

## **Chapter 15.12 UNIFORM FIRE CODE**

[15.12.010 UFC Article 1, Sections 106, 107 and 108 added.](#)

[15.12.020 UFC Article 2, Division IV added.](#)

[15.12.030 UFC Section 3.101 amended.](#)

[15.12.040 UFC Appendix II-A, Section 16\(a\) amended.](#)

[15.12.050 Misdemeanor tampering with fire hydrants and appliances.](#)

[15.12.060 False fire alarms--Fire Department.](#)

### **15.12.010 UFC Article 1, Sections 106, 107 and 108 added.**

Article 1 of the 1994 Uniform Fire Code (the “Code”) is amended by adding the following new sections 106, 107 and 108 which shall read as follows:

#### **ARTICLE 1 ADMINISTRATION**

#### **SECTION 106 ENFORCEMENT--VIOLATIONS--RESPONSIBILITY**

##### **SECTION 106.1 ENFORCEMENT AUTHORITY**

The City Manager delegates to the Fire Chief of the Fire Services Agency the authority to enforce the provisions of this Code. All City employees designated by the Fire Chief are authorized to make necessary inspections and take any actions on behalf of the Fire Chief as may be required to enforce the provisions of this Code.

##### **SECTION 106.2 ABATEMENT--IMMINENT DANGER**

**106.2.1** Any violation of this Code which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of property, its improvements thereon or to the public in general, may be abated by the Fire Chief in accordance with the procedures of this Division.

**106.2.2** Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the Fire Chief to be necessary.

##### **SECTION 106.3 RESTRICTION OF USE**

If there exists on a property a fire hazard reasonably believed to be imminently dangerous to the life, limb, health, or safety of the public or property within the City of Oakland, the Fire Chief or his/her designee may immediately restrict the use or occupancy of the property in question in accordance with the procedures of this Division. In addition to restricting the use or occupancy thereof, the Fire Chief may require other abatement actions to be taken.

## **SEC. 106.4 ABATEMENT PROCEDURES**

The Fire Chief may institute procedures for abatement of violations of this Code. The procedures set forth in this Division shall apply to any such abatement. Costs for any abatement performed by, or on behalf of, the City shall be recovered by the City pursuant to the provisions of this Division.

### **(1) NOTICE TO PUBLIC**

At least one time annually the Fire Chief shall cause a notice to be mailed to property owners advising them of potential conditions to be abated. Thereafter the Fire Chief shall execute on site inspections of properties within Oakland for a determination of specific fire hazard conditions.

Whenever the Fire Chief determines by inspection that a property is in violation of this Code, he/she shall institute proceedings to cause the abatement of such violation.

Any official written notice to abate required by the provisions of this Code, unless it is herein otherwise specifically provided, shall be given in the following manner:

The Office of Fire Services ("Fire Department") shall personally serve, or shall send one copy of the official notice to abate by regular mail, postage prepaid, to the person owning the parcel, including undeveloped land, on which the building or dangerous condition is located, or to any person in control of said building or parcel, as such person's name and address appear on the current County of Alameda's assessment roll. If such address is unknown to the Fire Department then notice shall be effected by physically posting such notice on the property itself. Service by mail shall be deemed completed at the time of deposit in the United States mail.

The Fire Department may likewise personally serve, or send a copy of the official notice to abate by certified mail, postage prepaid, to any mortgagee or beneficiary under any deed of trust of record at the last known address of such mortgagee or beneficiary.

The failure of any owner or other person to receive any official notice to abate shall not affect in any manner the validity of any proceedings taken thereunder.

## **SECTION 106.5 ABATEMENT FINDINGS AND NOTICE**

**106.5.1** Any commercial or residential parcel, lot, building or structure which constitutes a potential fire hazard shall constitute a public nuisance and such fire hazard shall be ordered abated by the issuance of a notice to abate in accordance with Section 2.404 of this Code.

Any such parcel, lot, building, or structure that continues to constitute a potential fire hazard after a period of ten (10) days from the issuance of said notice to abate shall then be ordered abated by any appropriate means upon written notice of the Fire Chief. Any charges therefor shall become a charge against the City in accordance with Sections 2.406 and 2.407 of this Code.

**106.5.2** Any commercially or residentially zoned parcel, lot or premise on which recyclable materials as defined by this Code are openly stored causing blight or hazardous conditions, so as to constitute a potential fire or health hazard shall constitute a public nuisance and shall be ordered cleaned by the issuance of a notice to abate in accordance with Section 2.404 of this Code.

If, after proper notice to remove the offensive material is given and the ten (10) day period in which to comply or appeal has passed, the Fire Chief may order the premises cleaned in accordance with procedures set forth below and in sections 2.406 and 2.407 of this Code.

After performing the abatement work on the property in question, the Fire Chief shall cause to be recorded with the County Recorder a "Prospective Notice of Special Assessment Lien." Such notice shall summarize the work performed, the cost and date of completion.

**SECTION 106.6 COST A CHARGE AGAINST THE CITY. STATEMENT OF COSTS. COLLECTION OF COSTS.**

**106.6.1** The cost incurred in obtaining Real Property Ownership Reports and in razing or demolishing any building or securing or cleaning any parcel and abating its associated fire hazard by action of the Fire Chief shall be a proper charge against the City Treasury and shall be paid therefrom. Reinspection and administrative fees to ascertain Code compliance for overdue abatement of previously noticed or cited violations shall be charged against the owner. Fees shall be in the amount as currently described in the Master Fee Schedule. The Fire Chief shall give the owner or other interested party of such premises a written notice and statement showing the itemized cost of such abatement, and requesting payment thereof.

**106.6.2 NOTICE OF HEARING ON LIEN**

If the amount of such expenses as shown in such statement is not paid to the Fire Chief within ten (10) days after such notice, the Fire Chief shall file with the City Manager written notice of those persons against whose property the City intends to file a lien. Upon receipt of such notice, the City Manager shall present same to the City Council, and the City Council shall forthwith, by resolution, fix a time and place for a public hearing on such notice. The Fire Chief shall cause a copy of such notice to be served on the owner of the property not less than ten (10) days prior to the time fixed for such hearing. Mailing a copy of such notice to the owner of the property at the address listed in the most recent property ownership records provided to the City by the County Assessor as of the date the Fire Chief causes notice to be mailed shall comprise proper service. Service shall be deemed complete at the time of deposit in the United States mail.

At the public hearing as scheduled above the City Council will hear all noticed or affected property owners who would be obligated to pay the abatement and related costs incurred by the City. The City Council shall confirm the appropriateness of persons to be held responsible for the noticed abatement charges and report to the Fire Chief its final determinations of liability concerning the affected parties. Charges confirmed by the City Council and not paid within five (5) days of the public hearing date will be subject to lien and collection procedures as provided below.

The Fire Chief shall record in the Office of the County Recorder of the County of Alameda, State of California, a certificate substantially in the following form:

**"NOTICE OF SPECIAL ASSESSMENT LIEN**

“Pursuant to authority vested in me by the Fire Code of the City of Oakland, California, I did on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause a condition to be abated or chargeable action to occur on the hereinafter-described real property at the expenses of the owner thereof, in the amount of \$\_\_\_\_\_, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter-described real property in said amount; the same shall be a lien upon the said real property until said sum, with interest thereon from the date of recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, and such other charges as may be applied from the City of Oakland Master Fee Schedule, has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows:

“Assessor’s Parcel Number:\_\_\_\_\_

“Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Fire Chief  
City of Oakland”

The same shall be a lien against the property described therein until the amount thereof, plus accrued interest, has been paid in full. The amount of such lien shall draw interest thereon at a rate as established in the City of Oakland Master Fee Schedule from and after the date of the recording of said notice of the contents thereof.

**SECTION 106.7 METHOD OF COLLECTION: ADDITION OF AMOUNT OF COSTS TO TAX BILL. PROCEDURE.**

With the confirmation of the report by the City Council, the nuisance abatement charges contained therein that remain unpaid by the owner of the subject property shall constitute a special assessment against said property as it has received the special benefit of City abatement services. Such charges shall be collected, along with City administrative and reinspection fees, at such time as is established by the County Assessor for inclusion on the next property tax roll.

The Fire Chief shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid nuisance abatement charges consisting of the abatement costs, administrative and reinspection fees, and interest from the date of recordation of the lien, at the rate established in the Master Fee Schedule.

Thereafter, said assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure of sale as provided for ordinary delinquent municipal taxes. The special assessment shall be on parity and the same priority as general property taxes.

## SECTION 107 PENALTIES

### SECTION 107.1

Persons operating or maintaining an occupancy, premises or vehicle subject to this Code who allow a hazard to exist or fail to take immediate action to abate a fire hazard on such occupancy, premises or vehicle when ordered or notified to do so by the Fire Chief shall be guilty of a misdemeanor.

**107.1.1** Each person shall be guilty of a separate offense for each and every day during a portion of which an violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.

**107.1.2** In addition to the penalties here and above provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the City of Oakland summarily as such.

**107.1.3** Pursuant to Section 836.5 of the California Penal Code, the Fire Inspectors of the Fire Department are hereby authorized to enforce this Code and arrest violators thereof.

**107.1.4** The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Code, in addition to those officers enumerated in subsection (3). Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

**107.1.5** In addition to the punishment provided by law a violator is liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation.

### SECTION 107.2 COPY OF JUDGMENT

A certified copy of every judgment imposing a fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the hazardous condition thereon shall upon the entry of judgment, be filed forthwith by the Fire Chief in the Office of the Recorder of Alameda County.

The County Recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine, charges or administrative costs shall be a lien upon the real property from the time the certified copy of the judgment is filed in the Office of the Recorder, subject only to taxes, assessments, and water charges, and to mortgage and mechanics' liens existing on the real property prior to the filing.

### SECTION 107.3 FEES, CHARGES AND COSTS

Fees, charges and costs may be established for the user of services of this Code. Such fees, charges and costs are as stated in the City of Oakland Master Fee Schedule.

SECTION 108 AUTHORITY TO ADMINISTER AND ENFORCE OAKLAND MUNICIPAL CODE, ARTICLE 15, CHAPTER 2, ENTITLED “BEDROOM WINDOW SECURITY BARS AND GRILLS”

SECTION 108.1

The City Manager delegates to the Fire Chief of the Fire Services Agency the authority to enforce and administer the provisions of Oakland Municipal Code, Article 15, Chapter 2, entitled “Bedroom Window Security Bars and Grills”. All City employees designated by the Fire Chief are authorized to make necessary inspections and take any actions on behalf of the Fire Chief as may be required to enforce and administer the provisions of Article 15 of the Oakland Municipal Code.

Article 15 of the Oakland Municipal Code will be administered and enforced in accordance with the powers vested in the Fire Chief by applicable law, including but not limited to the 1994 Uniform Fire Code and the provisions of Oakland Municipal Code, Chapter 1, Articles 3, 4, 6, 7, and 8, as amended by Ordinance No. 11989 C.M.S.

(Ord. 12006 § 1, 1997)

**15.12.020 UFC Article 2, Division IV added.**

Article 2 of the Uniform Fire Code (the “Code”) is amended by adding the following new Division IV which shall read as follows:

**ARTICLE 2  
Organization, Authority,  
Duties and Procedures**

**DIVISION IV  
ENFORCEMENT--VIOLATIONS--RESPONSIBILITY**

SECTION 2 OPERATING PROCEDURE CITATION PROGRAM

SEC. 2.4 PENALTY

Any person violating any of the provisions or failing to comply with any of the regulatory requirements of the City of Oakland’s Fire Code set forth in Oakland Municipal Code Chapter 15.12, the Oakland Fire Code, shall be guilty of a misdemeanor and subject to the penalties, imprisonment and other provisions of Oakland Municipal Code Chapter 1.28, Section 1.28.010, subsections A and B.

SEC. 2.401 ENFORCEMENT AUTHORITY

The City Manager delegates to the Fire Chief of the Office of Fire Services the authority to enforce the provisions of this Code. All City employees designated by the Fire Chief are authorized to make necessary inspections and take any actions on behalf of the Fire Chief as may be required to enforce the provisions of this Code.

#### SEC. 2.402 ABATEMENT--IMMINENT DANGER

- (1) Any violation of this Code which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of property, its improvements thereon or to the public in general, may be abated by the Fire Chief in accordance with the procedures of this Division.
- (2) Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the Fire Chief to be necessary.

#### SEC. 2.403 RESTRICTION OF USE

If there exists on a property a fire hazard reasonably believed to be imminently dangerous to the life, limb, health, or safety of the public or property within the City of Oakland, the Fire Chief or his/her designee may immediately restrict the use or occupancy of the property in question in accordance with the procedures of this Division. In addition to restricting the use or occupancy thereof, the Fire Chief may require other abatement actions to be taken.

#### SEC. 2.404 ABATEMENT PROCEDURES

The Fire Chief may institute procedures for abatement of violations of this Code. The procedures set forth in this Division shall apply to any such abatement. Costs for any abatement performed by, or on behalf of, the City shall be recovered by the City pursuant to the provisions of this Division.

##### (1) NOTICE TO PUBLIC.

At least one time annually the Fire Chief shall cause a notice to be mailed to property owners advising them of potential conditions to be abated. Thereafter the Fire Chief shall execute on site inspections of properties within Oakland for a determination of specific fire hazard conditions.

Whenever the Fire Chief determines by inspection that a property is in violation of this Code, he/she shall institute proceedings to cause the abatement of such violation.

Any official written notice to abate required by the provisions of this Code, unless it is herein otherwise specifically provided, shall be given in the following manner:

The Office of Fire Services ("Fire Department") shall personally serve, or shall send one copy of the official notice to abate by regular mail, postage prepaid, to the person owning the parcel, including undeveloped land, on which the building or dangerous condition is located, or to any person in control of said building or parcel, as such person's name and address appear on the current County of Alameda's assessment roll. If such address is unknown to the Fire Department then notice shall be effected by physically posting such notice on the property itself. Service by mail shall be deemed completed at the time of deposit in the United States mail.

The Fire Department may likewise personally serve, or send a copy of the official notice to abate by certified mail, postage prepaid, to any mortgagee or beneficiary under any deed of trust of record at the last known address of such mortgagee or beneficiary.

The failure of any owner or other person to receive any official notice to abate shall not affect in any manner the validity of any proceedings taken thereunder.

## SEC. 2.405 ABATEMENT FINDINGS AND NOTICE

(a) Any commercial or residential parcel, lot, building or structure which constitutes a potential fire hazard shall constitute a public nuisance and such fire hazard shall be ordered abated by the issuance of a notice to abate in accordance with Section 2.404 of this Code.

Any such parcel, lot, building, or structure that continues to constitute a potential fire hazard after a period of ten (10) days from the issuance of said notice to abate shall then be ordered abated by any appropriate means upon written notice of the Fire Chief. Any charges therefor shall become a charge against the City in accordance with Sections 2.406 and 2.407 of this Code.

(b) any commercially or residentially zoned parcel, lot or premises on which recyclable materials as defined by this Code are openly stored causing blight or hazardous conditions, so as to constitute a potential fire or health hazard shall constitute a public nuisance and shall be ordered cleaned by the issuance of a notice to abate in accordance with section 2.404 of this Code.

If, after proper notice to remove the offensive material is given and the ten (10) day period in which to comply or appeal has passed, the Fire Chief may order the premises cleaned in accordance with procedures set forth below and in sections 2.406 and 2.407 of this Code.

After performing the abatement work on the property in question, the Fire Chief shall cause to be recorded with the County Recorder a "Prospective Notice of Special Assessment Lien." Such notice shall summarize the work performed, the cost and date of completion.

## SEC. 2.406 COST A CHARGE AGAINST THE CITY. STATEMENT OF COSTS. COLLECTION OF COSTS

(a) The cost incurred in obtaining Real Property Ownership Reports and in razing or demolishing any building or securing or cleaning any parcel and abating its associated fire hazard by action of the Fire Chief shall be a proper charge against the City Treasury and shall be paid therefrom. Reinspection and administrative fees to ascertain Code compliance for overdue abatement of previously noticed or cited violations shall be charged against the owner. Fees shall be in the amount as currently described in the Master Fee Schedule. The Fire Chief shall give the owner or other interested party of such premises a written notice and statement showing the itemized cost of such abatement, and requesting payment thereof.

### (b) NOTICE OF HEARING ON LIEN

If the amount of such expenses as shown in such statement is not paid to the Fire Chief within ten (10) days after such notice, the Fire Chief shall file with the City Manager written notice of those persons against whose property the City intends to file a lien. Upon receipt of such notice, the City Manager shall present same to the City Council, and the City Council shall forthwith, by resolution, fix a time and place for a public hearing on such notice. The Fire Chief shall cause a copy of such notice to be served on the owner of the property not less than ten (10) days prior to the time fixed for such hearing. Mailing a copy of such notice to the owner of the property at the address listed in the most recent property ownership records provided to the City by

the County Assessor as of the date the Fire Chief causes notice to be mailed shall comprise proper service. Service shall be deemed complete at the time of deposit in the United States mail.

At the public hearing as scheduled above the City Council will hear all noticed or affected property owners who would be obligated to pay the abatement and related costs incurred by the City. The City Council shall confirm the appropriateness of persons to be held responsible for the noticed abatement charges and report to the Fire Chief its final determinations of liability concerning the affected parties. Charges confirmed by the City Council and not paid within five (5) days of the public hearing date will be subject to lien and collection procedures as provided below.

The Fire Chief shall record in the Office of the County Recorder of the County of Alameda, State of California, a certificate substantially in the following form:

**“NOTICE OF SPECIAL  
ASSESSMENT LIEN**

Pursuant to authority vested in me by the Fire Code of the City of Oakland, California, I did on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause a condition to be abated or chargeable action to occur on the hereinafter-described real property at the expenses of the owner thereof, in the amount of \$\_\_\_\_\_, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter-described real property in said amount; the same shall be a lien upon the said real property until said sum, with interest thereon from the date of recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, and such other charges as may be applied from the City of Oakland Master Fee Schedule, has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows:

Assessor’s Parcel Number: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Fire Chief  
City of Oakland”

The same shall be a lien against the property described therein until the amount thereof, plus accrued interest, has been paid in full. The amount of such lien shall draw interest thereon at a rate as established in the City of Oakland Master Fee Schedule from and after the date of the recording of said notice of the contents thereof.

**SEC. 2.407 METHOD OF COLLECTION: ADDITION OF AMOUNT OF COSTS TO TAX BILL. PROCEDURE**

With the confirmation of the report by the City Council, the nuisance abatement charges contained therein that remain unpaid by the owner of the subject property shall constitute a special assessment against said property as it has received the special benefit of City abatement services. Such charges shall be collected, along with City administrative and reinspection fees, at such time as is established by the County Assessor for inclusion on the next property tax roll.

The Fire Chief shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid nuisance abatement charges consisting of the abatement costs, administrative and reinspection fees, and interest from the date of recordation of the lien, at the rate established in the Master Fee Schedule.

Thereafter, said assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure of sale as provided for ordinary delinquent municipal taxes. The special assessment shall be on parity and the same priority as general property taxes.

(Ord. 12481 § 2, 2003; Ord. 11640 § 1, 1993)

#### **15.12.030 UFC Section 3.101 amended.**

Article 3, Section 3.101 is amended by adding new subparts parts (A), (B) and (C) and shall read as set forth below:

### **ARTICLE 3 COMPLIANCE WITH ORDERS AND NOTICES**

#### **Unlawful Continuance of Fire Hazards**

##### **SEC. 3.101**

Persons operating or maintaining an occupancy, premises or vehicle subject to this Code who allow a hazard to exist or fail to take immediate action to abate a fire hazard on such occupancy, premises or vehicle when ordered or notified to do so by the Fire Chief shall be guilty of a misdemeanor.

- (A)(1) Each person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.
- (2) In addition to the penalties here and above provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the City of Oakland summarily as such.
- (3) Pursuant to Section 836.5 of the California Penal Code, the Fire Inspectors of the Fire Department are hereby authorized to enforce this Code and arrest violators thereof.
- (4) The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Code, in addition to those officers enumerated in subsection (3). Officers or

employees so designated shall have the authority to arrest persons who violate any of said provisions.

- (5) In addition to the punishment provided by law a violator is liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation.

**(B) COPY OF JUDGMENT**

A certified copy of every judgment imposing a fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the hazardous condition thereon shall upon the entry of judgment, be filed forthwith by the Fire Chief in the Office of the Recorder of Alameda County.

The County recorder shall index it immediately upon receiving it in the index of mechanics' lines. The fine, charges or administrative costs shall be a lien upon the real property from the time the certified copy of the judgment is filed in the Office of the Recorder, subject only to taxes, assessments, and water charges, and to mortgage and mechanics' liens existing on the real property prior to the filing.

**(C) FEES, CHARGES AND COSTS**

Fees, charges and costs may be established for the user of services of this Code. Such fees, charges and costs are as stated in the City of Oakland Master Fee Schedule.

(Ord. 11640 § 2, 1993)

**15.12.040 UFC Appendix II-A, Section 16(a) amended.**

Appendix II-A of this Code, "Suppression and Control of Hazardous Fire Areas," Section 16(a), is amended by the addition of the following subsections:

6. Maintain grass and weeds and other dry vegetation susceptible to uncontrolled combustion found within thirty (30) feet of a structure or improvement within a maximum height of six inches.
7. Remove all dead trees, dead limbs or other growths from vacant lots and nearby structures or improvements where such material may constitute a fire hazard by contributing to the fuel load of the adjacent area.
8. Provide a fire break of thirty (30) feet around the perimeter of vacant lots. In the instance where the vacant lot is less than 1/2 acre, the entire lot shall be razed, cleaned and cleared of fire hazardous debris. When, in the opinion of the Fire Chief, the vacant lot is found to present an extraordinary hazardous fire condition, a fire break of a minimum of one hundred (100) feet shall be provided.

(Ord. 12006 § 2, 1997; Ord. 11640 § 3, 1993)

**15.12.050 Misdemeanor tampering with fire hydrants and appliances.**

Any violation of Section 1001.6.2, "Fire hydrant and fire appliances" of the 1998 California Fire Code shall be a misdemeanor, punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding one thousand dollars

(\$1,000) or both, pursuant to Section 1.28.010 of the Oakland Municipal Code. (Ord. 12414 § 3 (part), 2002)

#### **15.12.060 False fire alarms--Fire Department.**

A. Purpose. The purpose of this section is to promote the responsible use of fire alarm systems, to set forth additional regulations for the use of fire alarm systems and to provide for service fees and for cost recovery of services fees for violations of this ordinance. Furthermore, the provisions of this chapter are intended to reduce the number of false alarm activations and responses by the Oakland Fire Department.

B. Findings. Fire alarm systems that are not properly installed, maintained and/or operated create a nuisance to the peace and safety of the community. Such alarm systems also cause excessive and unnecessary use of fire services in responding to assumed emergencies.

C. Definitions. The following definitions shall apply to this chapter:

“Alarm” means the giving, signaling or transmission to any public station or company or to any officer or employee thereof, whether by telephone, spoken word or otherwise, information to the effect that a fire or emergency situation at or near the place indicated by the person giving, signaling or transmitting such information.

“Alarm user” means any person using an alarm system at such person’s residence or place of business.

“Hearing officer” means the person appointed by the City Manager or his/her designee to review and rule on false fire alarm appeals.

“Automatic fire sprinkler system” means an integrated system of underground and overhead piping designed in accordance with fire protection standards, and which is normally activated by heat from a fire and discharges water over the fire area.

“City” means the city of Oakland, California.

“City Council” means the legislative body of the city.

“City Manager” means the City Manager of the city or his/her designee.

“False alarm” means the activation of an alarm system necessitating a response by the Oakland Fire Department where a fire or emergency situation does not exist; provided however, that activation of alarms by natural disaster will not be considered false alarms.

“Fire alarm system” means a system consisting of a control unit and a combination of electrical interconnected devices designed and intended to detect a fire condition and to actuate an alarm or warning of fire in a building or structure by either manual or automatic activation, or both, and includes the systems installed throughout any building or portion thereof.

“Fire Chief” means the Fire Chief of the city, or his/her designee.

“Notice” means written notice, given by personal service upon the address, or given by the United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of the United States Postal Service.

“Person” means any natural person, individual, firm, partnership, unincorporated association, corporation or other entity.

- D. Alarm Standards. All fire alarm systems and appurtenant equipment installed and used within the city of Oakland shall meet or exceed industry standards and those standards established under the city of Oakland Fire Code.
- E. Testing Alarm. Persons shall notify the Oakland Fire Department through the Fire Dispatch Communications Center prior to any service, test, repair, maintenance, adjustment, alterations, or installations of automatic fire sprinkler or fire alarm systems, which might activate a false alarm, which would normally result in an emergency response. Any alarm activated where such prior notice has been given shall not constitute a false alarm for the purpose of this chapter.
- F. False Alarm Fee Assessment.
1. Multiple Occurrences Unrelated to Testing. To defray the cost to the city and taxpayers for responding to false fire alarms, alarm users shall be subject to such assessment as may be established by ordinance by the City Council in its Master Fees Schedule for all false alarms, beginning with the second commercial and the third residential false alarm occurrences in any six month period. In addition, repeat offenders shall have the alarm system placed in an Underwriter Laboratory (U.L) approved central station monitoring program.
  2. Occurrences Related to Improperly Noticed Testing. To defray the cost to the city and taxpayers for responding to false fire alarms, persons or businesses engaged in servicing, testing repairing, maintaining, adjusting, altering or installing an automatic fire sprinkler system or fire alarm system shall be subject to such assessment as may be established by ordinance by the City Council in its master fee schedule for false alarms on any occurrence of a false alarm resulting from the failure to provide notice of testing as required in Section 15.12.063 above.
  3. Fee Assessment. The fee assessment shall be satisfied by the alarm owner or user or persons or businesses engaged in activities described in Sections 15.12.063 and 15.12.064(B) above within fifteen (15) days after receipt of an invoice from the Fire Department. The amount of fee assessment shall be deemed a debt to the city of Oakland. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent fees.
  4. Collection and Costs of Collection. The Fire Department will notify alarm users by leaving a notice at the alarm site. The Fire Department will notify persons or businesses in violation of Section 15.12.063, above, by registered mail within fifteen (15) days. If such alarm users, persons or businesses fail to remit the fees assessed within fifteen (15) days from the date of the service of notice upon them, which shall be the date of mailing of the invoice, if notice is not accomplished in person, a penalty of twenty-five (25) percent of the amount of the fee set forth in the notice shall be imposed, but not less than five dollars. When imposed, the penalty shall become part of the fee herein required to be paid. In addition to such penalty, the alarm owner shall pay to the city all reasonable costs of collecting such overdue and unpaid fees, including attorney's fees and court costs, and interest at the rate of one and one-half percent per month (eighteen (18) percent per year) on all assessments and penalties from the date the assessment.
  5. Collection of Unpaid Fee Assessment by Property Lien. In addition the above remedies, the city may file a property lien in the Office of the Alameda County Recorder to recover any fee assessments charged hereunder that remain unpaid for a

period of six months, when the alarm user is also the property owner of the premises at which the false fire alarm(s) resulting in the fee assessments have occurred.

G. Fees for Costs to Secure Premises. Alarms users shall pay to the city reasonable costs, as determined and assessed by the Fire Chief, for expenses incurred in securing premises where a fire alarm has been activated, whether or not the activation is a false alarm. Such assessment shall be satisfied by the alarm user within fifteen (15) days after the appropriate chief has given the alarm user notice of the assessment and the grounds therefore. This section shall apply only to instances where the alarm user or owner has failed to reasonably respond to notification that an alarm has been activated on premises owned or under the control of the alarm user and when the city has to incur more than nominal expenses in securing the premises.

H. False Alarm Appeal Process.

1. Appeal Filing. Any person or business assessed fees hereunder who wishes to appeal the validity of a false alarm determination by the Fire Department must submit a written request for appeal to the City Manager or his/her designee within ten (10) days of having received a notice of the false alarm. The written appeal request must contain sufficient information to determine the events surrounding the Fire Department's response. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false.
  2. Appeal Review and Costs. A hearing officer designated by the City Manager will review the appeal and provide a decision based on the facts of the case. Appellants shall be responsible for paying the costs of the appeal officer, which are established in the city's master fee schedule, except in instances where the hearing officer finds for the appellant. The hearing officer shall determine the validity of the false fire alarm assessment and issue written findings. Reasons for waiving a false alarm notice shall not include wind, power failure, loose animals, system malfunctions, errors committed by the monitoring service persons or businesses, alarm user or personnel errors.
- I. Severability. If any section, subsection, sentence, clause or phrase of this Section 15.12.060 is for any reason, held to be invalid, unconstitutional, or unenforceable by a final determination of a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have enacted this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unenforceable. (Ord. 12526 § 1, 2003)