

(ii) alarm signals that are the result of faulty, malfunctioning, or improperly installed or maintained equipment.

‘False alarm’ does not include:

(i) alarm signals activated by severe weather conditions; and

(ii) alarm signals activated during the initial 30-day period following new installation; and

(iii) alarm signals knowingly activated pursuant to Title 11, § 1245(1) Falsely Reporting an Incident.

(e) ‘Alarm Activation Report’ means a designated form issued by the State Fire Marshal for use by the Fire Chief indicating the alarm signal was found to be the result of a false alarm.

(f) ‘Fire alarm contractor’ means a person or company licensed by the State Fire Marshal’s Office and engaged in installing, maintaining, monitoring, altering, or servicing fire alarm signaling or fire suppression systems.

(g) ‘Fire alarm signaling monitoring company’ means a station or building located remote from the protected premises where fire alarm signals from one or more protected premises are received and where, upon receipt of such signal, notifies the dispatch center.

(h) ‘Fire alarm signaling system’ means an automatic or manual fire alarm or fire suppression system in accordance with the State Fire Prevention Regulations. For the purpose of this legislation, fire alarm signaling system does not include typical household single-station smoke detectors in one- and two-family dwellings.

(i) ‘Fire Chief’ means the Fire Chief or officer in charge of the responding fire department.

(j) ‘Monitored System’ means the process by which a fire alarm signaling monitoring company receives signals from a fire alarm system and notifies the dispatch center.

(k) ‘Owner’ means any person who owns the premises where the fire alarm signaling system or fire suppression system is installed or the person or persons who lease, operate, occupy, manage the premises, or are bound by the contract for services provided by the fire alarm signaling monitoring company.

(l) ‘Premises’ means any building or structure where a fire alarm signaling system is installed.

§ 6639. Initial Installation Requirements.

- 45 (a) Upon the installation of a new fire alarm signaling system, the fire alarm contractor shall furnish
46 the owner with written operating instructions and training to enable the owner to use the fire alarm
47 signaling system properly. The fire alarm contractor shall notify the owner of the provisions of this
48 Chapter and of the State Fire Prevention Regulations upon completion of the installation of the fire
49 alarm signaling system.
- 50 (b) A Record of Completion form, designated by the Office of the State Fire Marshal, containing
51 owner and system information shall be submitted by the fire alarm contractor to the State Fire
52 Marshal for all new fire alarm signaling systems.

53 § 6640. Fire Alarm Signaling Monitoring Companies.

- 54 (a) All fire alarm signaling monitoring companies are responsible to direct the call reporting the fire
55 alarm signal to the appropriate dispatch center, and to provide the dispatch center with accurate
56 location information.
- 57 (b) All fire alarm signaling monitoring companies shall maintain a current contact list of three (3)
58 representatives or designees of the owners of which one will respond to the premises within 30
59 minutes to assist the fire department in gaining access to the building. The fire alarm signaling
60 monitoring company shall have current contact information for each representative or designee of
61 the owner. The contact list must be updated on an annual basis.
- 62 (c) Where an owner is unable to provide a minimum of three (3) representatives or designees who can
63 respond within 30 minutes, in accordance with § 6640(b), a lock box containing keys for fire
64 department access shall be provided as specified in the State Fire Prevention Regulations.
- 65 (d) A one hundred dollar (\$100.00) civil penalty will be charged if an owner fails to provide either a
66 minimum of three (3) representatives or designees who can respond within 30 minutes or a lock
67 box approved by the Office of the State Fire Marshal.
- 68 (e) A one hundred dollar (\$100.00) civil penalty shall be charged each time a fire alarm signaling
69 monitoring company violates a provision of this Section.
- 70 (f) For a fire alarm system installed in a single-family dwelling, the fire alarm contractor is responsible
71 to solicit an updated contact list on an annual basis from the owner. It is an affirmative defense if
72 the owner fails to comply with the fire alarm contractor's requests for information.

73 § 6641. Testing of Fire Alarm Signaling Systems.

- 74 (a) No person shall conduct any test or demonstration of a fire alarm signaling system without first
75 contacting the appropriate fire dispatch center and fire alarm signaling monitoring company. The
76 fire dispatch center and fire alarm signaling monitoring company shall also be contacted when the
77 fire alarm test or demonstration is completed.
- 78 (b) A violation of this Section shall be punished as follows:
- 79 (i) First offense; written warning; no fine.
- 80 (ii) Second offense: one hundred dollar (\$100.00) civil penalty.
- 81 (iii) Third and subsequent offenses: five hundred dollar (\$500.00) civil penalty for each offense.
- 82 (c) For purposes of this Section, a fire alarm contractor that employs a person who violates this Section
83 will be held accountable for the offense.
- 84 (d) The offenses will be cumulative for all of the fire alarm contractor's employees who violate this
85 Section within a calendar year.
- 86 (e) The term 'calendar year' shall be January 1, 2004 through December 31, 2004 for the first year and
87 shall be January 1 through December 31 for each subsequent year.

88 § 6642. Inspection and Maintenance of Fire Alarm Signaling Systems.

- 89 (a) The owner shall ensure that the fire alarm signaling system is inspected and tested in accordance
90 with the State Fire Prevention Regulations.
- 91 (b) The owner shall ensure that the fire alarm signaling system is maintained per manufacturer's
92 specifications.

93 § 6643. Fire Alarm Activation.

- 94 (a) The owner shall be responsible for the activation of a fire alarm signaling system.
- 95 (b) A response to the activation of a fire alarm signaling system shall result when the fire department is
96 dispatched to the premises where the fire alarm signaling system has been activated.
- 97 (c) In the event that the dwelling fire alarm system, as defined in NFPA 72, is a Monitored System, the
98 fire alarm signaling monitoring company shall be permitted to verify residential alarm signals prior
99 to reporting them to the dispatch center provided that the verification process does not delay the
100 reporting by more than ninety (90) seconds.

(d) Upon determining that a false alarm has occurred at the premises, the Fire Chief will submit an Alarm Activation Report to the State Fire Marshal's Office.

(e) Resetting an alarm panel by any person prior to the Fire Chief's authorization shall be prohibited, and shall be considered a false alarm if the Fire Chief cannot determine the cause and nature of the alarm activation.

§ 6644. Excessive False Alarms Prohibited.

(a) Owners of a premise protected by a fire alarm signaling system shall not cause more than three (3) false alarms within a calendar year.

(b) The State Fire Marshal will record the number of Alarm Activation Reports for each premise.

(c) An owner that is in violation of Subsection (a) will be subject to a civil penalty as follows:

(i) Fourth alarm: one hundred dollars (\$100.00) civil penalty.

(ii) Fifth alarm: two hundred dollars (\$200.00) civil penalty.

(iii) Sixth and subsequent alarms: two hundred fifty dollars (\$250.00) civil penalty for each offense.

(d) The term 'calendar year' shall be January 1, 2004 through December 31, 2004 for the first year and shall be January 1 through December 31 for each subsequent year.

§ 6645. Civil Penalties and Appeals.

(a) The State Fire Marshal shall assess all civil penalties as outlined in this Act.

(b) All civil penalties will be paid within thirty (30) days of assessment.

(c) All monies derived from the civil penalties shall be placed in the Fire Detection Fund pursuant to Title 16, § 6637.

(d) An owner or a fire alarm contractor may appeal the assessment of a civil penalty to the State Fire Prevention Commission in accordance with the State Fire Prevention Regulations.

(e) The Justice of the Peace Court shall have jurisdiction over all unpaid civil penalties.”.

Section 2. This Act does not preempt any municipal or county ordinance already enacted or that may be enacted regarding the regulation of fire alarm signaling systems or false fire alarms.

Section 3. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application and to that end the provisions of this Act are declared to be severable.

Section 4. This Act shall take effect on January 1, 2004.

SYNOPSIS

The occurrence of false fire alarms is overtaking fire department resources and manpower throughout Delaware. Last year over 25% of fire calls responded to by Delaware fire departments were the result of a fire alarm signaling system. Of these alarms, over 99% were false alarms.

This Act is intended to reduce the frequency of false fire alarms.