarm system required by this code shall be wired to accommodate a signal which communicates an alarm to a central station monitoring service, approved by the Crested Butte Fire Protection District, indicating the address of the building or structure and the nature of the alarm.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-17 Carbon monoxide detector required.**

Section 908, Emergency Alarm Systems, of the International Fire Code adopted in this article is hereby amended by the addition of the following subsection:

Section 908.7, Carbon monoxide detector required.

For all permitted construction or where dwelling units have been offered for sale or transfer, all R and I occupancies that have a fuel burning heater or appliance, a fireplace or an attached garage shall be equipped with a carbon monoxide detector. The alarm shall be located within 15 feet of an entrance to each room lawfully used for sleeping and audible within the sleeping room(s) it serves. Said alarm must be located outside of each room. If a fireplace or fuel burning heater or appliance is located within a sleeping room than an additional carbon monoxide shall be required inside the sleeping room. In existing buildings the alarm can be battery powered only or plug-in with battery backup. For new construction the carbon monoxide detector shall be hardwired with battery backup and interlinked with other early warning devices. Combination smoke/carbon monoxide devices are acceptable. All alarms shall be listed and comply with UL 2034 Standard and installed in accordance with NFPA 720.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-18 Means of egress.**

Section 1029.5, Emergency escape and rescue, window wells, of the International Fire Code adopted in this article is hereby amended by the addition of the following subsection:

Section 1029.5.3, Roof snow shed.

No window well will be approved as a means of egress unless a roof section extends past the window well footprint (at a minimum one foot) sufficient to prevent snow from falling into or backing into the window well it covers. The section covering a window well egress must be high enough above grade to allow egress but should not be more than nine feet above the grade upon which the window well exits. A curb may be required around the sides of the window well used for egress above the adjacent grade to prevent snow from backing into the window well and to prevent pedestrians from inadvertently falling into the window well.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-19 Outdoor storage of cryogenic fluids.**

Section 3204.3, Storage, outdoor storage of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence and exception at the end of the existing text:

Section 3204.3.1.1.3. Location.

In the event of a conflict with Colorado State of Federal EPA regulations the more stringent regulations shall apply.

Exception: Tanks legally in existence at the time of the adoption of this resolution. Providing they do not pose undue fire or safety hazards.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-20 Outdoor storage of flammable and combustible liquids.**

Section 3404.2.9.6.1, Locations where above ground tanks are prohibited, of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence and exception at the end of the existing text:

Section 3404.2.9.6.1, Conflict between regulations.

In the event of a conflict with Colorado State of Federal EPA regulations the more stringent regulations shall apply.



Exception: Tanks legally in existence at the time of the adoption of this resolution. Providing they do not pose undue fire or safety hazards.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-21 Special operations related to storage of flammable and combustible liquids.**

Section 3406.2.4.4, Locations where above-ground tanks are prohibited, of the International Fire Code adopted in this article is hereby amended by the addition of the following sentence and exception at the end of the existing text:

Section 3406.2.4.4, Locations where above-ground tanks are prohibited.

In the event of a conflict with Colorado State of Federal EPA regulations the more stringent regulations shall apply.

Exception: Tanks legally in existence at the time of the adoption of this resolution. Providing they do not pose undue fire or safety hazards.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-22 Prohibitions of above ground liquid petroleum gas tanks.**

Section 3804.3, Location of LP-gas containers, Container location, of the International Fire Code adopted in this article is hereby amended by the addition of the following subsection:

Section 3804.3.2, Above ground LP-gas containers.

The storage of liquefied petroleum gases in outside above ground tanks is prohibited throughout Mt. Crested Butte, Colorado, except that the building official may issue a temporary permit for up to six (6) months for a storage tank not to exceed five hundred (500) gallons. The permit shall cost twenty-five dollars (\$25.00). In the event of a conflict with Colorado State of Federal EPA regulations the more stringent regulations shall apply.

Exception: Tanks legally in existence at the time of the adoption of this resolution. Providing they do not pose undue fire or safety hazards.

(Ord. No. 12-05, § 1, 10-2-12)

**Sec. 8-23 Means of egress for existing buildings.**

Section 4604.5, Illumination emergency power (2) of the International Fire Code adopted in this article is hereby amended in its entirety to read as follows:

Section 4604.5 (2), Illumination emergency power.

(2) Group B buildings three or more stories in height or buildings with 100 or more total occupants.

(Ord. No. 12-05, § 1, 10-2-12)

**Secs. 8-24—8-25 Reserved.**

## **ARTICLE II. OPEN BURNING**

### **Sec. 8-26 Outdoor burning prohibited; exception.**

It shall be unlawful for any person to burn, or cause to be burned, any paper, refuse, excelsior, grass, leaves, organic matter or other combustible matter whatsoever except in an approved receptacle designed to burn such material; provided, however, that no such burning may be undertaken out of doors except as provided in section 8-27.

(Ord. No. 77-4, § 1, 3-1-77)

### **Sec. 8-27 Burning by permission of town manager.**

(a) The town manager may issue a special burning permit. Such permit may be issued upon written application and a refundable deposit of twenty-five dollars (\$25.00) and such other deposit that the town manager may deem necessary to ensure proper cleanup of the burning site.

(b) In his/her discretion, the town manager may require that reasonable insurance protection be provided for open-air burning as a prerequisite to issuance of a special burning permit.

(Ord. No. 77-4, § 2, 3-1-77)

### **Secs. 8-28—8-31 Reserved.**

## **ARTICLE III. FALSE ALARM NOTIFICATION**

### **Sec. 8-32 Definitions.**

As used in this article, the following words and terms shall have the meaning ascribed thereto:

*Alarm notification* means a notification intended to summon the police and/or fire department, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion or fire.

*Alarm site* means a single premises or location served by an alarm system or systems under the control of one (1) owner, manager, or person.

*Alarm system* means a device or system that emits, transmits, or relays a signal intended to summon the police services of the Mt. Crested Butte Police Department (hereinafter “police”) or the fire emergency services provided by the Crested Butte Fire Protection District (hereinafter “fire department”), including but not limited to, local alarms and direct notification alarms.

*False alarm notification* means an alarm notification to the police or fire department, when the responding officer finds no evidence of fire, unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, theft, or an attempt to take a person hostage.

*Person* means an individual, corporation, partnership, association, organization, or any other legal entity recognized under Colorado Law.

*Person in control of an alarm system* means the owner of an alarm site, the owner of a business located at an alarm site, or the local manager of business located at an alarm site.

(Ord. No. 89-1, § 1, 1-17-89)

### **Sec. 8-33 Reporting of an alarm system.**

The presence of an alarm system and its mode of operation shall be reported to one or both of the police and fire department which it is intended to summon by a person in control of the alarm system.

(Ord. No. 89-1, § 1, 1-17-89)

### **Sec. 8-34 Maintenance of an alarm system.**

An alarm system shall be maintained and operated in such fashion that false alarm notifications are not created. Any false alarm notification in excess of five (5) within any twelve (12) month period from any one alarm site shall be conclusive evidence that the alarm system is not being maintained and operated in such a fashion that false alarm notifications are not created. Each such false alarm notification in excess of five (5) within any twelve (12) month period shall be deemed a separate offense.

(Ord. No. 89-1, § 1, 1-17-89)

### **Sec. 8-35 Violation and penalty.**

Any person or person in control of an alarm system who violates the provisions of sections 8-33 and 8-34, above, shall be guilty of a misdemeanor. Upon conviction thereof, such person or person in control of an alarm system shall be fined as follows, which fines are deemed mandatory fines not subject to reduction by the municipal judge:

- (1) Violation of section 8-33 shall result in a fine of one hundred dollars (\$100.00).
- (2) Violation of section 8-34 shall result in a fine of one hundred dollars (\$100.00) if the police are summoned by the false alarm notification of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, theft, or an attempt to take a person hostage.
- (3) Violation of section 8-34 shall result in a fine of two hundred fifty dollars (\$250.00) if the fire department is summoned by the false alarm notification.

Each false alarm notification in excess of five (5) within any twelve (12) month period shall be deemed a separate offense.

(Ord. No. 89-1, § 1, 1-17-89)