

TITLE 20**MISCELLANEOUS****CHAPTER****1. ALARM SYSTEMS.****CHAPTER 1****ALARM SYSTEMS****SECTION**

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20-101. Title. This chapter shall be known as the "Police Burglary/Holdup/Panic Alarm Ordinance." (Ord. #328A, Oct. 1992)

20-102. Definitions. Unless it is apparent from the context that another is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police department that an emergency exists and the police department is needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained,

serviced, repaired, altered, replaced, moved, or installed in or on any building structure, or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically, or electronically transmits by telephone or telephone line connected to a dispatch facility a recorded message or code signal indicating a need for emergency response; or, a system which, upon activation, connects to an answering service whose function it is to transmit to the police department a need for emergency response.

(5) "False alarm" means an alarm signal eliciting a response by the police department when a situation requiring a response by the police department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

(6) "Dispatch facility" means a communications center designated to receive, route, and otherwise handle all incoming police emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to a dispatch facility or notifies the police department. (Ord. #328A, Oct. 1992)

20-103. Automatic telephone dialing alarm system. (1) It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any city telephone lines exclusively used by the public to directly request emergency service from the police department.

(2) The police department, when it has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this chapter shall, in writing, order the owner, operator, or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order. (Ord. #328A, Oct. 1992)

20-104. Permit issuance. (1) The police department is hereby authorized to grant a revocable alarm users permit to any alarm user located in the city to operate, maintain, install, or modify a police alarm device, and no such device shall be operated unless such permit shall have first been issued.

(2) A permit issued pursuant to this chapter may be revoked at any time by the police department upon the giving of ten (10) days notice in writing by registered mail, to the permittee, sent to the address shown on the permit. Violation of this chapter, following conviction thereof shall constitute grounds for revocation of the permit. The failure of the police department to revoke the

permit following the finding of the city court that there has been a violation of this chapter, shall not be deemed a waiver of the right to revoke the permit.

(3) A fee shall be charged for issuance of any such permit, said fee being set and published from time to time as circumstances require by resolution of the city council. (Ord. #328A, Oct. 1992)

20-105. Application requirements for an alarm permit. Application for an alarm permit shall be made on forms provided by police department, and shall be accompanied by the fee as stipulated in § 20-104(3) hereof. The application form shall request following information:

(1) Make and type of alarm system.

(2) The name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address, and telephone number of applicant's residence if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address, and telephone number of that company including name and telephone number of any monitoring service if different from the alarm company.

(3) An emergency telephone number of the user or his representative to permit prompt notification of alarm calls and to assist police personnel in the inspection of the property.

(4) It is the applicant's responsibility to immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit.

(5) The approximate time required for applicant or designated responsible keyholder to respond to the scene of an alarm activation. (Ord. #328A, Oct. 1992)

20-106. Items required for an alarm system to qualify for an alarm permit. (1) All alarm systems shall have a backup power supply that will become effective in the event of power failure or outage in the source of electricity.

(2) All alarm systems will have an automatic reset which silences the annunciator within thirty (30) minutes after activation and will be the responsibility of permittee to see that continued activations by the same event do not occur in an eight (8) hour time frame.

(3) Any system installed on or after the effective date of this ordinance shall comply with the requirements stipulated in this section. Pre-existing installations must comply with this section within six (6) months of the effective date of this ordinance.

(4) Any alarm system user must respond or have a designated representative to respond to the scene of any alarm activation to assist police personnel in inspection of the building, structure, or facility.

(5) After notification by the police department of an alarm activation any alarm user who fails to respond or have a designated representative respond to a scene of such alarm activation will be subject to a fine of not less than \$5.00. Failure to respond to more than three (3) alarms in a permit year will be grounds for revocation of the alarm permit. (Ord. #328A, Oct. 1992)

20-107. False alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police personnel, an officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the officer at the scene of the activated alarm system determines the alarm to be a true false alarm and not an accidental or emergency alarm then the officer on the scene will advise the alarm user or representative the system needs to be checked. More than one (1) such false alarm in a thirty (30) day period will result in a written notification to the permit holder. The permit holder upon receipt of the notification shall be entitled to a hearing before the city administrator or his designee. The permit holder desiring a hearing shall request said hearing within ten (10) days of date of notification.

(3) The police department shall have the right to inspect any alarm system user's premises to which response has been made and may cause an inspection of the system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions hereof.

(5) There shall be provided to the alarm user, a ten-day grace period during the initial installation of the alarm system. Ten (10) days after the permit has been issued by the police department, § 20-108(1) will not apply. Any emergency response provided by the city thereafter will be under provisions § 20-108, unless otherwise noted herein.

(6) It shall be required and provided that any alarm business testing or servicing any alarm system notify the police department and instruct said department of the location and time of said testing and servicing. This section shall apply to any testing period after the initial installation period has ceased. Section 20-108(1) will not apply to the alarm user if prior notice of said testing has been made to the respective departments as outlined in this section. Any

violation of this section herein will be assessed under the provisions outlined in § 20-108.

(7) If the chief denies the issuance or renewal of a permit, or revokes a permit, he shall send written notice of his action and a statement of the right to an appeal by certified mail, return receipt requested, to both the applicant or permit holder and the applicable alarm installing service company.

(a) The applicant or permit holder may appeal the decision of the chief to the city administrator by filing a written request for a review, setting forth the reasons for the appeal within ten (10) days after receipt of the notice from the chief.

(b) Filing of a request for appeal shall stay the action by the chief of revoking a permit until the city administrator has completed his review. If a request for appeal is not made within the ten (10) day period, the action of the chief is final.

(c) A review ordered under § 20-107(7) requires the attendance of both permit holder and applicable alarm company.

(d) Permit holders shall be entitled to a hearing, if requested with ten (10) days of receipt of notice of a sustained revocation of permit. Hearing shall be conducted by a committee appointed by the city administrator. (Ord. #328A, Oct. 1992)

20-108. Fee assessment. (1) It is hereby found and determined that more than six (6) false or accidental alarms within a permit year are excessive and constitute a public nuisance. The activation of seven (7) or more false or accidental alarms within a permit year will be handled in the following manner:

(a) A service charge shall be automatically levied against the alarm user of \$25.00 upon occurrence of the seventh (7th) alarm, a like amount for the eighth (8th) false or accidental alarm, and a service charge of \$50.00 for the ninth (9th) and additional false or accidental alarms. All service charges levied shall be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from date of notice shall result in the revocation of alarm permit. Continued alarms from a revoked permit site may result in the ordered disconnection of the alarm system.

(b) The ninth (9th) false or accidental alarm within a permit year shall result in revocation of the alarm user's permit in the following manner:

(i) The alarm user shall be given (10) days advance written notification the alarm user's permit will be revoked, which written notice shall set forth the reason for such revocation.

(ii) Reinstatement of the permit and police department services may occur upon receipt of a letter from an alarm company that the alarm system is operating properly, and upon inspection and approval by the police department, and receipt of a \$100.00 reinstatement fee.

(c) Additional false or accidental alarms within the permit year shall be handled in the same manner as § 20-108(2)(b) hereof. (Ord. #328A, Oct. 1992)

20-109. Disconnection. In the event the alarm system emitting an audible, visual, or other similar response shall fail to be de-activated within the time limitations specified in § 20-106 hereof, the city shall have the right to take such action as may be necessary in order to disconnect any such alarm. (Ord. #328A, Oct. 1992)

20-110. Penalty for offenses. Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine of \$50.00. Each occurrence constitutes a separate offense. (Ord. #328A, Oct. 1992)