

**ORDINANCE NO. 2023 - 11**  
**AN ORDINANCE RELATING TO EMERGENCY RESPONSE RESOURCES OF THE CITY**

**SECTION I. PURPOSE.** The purpose of this Ordinance is to establish emergency response guidelines for Cullman Fire and Rescue in providing non-medical and non-emergency lift assists, and to address responses by Cullman Fire and Rescue and the Cullman Police Department related to False Alarms in order to reduce the dangers and inefficiencies associated with False Alarms and to encourage alarm companies and property owners to maintain the operational reliability, properly use Alarm Systems, and to reduce or eliminate False Alarm dispatch requests.

WHEREAS, the City of Cullman City Council finds it in the public interest and desires to promote and protect the health, safety, welfare and convenience of the public and otherwise provide adequate protection from fire for lives and property; and

WHEREAS, the rights of the citizens of the City and surrounding areas to receive adequate protection from fire for lives and property, along with satisfactory emergency medical response and other emergency rescue scenarios remains paramount; and

WHEREAS, Cullman Fire and Rescue is often dispatched to life safety emergencies in areas which lie outside the jurisdictional boundaries of the City of Cullman as a secondary responder; and

WHEREAS, Cullman Fire and Rescue personnel are often dispatched for lift assistance calls at private residences, public areas and care facilities, many of which are non-medical and non-emergency related which require no medical evaluation or transport to an emergency room to move an uninjured individual from one surface to another; and

WHEREAS, the growing volume of E-911 calls requiring Cullman Fire and Rescue to provide lift assistance to care providers and private residents limits their ability to provide tax-payer life safety services for fire prevention, suppression and other emergency response resources in exigent circumstances; and

WHEREAS, these non-medical and non-emergency related lift assists incur a substantial burden and cost to tax payers; and

WHEREAS, the City Council has determined that any care facilities or private persons for call for non-medical and non-emergency related lift assistance should pay for the services and resources being provided by Cullman Fire and Rescue; and

WHEREAS, the vast majority of alarms to which Cullman Fire Rescue and the Cullman Police Department respond to are False Alarms, which are reported to Public Safety Answering Points (“PSAP”) by alarm companies; and

WHEREAS, most False Alarms are the result of improper maintenance or improper or careless use of an Alarm System; and

WHEREAS, first responders responding to False Alarms are not available to carry out emergency duties; and

WHEREAS, in the interest of using limited first responder resources most effectively and efficiently, the number of False Alarms can and must be reduced.

IT IS, THEREFORE, ORDAINED by the Cullman City Council as follows:

**SECTION II. DEFINITIONS.** For the purpose of this article, the following terms, phrases, words and their deviations shall have the meaning given:

- 1) *Act of God* means any unusual, extraordinary, sudden and/or unexpected manifestation of the forces of nature, sustained extensive power failure, or other incidents that cannot be prevented or mitigated by reasonable human care, skill and foresight. Such manifestations include but are not limited to tornadoes, wind storms, hail storms, hurricane, earthquake, sustained extensive power failure, conflagrations or similar catastrophic events. The City shall determine if such conditions exist.
- 2) *Alarm System* means any mechanical, electrical or electronic device which is designed for the detection of intrusion into any structure or building for the detection of unlawful activity, fire, sprinkler activation, water flow, toxic gases, carbon monoxide or smoke, or is utilized to summon aid from the City or any agency, or entity, that is dispatched through a PSAP or dispatched through any City agency; or any device which transmits any alarm signal to any person who may notify the City, or prompts the transmission of a request for aid of any type by an intermediary, is considered an alarm within this section. This includes any systems whether manually, mechanically, electrically or electronically activated.
- 3) *Assisted-living Facility* means individual, individuals, corporation, partnership, limited partnership, limited liability company or any other entity that provides or offers to provide residence and personal care to three or more individuals who need assistance with activities of daily living (ADLs). Individuals who provide residential and personal care services solely to persons to whom they are personally related are not defined as assisted living.
- 4) *Emergency Medical Treatment* means, for purposes of this article, treatment beyond an initial assessment routinely performed by Cullman Fire and Rescue.

- 5) *False Alarm* means activation of an alarm system that necessitates the response of the Police Department, Fire Rescue Department, other public safety personnel, or other City employees, whereas no emergency or emergency situation exists. Determination of whether an alarm is a false alarm resides solely with the City.
- 6) *Lift Assist* means a response by Cullman Fire and Rescue, when resources allow, to assist in physically moving an uninjured person from one surface to another who does not require emergency medical treatment or transportation in an assisted-living facility, nursing care facility, private residence or public place.
- 7) *Medical Care Facility* means a health institution planned, organized, and maintained for offering to the public, generally, facilities and beds for use in the diagnosis and/or treatment of illness, disease, injury, deformity, abnormality or pregnancy, when the institution offers such care or service for not less than twenty-four consecutive hours in any week to two or more individuals not related by blood or marriage to the owner and/or chief executive officer/administrator.
- 8) *Nursing Care Facility* means a facility licensed by the State of Alabama, or a facility or long-term care facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than twenty-four (24) consecutive hours to persons residing at such facility who are ill, injured or disabled.
- 9) *Owner* means legal title holder, or lessee, or occupant of property, or agent of legal title holder or lessee, in charge, possession or control of said property.
- 10) *Private Residence* means a dwelling or dwelling unit privately owned, consisting of one or more rooms in the same structure, connected and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping, cooking and sanitation requirements. Private residence refers to a setting other than a medical care facility, assisted-living facility or a nursing care facility.
- 11) *Resident* means a person who receives care and resides in an assisted-living facility or nursing care facility.
- 12) *Staff* means persons who provide personal care services, supervision or assistance to residents in a licensed hospital, urgent care facility, assisted-living facility or nursing care-facility.

**SECTION III. LIFT ASSIST RESPONSE; COST FOR RECOVERY; FEE SCHEDULE; RECORDS.**

- 1) For non-emergency and non-medical related lift assist calls regarding an uninjured individual, the City, at its discretion, reserves the right to respond to such calls only when such resources allow, and may be required to leave the scene of a lift assist, whether in progress or not, to respond to any and all life safety emergencies.
- 2) The City shall charge a fee to any private resident for resources and services of Cullman Fire and Rescue in connection with providing lift assistance to any resident for non-emergency and non-medical related response.
- 3) The City shall charge a fee to assisted-living, medical care facilities and nursing care facilities for resources and services of Cullman Fire and Rescue in connection with providing lift assistance to any patient/resident for non-emergency and non-medical related response.
- 4) The fee for providing such lift assistance to assisted-living, medical care facilities and nursing care facilities shall be \$500.00 per hour, per lift assist incident (with a minimum of one (1) hour billed), excluding administrative fees, and shall only be provided when the facility certifies that it does not currently have adequate staff to perform the lift assist themselves at the time requested.
  - a. After the first full hour, costs shall be billed in fifteen (15) minute increments for time spent on scene.
  - b. For each lift assist to any assisted-living, medical care facilities or nursing care facilities after the first lift assist, the cost to the requesting facility shall increase at a rate of \$100.00 per each lift assist for the remainder of that calendar year.
  - c. At the conclusion of each calendar year, the rate shall commence at \$500.00 for the new calendar year and shall then proceed in the cost increments prescribed in this Article.
- 5) Individuals requesting a lift assist at a private residence shall not be charged for the first three (3) lift assist services of Cullman Fire and Rescue, in any one calendar year.
  - a. The fee for providing such lift assistance dispatched to a private residence shall be \$50.00 per hour, (with a minimum of one (1) hour billed) to the resident after the third and through seventh lift assist for each calendar year.
  - b. The fee for providing such lift assistance dispatched to a private residence shall be \$100.00 per hour, (with a minimum of one (1) hour billed) to the resident for each lift assist after the seventh response for each calendar year.
  - c. After the first full hour, costs shall be billed in fifteen (15) minute increments for time spent on scene.
  - d. At the conclusion of each calendar year, the rate shall commence at \$50.00 for the new calendar year and shall then proceed in the cost increments prescribed in this Article.
- 6) Cullman Fire and Rescue shall maintain records in connection with services provided pursuant to this Article.

**SECTION IV. FALSE ALARM RESPONSE; COST FOR RECOVERY; FEE SCHEDULE; RECORDS.**

- 1) A permittee will be subject to the following False Alarm fee and other penalties related thereto:
  - a. Each False Alarm in excess of one false alarm in a calendar month will be subject to the following fee schedule. False alarms as a result of Acts of God as aforementioned as determined by the city are excluded.
    - i. First False Alarm (calendar month) No charge.

- ii. Second False Alarm (calendar month) \$50.00.
  - iii. Additional False Alarms (calendar month) \$50.00.
  - iv. At the conclusion of each calendar month, the rate shall commence at no charge for the new month and shall then proceed in the cost increments prescribed in this Article.
- 2) A person who knowingly renders a false alarm shall be governed by § 13A-10-8, *Code of Alabama*.
  - 3) The City reserves the right to waive such fees that it deems necessary and proper for issues including, but not limited to maintenance and accidental False Alarms which are canceled prior to the City agency's response on site.
  - 4) The responding City agency shall maintain records in connection with services provided pursuant to this Article.

**SECTION V. BILLING, DELINQUENCY AND COLLECTION.**

- 1) The Fire Chief or his/her designee, or Police Chief or his/her designee shall compute the charges thus due for each lift assist which is non-medical and non-emergency and/or False Alarm and shall compile the necessary information to collect from the entity or individual.
- 2) The City Clerk's office shall be responsible for the billing and collection of accounts due and owing, including the right to contract for billing and collection, subject to the approval of the Council. Facility or private individual will be invoiced at the beginning of each month for lift assists at the facility or private residence.
- 3) Any bill or invoice for the fee imposed pursuant to this Ordinance shall be considered delinquent upon the expiration of the time allowed for payment, which is thirty (30) days from the date of invoice. If the payment is not received by the next invoice cycle, a late fee of \$25.00 will be applied for every thirty (30) days in which the payment is past due.
- 4) Upon the occurrence of a delinquency(s) of three (3) months, the Clerk shall send to the owner of the following via written notice: a copy of each bill sent to the person who had been paying the charges, or some other notice sufficient enough to inform the owner that the charges have become delinquent in an attempt to ensure payment is made.
- 5) The owner(s) shall be responsible for any collection costs, including attorney's fees.
- 6) The City Clerk and/or Treasurer shall provide, upon request, to the Mayor and/or Council a report detailing the individual status of accounts receivable.
- 7) The Council may, by Ordinance or Resolution, whichever required by law, polices relating to the collection of lift assist fees and the procedure for forgiving debts.
- 8) The City Clerk and/or Treasurer shall deposit the money earned from the imposition of the charges into the General Fund.

**SECTION VI. APPEALS.** Any assisted-living facility, medical care facility, nursing care facility, private residence or permittee with an Alarm System subject to a fee under this Ordinance may appeal the billing to the City Council at the next regularly scheduled Council meeting. The Council will issue a decision by the next scheduled meeting. The facility, individual or permittee with an Alarm System will be notified in writing within ten (10) days after the decision. Failure of the Council to issue a written decision by the next regularly scheduled meeting shall constitute a denial of the appeal. The facility, individual or permittee with an Alarm System shall have until the following day of the the next regularly scheduled meeting of the City Council to file an appeal with the Circuit Court of Cullman County.

**SECTION VII. SEVERABILITY.** Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

**SECTION VIII. EFFECTIVE DATE.** This ordinance shall be effective following its passage, approval and publication as required by law on the 1<sup>st</sup> day of January 2023.

ADOPTED BY THE CITY COUNCIL this the 12<sup>th</sup> day of December 2022.

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President of the City Council

ATTEST:

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City Clerk

APPROVED BY THE MAYOR this the 12<sup>th</sup> day of December 2022.

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Mayor