

EXHIBIT D

Excessive False Alarm Fee Schedule

Resolution 2014-01

Effective 1/21/14

This section establishes fees for excessive and unnecessary false fire alarms. These types of alarms unnecessarily endanger firefighters and citizens during a response.

Section 1 – 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 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 (2) working days from the alarm time, the fire department may re-evaluate the assessment.

Category II alarms shall be termed “unnecessary” and will be assessed a fee as outlined in Table 1.

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

- 1) These alarms shall be termed “unnecessary” and will be assessed a fee as outlined in Table 1. 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.

Section 2 - Excessive Alarm Rate Based on Type of Violations:

- 2.1 **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. An excess alarm fee shall be charged to the owner of that fire alarm system.
- 2.2 **Fire Alarm Monitoring or Fire Protection Maintenance Companies:** Any fire alarm monitoring or fire protection maintenance companies 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.

Approved By _____ Date 1/21/14

An excess 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. If designation of cause cannot be distinguished between either company, the owner of the property found to be in violation shall be charged the appropriate fees.

2.3 **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. An excess alarm fee shall be charged to the owner of said property.

The excess fees shall be assessed as follows:

The third Category II alarm in violation of Section 2.1, 2.2 or 2.3 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 1 for details.

Table 1 –Excessive Alarm Fees

In Violation of Section 2.1, 2.2 and 2.3		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 2.1 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 excessive alarm fee, if requested within 30 days of the determination by the district.

Rebate eligibility does 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.

Approved By _____ Date 1/21/14