

Smoke Emitting Devices Model Ordinance

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Smoke Emitting Devices

Introduction

According to a June 1, 2007 Informational Bulletin from the Fire and Life Safety Section of the International Association of Fire Chiefs (IAFC), the installation and use of Smoke Emitting Devices may be prohibited by the International Building Code, the International Fire Code, and NFPA 101 (Life Safety Code). As such, it is imperative that you research whether or not your community has adopted these Codes and then how or whether it will affect your ability or desire to promulgate a Smoke Emitting Devices ordinance. For more information on IAFC's position regarding this matter, please visit their web site at www.iafc.org.

PLEASE NOTE: **The Model Smoke Emitting Devices Ordinance is intended to serve as a BASE FRAMEWORK for public safety. It is important that the model be reviewed carefully before endorsing or recommending that it be adopted either in part or in its entirety. There may be aspects of the model that will pose potential problems in your locale and you may decide that those characteristics should not be included in your local Smoke Emitting Devices Ordinance. As the Model Smoke Emitting Devices Ordinance is intended for use as a guide, it is a working draft, subject to changing times, designed to help you successfully develop and implement a good Smoke Emitting Devices ordinance.**

For More Information Contact:

For more information on this topic or other matters related to alarm systems, please contact FARA.

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FARA Model Smoke Emitting Devices Ordinance

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Section 1. Short Title.

This article may be cited as the Smoke Emitting Devices Ordinance.

Section 2. Purpose.

In concert with the [\[agency name\]](#) commitment to problem solving policing, the purpose of this ordinance is to regulate the installation, use, operation, monitoring and response to Smoke Emitting Devices.

Section 3. Definitions.

- (A) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.
- (B) **Agency** the sheriff, police or fire officials charged with implementing this ordinance.
- (C) **Conversion** means the transaction or process by which one Smoke Emitting Device Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Smoke Emitting Device or a Smoke Emitting Device previously serviced and/or monitored by another Smoke Emitting Device Company.
- (D) **Hearing Officer:** A person appointed by the [\[Sheriff/Chief of Police\]](#) to act as an impartial arbitrator at hearings related to the enforcement of this ordinance.
- (E) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.
- (F) **Monitoring Company** means a Person in the business of providing Monitoring services.
- (G) **Person** means an individual, corporation, partnership, association, organization or similar entity.
- (H) **Responder** means an individual capable of reaching the Smoke Emitting Device Site within [\[*\]](#) minutes and having access to the Smoke Emitting Device Site, the code to the Alarm System and the authority to approve repairs to the Smoke Emitting Device and the Alarm System.
[\[* Number of minutes should be specified to fit the conditions of your local jurisdiction.\]](#)
- (I) **Smoke Emitting Device:** A machine specifically constructed to be triggered/ activated by an intruder detection system that, when activated, produces a dense smoke, fog or vapor to reduce visibility in the protected area.
- (J) **Smoke Emitting Device Activation:** Any intentional or accidental production of smoke, fog or vapor by a Smoke Emitting Device.
- (K) **Smoke Emitting Device Administrator:** The person designated by the [\[Sheriff/Chief of Police\]](#) to administer, control, enforce and review Smoke Emitting Device applications, permits and dispatch requests.
- (L) **Smoke Emitting Device Company:** The business of any Person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or monitoring any Smoke Emitting Device to the Smoke Emitting Device User or in causing any Smoke Emitting Device to be sold, leased, serviced, repaired, altered, replaced, moved or installed in any structure.
- (M) **Smoke Emitting Device Permit** means authorization granted by the Smoke Emitting Device Administrator to a Smoke Emitting Device User to operate a Smoke Emitting Device.
- (N) **Smoke Emitting Device Site** means a single fixed premises or location served by a Smoke Emitting Device or Devices. Each unit, if served by a separate Smoke Emitting Device in a multi-unit building or complex, shall be considered a separate Smoke Emitting Device Site.

- (O) **Smoke Emitting Device User:** The person, firm, partnership, association, corporation, company or organization of any kind which uses or is in control of any Smoke Emitting Device.
- (P) **Takeover** means the transaction or process by which a Smoke Emitting Device User takes over control of an existing Smoke Emitting Device, which was previously controlled by another Smoke Emitting Device User.

Section 4. Alarm Ordinance.

Nothing in this ordinance shall be used to exempt a Smoke Emitting Device User or Smoke Emitting Device Company from the requirements of a local alarm ordinance. If alarm systems without a connection to automatically request a public safety response are exempt from the local ordinance, the installation of a Smoke Emitting Device shall subject the Smoke Emitting Device Site, Smoke Emitting Device User and the Smoke Emitting Device Company to all of the requirements of the local alarm ordinance.

Section 5. Smoke Emitting Device User Permit.

- (A) No Smoke Emitting Device User shall operate, or cause to be operated, a Smoke Emitting Device at its Smoke Emitting Device Site without a valid Smoke Emitting Device Permit. A separate Smoke Emitting Device Permit is required for each Smoke Emitting Device Site.
- (B) The fee for a Smoke Emitting Device Permit or a Smoke Emitting Device Permit renewal is set forth below and shall be paid by the Smoke Emitting Device User. No refund of a permit or permit renewal fee will be made. The initial Smoke Emitting Device Permit fee must be submitted to the Smoke Emitting Device Administrator Prior to the installation or activation of the Smoke Emitting Device or Smoke Emitting Device Takeover.
- Registration Fees – [\[Insert a fee here\]](#)
 - Renewal Fees – [\[Insert a fee here\]](#)
- (C) Upon receipt of a completed Smoke Emitting Device Permit application form and the Smoke Emitting Device Permit fee, the Smoke Emitting Device Administrator shall issue a permit to the applicant unless the applicant has:
- (1) failed to pay a fine assessed under this ordinance; or
 - (2) had an alarm registration for the Smoke Emitting Device Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected; or
 - (3) failed to provide appropriate evidence of compliance with this ordinance.
- (D) Each Smoke Emitting Device Permit application must include the following information:
- (1) the name, complete address (including apt/suite number), and telephone numbers of the Person who will be the permit holder and be responsible for the proper maintenance and operation of the Smoke Emitting Device and payment of fees assessed under this article;
 - (2) the classification of the Smoke Emitting Device Site as either residential (includes apartment, condo, etc.) or commercial;
 - (3) for each Smoke Emitting Device located at the Smoke Emitting Device Site, the classification of the associated Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
 - (4) mailing address, if different from the address of the Smoke Emitting Device Site;
 - (5) any dangerous or special conditions present at the Smoke Emitting Device Site;
 - (6) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of a Smoke Emitting Device activation at any time; (b) respond to the Smoke Emitting Device Site within 20 minutes at any time; and (c) upon request can grant access to the Smoke Emitting Device Site and deactivate the Smoke Emitting Device if necessary;
 - (7) type of business conducted at a commercial Smoke Emitting Device Site;
 - (8) signed certification from the Smoke Emitting Device User stating the following:
 - (a) the date of installation, Conversion or Takeover of the Smoke Emitting Device, whichever is applicable;
 - (b) the name, address, telephone number and license number (if applicable) of the Smoke Emitting Device Company or companies

- performing the Smoke Emitting Device installation, Conversion or Takeover and of the Smoke Emitting Device Company responsible for providing repair service to the Smoke Emitting Device;
 - (c) the name, address, telephone number and license number (if applicable) of the Monitoring Company if different from the Smoke Emitting Device Installation Company;
 - (d) that a set of written operating instructions for the Smoke Emitting Device, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Smoke Emitting Device Installation Company; and
 - (e) that the Smoke Emitting Device Installation Company has trained the applicant in proper use of the Smoke Emitting Device, including instructions on how to avoid False Alarms.
- (9) that law enforcement response may be influenced by factors including, but not limited to, the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.
- (E) Any false statement of a material fact made by an applicant for the purpose of obtaining a Smoke Emitting Device Permit shall be sufficient cause for refusal to issue a permit.
- (F) A Smoke Emitting Device Permit cannot be transferred to another Person or Smoke Emitting Device Site. A Smoke Emitting Device User shall inform the Smoke Emitting Device Administrator of any change that alters any of the information listed on the Smoke Emitting Device Permit application within five (5) business days of such change.
- (G) All fines and fees owed by an applicant must be paid before a Smoke Emitting Device Permit may be issued or renewed.

Section 6. Smoke Emitting Device Company Registration.

- (A) Registration of each Smoke Emitting Device Company is required annually. Smoke Emitting Device Companies must be registered with each public safety agency in which a dispatch request may be made. Public Safety agencies will determine the format and content for registration information.
- (B) Registrations may be obtained for a fee not to exceed \$50.00 per year from the sheriff/police of each jurisdiction in which a dispatch request may be made.
- (C) The Smoke Emitting Device Company shall obtain the necessary licensure as required via the regulatory body of each state, county and/or local jurisdiction in which a Smoke Emitting Device is located.

Section 7. Smoke Emitting Devices.

All Smoke Emitting Devices installed or operated in this jurisdiction shall:

1. be designed and constructed as security products. NOTE: Smoke generating devices from other industries, e.g. theatrical and chemical foggers should NOT be sold or offered for sale as smoke security devices.
2. enclose all material parts/components of the smoke generating device within a secure, tamper protected outer case. Fundamental to this are the electronic control system, the fluid and the battery back-up protection.
3. protect the discharge nozzle to prevent accidental touching and any risk of burning.
4. be controlled by electronic controls fitted with self-monitoring facilities.
5. incorporate a method for regulating the production of smoke once the machine has been activated. This should limit the maximum operational time of the machine from an alarm activation even if the alarm is not deactivated before the operational period has finished. NOTE: A method of regulating the smoke density, by sensor, timer or other means, while the system is active should also be considered.
6. be activated by a fail safe signal that is not activated upon a failure of power to the device to guard against false activations.
7. include electromagnetic and radio frequency signal filtering as part of the control electronics.
8. fully monitor the heating unit of the machine for overheating to prevent the risk of fire, and under heating to prevent the production of wet fog.

9. interface with the alarm panel to provide minor and catastrophic fault messages. Catastrophic faults are defined as: incorrect temperature, no fluid, control circuit failure and timer reset. Any catastrophic failure should generate an 'engineer required' prompt and prevent activation of the Smoke Emitting Device.
10. be listed or approved for safety by UL or an equivalent third party testing organization.
11. include a comprehensive manual covering the wiring and circuit diagrams that are necessary for machine operation and installation.
12. include a detailed service maintenance and trouble-shooting guide.
13. only utilize fluids and produce smoke, fog or vapor tested and listed or approved by an independent testing authority for health and safety to be non toxic and safe for exposure to humans for over one hour. Use of smoke, fog or vapor that is distinguished by smell or color from smoke generated by a fire is recommended.
14. provide a signal that the machine has been activated. At a minimum, the activation should be recorded by the alarm panel log. NOTE: Consideration should be given to using a Smoke Emitting Device that incorporates an internal event log that in addition to recording activations also records other critical functions within the Smoke Emitting Device in the log. The log within the Smoke Emitting Device should be tamper resistant.

Section 8. Responsibilities of the Smoke Emitting Device Company.

All Smoke Emitting Device Companies installing or operating in this jurisdiction shall:

1. comply with all current electrical wiring regulations, electrical safety regulations, manufacturer's recommendations and health and safety regulations.
2. maintain adequate insurance to cover the size, level of trade and nature of operation.
3. maintain a comprehensive technical support function to advise on all aspects of machine installation, operation and servicing.
4. maintain evidence that all company personnel involved in the specification or sale of smoke security products have undergone a formal training course. As a minimum, the content should cover: the specification and technical capabilities of the equipment being offered for sale, how to conduct a site survey, and the parameters for advising on location and installation options, the method of smoke generation, the constituents of the fluid and the related health and safety procedures, the safe operating and installation requirements, installation procedures and demonstration procedures. A system should be maintained for updating current employees, representatives and agents of material changes in the training course. Refresher courses should be held as and when necessary. Detailed records of training for all current and past personnel shall be available for inspection upon request. Records of past employees shall be maintained for at least two years after they leave the company.
5. maintain full parts and support back-up for all machines for at least 2 years beyond the warranty offered on the machines.
6. display warning stickers on perimeter doors/windows of the installation site. At a minimum warning signs should be displayed at the normal entry points to the building. These shall comply with the requirements for egress signage in NFPA 101 –The Life Safety Code.
7. provide user instructions for each type of machine to each customer.
8. configure each device so that it can only be activated automatically when the alarm panel is set.
9. give consideration to premises with agreed or shared means of escape, particularly when such a route may rely on escape through an adjoining premises.
10. install devices in multi-occupancy buildings or very large sites with internally protected areas so as to contain the smoke within the protected area and not to infringe onto public areas or open areas. In such cases it is recommended that on alarm activation an audible warning of the presence of a smoke system should be given in the adjoining areas.
11. install visual and audible indications that the system has activated. These indications should be provided adjacent to the fire indicator panel where one is installed. In all other cases the indications should be adjacent to the normal entry point to the building.
12. inform the fire department, police and Monitoring Company of the installation prior to the system being activated. A record of the notification should be kept by the Smoke Emitting

Devices Company.

13. complete a successful full test activation, generated by an alarm condition. The customer's representative should be present at the test firing.
14. maintain formulations for all fluids and propellants on file.
15. be able to identify all fluid by type (formula) and batch or production.
16. post a health and safety sheet in a prominent readily visible location at each Smoke Emitting Device Site.
17. offer to provide all police forces and fire/rescue services involved with the Smoke Emitting Device Site with the following:
 - full technical information packs
 - health and safety sheets
 - technical presentations and demonstrations
 - provision of training courses.
18. provide written and oral instructions to each of its Smoke Emitting Device Users in the proper use and operation of their Smoke Emitting Devices. Such instructions will specifically include all instructions necessary to turn the Smoke Emitting Device on and off, how to avoid false alarms and how to clear the smoke from the area.
19. only connect to alarm control panel(s) which meet SIA Control Panel Standard CP-01.
20. review with each Smoke Emitting Device User the Customer Checklist (Appendix B) or an equivalent checklist approved by the Smoke Emitting Device Administrator.
21. notify the site safety/security officer and monitoring company and place the system in test mode if available before any work or tests are performed that could result in the release of smoke.
22. before any demonstrations, work or tests are performed that could result in the release of smoke, assign a responsible person for the duration of any demonstration, test or work to brief persons in related areas or the building and provide reassurance to anyone who could view the smoke.

All Smoke Emitting Devices installed and/or operated in this jurisdiction **shall not**:

1. be configured to form a "man trap", i.e. they should not activate after a person has passed so as to prevent exit/escape.
2. be installed to cover escape routes and staircases of areas of the building that are still occupied.
3. be operable when the premises are occupied unless the area to be covered is unoccupied and not required for means of escape.
4. be configured for delayed activation.
5. be configured so that they can activate when the alarm is disarmed.
6. be configured to activate a smoke or heat detector under normal activation

Section 9. Responsibilities of the Smoke Emitting Device Monitoring Company.

A Monitoring Company shall:

1. report each Smoke Emitting Device Activation by using telephone numbers designated by the Alarm Administrator as soon as the Smoke Emitting Device is activated;
2. communicate each Smoke Emitting Device Activation to the municipality in a manner and form determined by the Smoke Emitting Device Administrator;
3. provide a Smoke Emitting Device Permit number when requested;
4. notify a Responder;
5. upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Smoke Emitting Device Activation, records relating to Smoke Emitting Device Activation. Records must include the name, address and telephone number of the Smoke Emitting Device User, the date and time of Smoke Emitting Device Activation. The Smoke Emitting Device Administrator may request copies of such records for individually named Smoke Emitting Device Users. If the request is made within sixty (60) days of a Smoke Emitting Device Activation, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after a Smoke Emitting Device Activation,

the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

Section 10. Responsibilities of the Smoke Emitting Device User.

- (A) The Smoke Emitting Device User must operate the Smoke Emitting Device in a manner in which it was intended.
- (B) The Smoke Emitting Device User shall be familiar with the Smoke Emitting Device operation including:
 - 1. Activation
 - 2. Cancellation
 - 3. False Smoke Emitting Device activation prevention
 - 4. Evacuation of Smoke Emitting Device Site
 - 5. Methods to eliminate smoke from the site after activation
- (C) The Smoke Emitting Device User shall notify the Smoke Emitting Device Administrator when the Smoke Emitting Device is disconnected or removed.
- (D) The Smoke Emitting Device User is responsible to ensure that the Smoke Emitting Device is maintained in line with manufacturer's specifications and serviced on at least an annual basis.

Section 11. Prohibitions and Fines.

- (A) A violation of any provision of this ordinance may result in a fine not to exceed \$500.00 per violation.
- (B) The Smoke Emitting Device Administrator can revoke the Smoke Emitting Device Permit for any violation of this Ordinance.
- (C) The Smoke Emitting Device Administrator can request the revocation of all occupancy permits for any Smoke Emitting Device Site that operates a Smoke Emitting Device without a Smoke Emitting Device Permit.

Section 12. Appeals & Hearings.

- (A) Either a Smoke Emitting Device Company or a Smoke Emitting Device User may appeal a violation or an assessment under this ordinance to the Smoke Emitting Device Administrator. An appeal fee not to exceed \$250 will accompany the appeal by the Appellant. Appeal fees will be returned to the Appellant if the appeal is upheld. The filing of an appeal with the Smoke Emitting Device Administrator stays the assessment or violation until the Smoke Emitting Device Administrator makes a final decision.
- (B) The Smoke Emitting Device Company or Smoke Emitting Device User shall file a written appeal to the Smoke Emitting Device Administrator by setting forth the reasons for the appeal within fifteen (15) days after notification of the violation or assessment. No appeal requests shall be made after 15 days.
- (C) If the Smoke Emitting Device Administrator denies the appeal, the Smoke Emitting Device Administrator shall send written notice to the Appellant of the action and a statement of the right to a further appeal.
- (D) A second level of appeal is available before the Smoke Emitting Device Review Board in cases where the Appellant is not satisfied with the decision reached at a lower level.
 - 1. The Smoke Emitting Device Company or Smoke Emitting Device User may appeal the decision of the Smoke Emitting Device Administrator by filing a written request for a review setting forth the reasons for the appeal within twenty five (25) days after the notice date from the Smoke Emitting Device Administrator. No appeal requests will be accepted after (25) days.
 - 2. Filing of a request for appeal shall stay the action by the Smoke Emitting Device Administrator, until the Smoke Emitting Device Review Board has completed the review. If a request for appeal is not made within the twenty five-day (25) period, the action of the Smoke Emitting Device Administrator is final.

Section 13. Reinstatement.

A Smoke Emitting Device permit, which has been suspended or revoked, may be reinstated by the Smoke Emitting Device Administrator if the Smoke Emitting Device User has provided the following, as applicable:

1. submits an updated application and the registration fee;
2. pays, or otherwise resolves, all service fees;
3. provides evidence acceptable to the Smoke Emitting Device Administrator that corrective action has been taken if the suspension or revocation was made as a result of improper operation or other activity requiring corrective action.

Section 14. Government Immunity.

Registration of the Smoke Emitting Device is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering a Smoke Emitting Device, the Smoke Emitting Device User acknowledges that police response may be based on factors such as: alarm status of the premises, availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

Section 15. Confidentiality.

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

Section 16. Severability.

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.