VILLAGE OF BUCKEYE LAKE, OHIO
ORDINANCE NUMBER 2021-18
THIRD READING

AN ORDINANCE FOR THE LEVY OF FINES ASSOCIATED WITH NUISANCE FALSE FIRE ALARMS FOR THE VILLAGE OF BUCKEYE LAKE, OHIO, LICKING COUNTY.

WHEREAS, The Village of Buckeye Lake finds that a high incidence of Nuisance False Fire Alarms causes a significant use of emergency resources, which renders them out-of-service and unavailable to respond to other emergency situations; and,

WHEREAS, The Village of Buckeye Lake finds that the continued high incidences of Nuisance False Fire Alarms are a threat to the health, safety, and welfare of the citizens and emergency personnel of the Village of Buckeye Lake, as well as other surrounding communities.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, COUNTY OF LICKING, STATE OF OHIO, THAT:

SECTION I: PURPOSE

To encourage those responsible for the operation of a fire alarm system to properly use and maintain the operational effectiveness of their systems in order to improve their reliability, as well as reduce or eliminate the occurrence of false and nuisance alarms.

SECTION II: NUISANCE FALSE ALARMS

1. The number of nuisance false fire alarms received by the Fire Department from any one commercial, industrial, or multi-family residential fire alarm system shall not exceed two (2) instances within the calendar year. If exceeded, the Responsible Person shall be notified in writing of the violation by the Fire Chief, or designee.

    1.1. Within seven (7) days from the date of the notice, the Responsible Person shall have the opportunity to submit to the Fire Chief, or designee, sufficient evidence indicating the cause of the false alarm has been identified and repaired. If accepted by the Fire Chief, the amount of the fine assessed shall be reduced by 50%.

    1.2. If, after seven (7) days from the date of the notice, the Fire Chief has not received sufficient evidence, the full amount shall be assessed.

    1.3. The assessment of fines shall be as follows:

        1.3.1. Third (3^{rd}) Instance - $50.00

        1.3.2. Forth (4^{th}) Instance - $100.00

1.3.3. Fifth (5th) Instance - $200.00

1.3.4. Subsequent Instances - $300.00

2. The number of nuisance false alarms received by the Fire Department from any one-or-two family dwelling's fire alarm system shall not exceed three (3) within the calendar year. If exceeded, the Responsible Person shall be notified in writing of the violation by the Fire Chief, or designee.

2.1. Within seven (7) days from the date of the notice, the Responsible Person shall have the opportunity to submit to the Fire Chief, or designee, sufficient evidence indicating the cause of the false alarm has been identified and repaired. If accepted by the Fire Chief, the amount of the fine assessed shall be reduced by 50%.

2.2. If, after seven (7) days from the date of the notice, the Fire Chief has not received sufficient evidence, the full amount shall be assessed.

2.3. The assessment of fines shall be as follows:

2.3.1. Forth (4th) Instance - $25.00

2.3.2. Fifth (5th) Instance - $50.00

2.3.3. Subsequent Instances - $100.00

2.4. Homes who are without an approved Residential Knox Box that, upon receipt of a fine, purchase and install said box, will have all outstanding fines, not already submitted to the County Auditor, waived and their number of false alarm instances reduced to zero (0) for the current calendar year.

3. Subsection (1) hereof shall not apply to false alarms received during the test period of a system. The "test period" for an alarm system shall be defined as the first thirty (30) days after the date a new or substantially modified system is inspected and approved for use by the Fire Chief, or designee.

4. As used in this section, a "false alarm" shall mean any alarm that is received by the Licking County Regional Communications Center that is not the result of an actual emergency incident for which the alarm was intended.

SECTION III: LEVY OF FINES AND OTHER FEES

1. Fees and fines levied pursuant to this ordinance for excessive false alarms are due and payable on the date indicated on the service filing and will be considered delinquent if not paid by the due date provided. All delinquent fees are subject to a 1.5% monthly interest rate.

2. If said fines are not paid within sixty (60) days, the total costs shall be forwarded by the Fire Chief, or designee, to the Village Fiscal Officer. The Fiscal Officer shall make a return in writing to the Licking County Auditor of such total charges, which shall be entered upon the tax duplicate of the County and be allocated onto the property taxes in accordance with Ohio Revised Code §731.54 and shall be collected as other taxes and returned to the Village of Buckeye Lake with the General Fund.

    2.1. The responsibility of the property owner shall not be circumvented by a subsequent transfer of the real property. Any owner whose property has been assessed for the nuisance abatement must disclose this information to any subsequent purchaser. Any and all subsequent purchasers will be liable for the nuisance abatement assessed to the property.

3. The Fire Chief shall have the authority to waive any fee or instance when evidence indicates the false alarm was beyond the Responsible Person's control or may create an undue hardship.

SECTION III: APPEALS

1. A Responsible Person may submit a written appeal for the assessment of fees and fines to the Fire Chief within fifteen (15) days of the date of the notice. The appeal should include any supporting evidence that may help justify his/her position. The filing of an appeal stays the assessment of the fees and fines until the Fire Chief makes a final ruling.

2. An appeal fee of $50.00 shall accompany the appeal.

3. Upon receipt of a valid appeal, the Fire Chief shall have ten (10) days to review and respond to the appeal.

    3.1. If the appeal is upheld, all applicable fees associated with the appeal shall be cleared and the appeal fee returned to the Appellant.

    3.2. If the appeal is dismissed, the fifteen (15) day period to pay the fees and fines is reset to the day the ruling was made.

ADOPTED this 14 day of June, 2021

Attest: Samantha Torres
Samantha Torres, Council Clerk

John Geiger, Council President

Date filed with Mayor: 6/15, 2021 Date Approved by Mayor: 6/15, 2021

Mayor, Peggy A. Wells