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PART II. FALSE ALARMS--LAW ENFORCEMENT*

***Editor's note:** It should be noted that Ord. No. 99-15, § 2, adopted May 18, 1999, amended the effective date of the provisions of Part II to October 1, 1999. Subsequently, Ord. No. 99-21, § 1, adopted Aug. 24, 1999, amended Pt. II, in its entirety, to read as herein set out. See the Code Comparative Table.

Section 301.21. Purpose.

- (A) The purpose of this part is to encourage alarm users and alarm businesses to maintain the operational reliability and properly use alarm systems and to reduce or eliminate false alarm dispatch requests.
- (B) This part governs systems intended to summon law enforcement response, requires permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of permits.
(Ord. No. 99-21, § 1, 8-24-99)

Section 301.22. Definitions.

In this part:

- (A) *Alarm administrator* means a person or persons designated by the sheriff to administer, control and review alarm applications, permits and alarm dispatch requests.
- (B) *Alarm business* means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm site.
- (C) *Alarm dispatch request* means a notification to law enforcement office by the alarm business that an alarm, either manual or automatic has been activated at a particular alarm site.
- (D) *Alarm review board* shall consist of five (5) members as follows: the alarm administrator, a sheriff's office representative designated by the sheriff, a local alarm business representative appointed by the local alarm association, and two (2) members of the public at large, appointed by the board of county commissioners.
- (E) *Alarm site* means a single premises or location served by an alarm systems. Each tenancy, if served by a separate alarm system in a multi tenant building or complex shall be considered a separate alarm site.
- (F) *Alarm system* means a device or series of devices, including, but not limited to, systems interconnected with radio frequency signals, which are designed to discourage

crime, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. Alarm system does not include:

an alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the alarm site.

fire and emergency medical (Life Line) systems.

(G) *Alarm user* means any person, firm, partnership, corporation or other entity who (which) uses an alarm system at it's alarm site.

(H) *Sheriff* means the sheriff of the county or an authorized representative.

(I) *Conversion* means the transaction or process by which one alarm business begins monitoring of an alarm system previously monitored by another alarm business.

(J) *Duress alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring law enforcement response.

(K) *False alarm dispatch* means an alarm dispatch request to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted criminal activity after having completed a timely investigation of the alarm site. An alarm dispatch request which is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch.

(L) *False alarm user awareness class* means a class operated by the sheriff's office for the purpose of educating alarm users about the problems created by false alarm dispatches and in the responsible use of their alarm system.

(M) *Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(N) *Keypad* means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

(O) *Monitoring* means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the city for the purpose of summoning police response to the alarm site.

(P) *One plus duress alarm* means the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code (normal code = 1234 one plus duress code = 1235).

(Q) *Person* means an individual, corporation, partnership, association, organization or similar entity.

(R) *Takeover* means the transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.

(S) *Verify* means an attempt to avoid an unnecessary alarm dispatch request. The alarm business, or it's representative, must attempt to contact the alarm site by telephonic or other electronic means (whether or not actual contact with a person is made), in an attempt to avoid an unnecessary alarm dispatch request.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.23. Permit required; application; fee; transferability; false statements.

(A) No alarm user shall operate, or cause to be operated, an alarm system at it's alarm site without a valid alarm permit issued by the alarm administrator. A separate permit is required for each alarm site.

(B) The initial and annual renewal fee for a permit for an alarm site is thirty dollars (\$30.00); no refund of a permit fee will be made. The initial annual permit fee and registration information must be submitted by the alarm company to the alarm administrator within fifteen (15) calendar days after the alarm installation or alarm takeover. Failure to provide information by the alarm company to the user that registration by the user is required will result in a ninety dollar (\$90.00) fine to that alarm company. Subsequent annual registrations will be required by the alarm holder upon notification by the alarm administrator, as noted in section 301.26 of this part.

(C) Upon receipt of a completed application form and the permit fee, the alarm administrator shall issue an alarm permit to an applicant unless the applicant has:

- (1) failed to pay a fine assessed under section 301.33 or,
- (2) had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension has not been corrected.

(D) Each permit application, either new construction or existing structure, must include the following information:

- (1) the name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
- (2) the classification of the alarm site as either residential, commercial or apartment;
- (3) for each alarm system located at the alarm site, the purpose of the alarm system; i.e., burglary, holdup, or other;
- (4) signed certification from the alarm user and the alarm business stating:
 - (a) the date of installation, conversion or takeover of the alarm system, whichever is applicable;
 - (b) the name, address, and the phone number of the alarm business performing the alarm system installation, conversion or alarm system takeover and responsible for providing repair service to the alarm system;
 - (c) the name, address, and phone number of the alarm business monitoring the system if different from the installing alarm business;
 - (d) that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant; and
 - (e) that the alarm business has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (5) classification of the alarm site as being equipped or non-equipped for duress business.

(E) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit and shall fall under section 301.39, Violations, and subject to fine.

(F) An alarm permit cannot be transferred to another person. An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within thirty (30) days. A new property owner must register the alarm system with the alarm administrator.

(G) All fees owed by an applicant must be paid before a permit may be issued or renewed.

(H) Information contained in permit applications shall be held in confidence by all employees or representatives of the agency with access to such information.

(Ord. No. 99-21, § 1, 8-24-99)

Sec. 301.24. Alarm systems in apartment complexes; contracted for by individual tenant.

(A) If an alarm system installed by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the alarm business which is providing the monitoring service.

(B) A tenant of an apartment complex shall also obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's residential unit. The annual fee for this permit or the renewal of this permit shall be the same as for a residential or commercial alarm site.

(C) For purposes of enforcing this part against an individual residential unit, the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's residential unit.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.25. Alarm systems in apartment complexes; furnished by the apartment complex as an amenity.

(A) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall obtain a master alarm permit from the alarm administrator. The initial fee for this permit shall be one hundred dollar (\$100.00) and ten dollars (\$10.00) per residential unit. All this, whether occupied or not, shall be included in calculating the required fee. This fee will be charged in lieu of the thirty dollars (\$30.00) per residential permit.

(B) For purposes of assessing fines and enforcing this article, the master alarm permit holder is responsible for payment of fines for false alarm dispatches emitted from the alarm systems in residential units if the false alarm is determined to be caused by faulty equipment and/or installation; the fee for operator error shall be the responsibility of the tenant but will be collected from the property manager/owner holding the master alarm pen-nit.

(C) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage and equipment areas. An annual fee for such a permit shall be the same as the fee for a residential or commercial alarm site.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.26. Permit duration and renewal.

(A) A permit shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of their permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system and citations and penalties shall be assessed without wavier. (See section 301.39, Violations).

(B) Any alarm user having no false alarms during the year will have the renewal fee of thirty dollars (\$30.00) waived for each year following a zero false alarm year.
(Ord. No. 99-21, § 1, 8-24-99)

Section 301.27. Proper alarm systems operation and maintenance.

(A) An alarm user shall:

- (1) maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches, and
- (2) make every reasonable effort to respond or cause a representative to respond to the alarm system's location within one hour when notified by the sheriff's office to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises, and
- (3) not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (4) provide a "swing or shut down" option for active zones within the premises.

(B) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an audible alarm signal on the exterior of an alarm site will sound for no longer than fifteen (15) minutes after being activated.

(C) An alarm user shall have a properly licensed alarm business inspect his alarm system after two (2) false alarm dispatches in a one year period. After a third false alarm dispatch, the alarm user must have a properly licensed alarm business modify the alarm system to be more false alarm resistant and/or provide additional user training as appropriate. The alarm user shall provide the alarm administrator with a corrective action report signed by the qualifying agent for the alarm company; a copy will be forwarded to the sheriff.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.28. Duties of alarm business.

(A) After July 1, 1999, alarm businesses shall not program alarm systems so that they are capable of sending one plus duress alarms. Alarm businesses may continue to report one plus duress alarms received from alarm systems programmed with this feature prior to July 1, 1999. However, when performing a takeover or conversion after July 1, 1999, an alarm business must remove the one plus duress alarm capability from the alarm system being taken over or converted.

(B) After July 1, 1999 alarm businesses shall not install a device(s) for activating a hold-up alarm which is a single action non recessed button.

(C) Any alarm company service technician that fails to place a system on "test" and causes a false alarm dispatch, shall be assessed a one hundred dollar (\$100.00) fine; a copy of the fine and notification from the alarm administrator shall be sent to the alarm company owner/manager.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.29. Alarm system operating instructions.

An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.30. Alarm dispatch request records.

(A) The officer responding to an alarm dispatch request shall record such information as necessary to permit the alarm administrator to maintain records, including, but not limited, to the following information:

- (1) identification of the permit number for the alarm site;
- (2) identification of the alarm site;
- (3) arrival time at the alarm site and dispatch received time;
- (4) date, and time;
- (5) weather conditions;
- (6) area and/or sub-area of premise involved;
- (7) name of alarm user's representative on premises, if any;
- (8) identification of the responsible alarm business, and/or;
- (9) unable to locate the address.

(B) The responding law enforcement officer shall indicate on the dispatch record whether the dispatch was caused by a criminal offense, an attempted criminal offense, or was a false alarm dispatch. A copy will be provided by the sheriff's office to the respective alarm company for informational purposes.

(C) In the case of an assumed false alarm dispatch, the responding law enforcement officer shall leave notice at the alarm site that a law enforcement agency has responded to a false alarm dispatch. The notice shall include the following information:

- (1) the date and time of law enforcement response to the false alarm dispatch;
- (2) the identification number of the law enforcement officer, and;
- (3) a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid fines per the ordinance.

(D) Alarm businesses which perform monitoring services must maintain for a period of at least one year following request for law enforcement dispatch to an alarm site, records relating to the dispatch. Records must include the name, address and phone number of the alarm user, the alarm system zone(s) or point(s) activated, the time of request for law enforcement dispatch and evidence that an attempt to verify was made to the alarm site prior to the request for law enforcement dispatch. The alarm administrator may request copies of such records for individually named alarm users.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.31. System performance reviews.

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.32. False alarm user awareness class.

The administrator shall oversee the creation and implementation of a false alarm user awareness class. The program shall inform alarm users of the problems created by false alarm dispatches and teach alarm users how to operate their alarm systems without generating false alarm dispatches. The alarm review board may waive fines and

recommend the awareness class, if deemed appropriate. The class will be held at different times to allow attendance and to minimize scheduling conflicts.

There shall be a thirty-five dollar (\$35.00) administrative fee to attend the class; the fee will cover costs associated with conducting the course, including all informational materials and handouts.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.33. Fines.

(A) An alarm user or the master permit holder for an apartment complex shall be subject to fines, and warnings of suspension/ revocation of permit depending on the number of false alarm dispatches emitted from an alarm system within a twelve-month period based upon the following schedule:

TABLE INSET:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice/ warning letter #1	No Fee
2	On-site written notice/ warning letter #2	No Fee
3	On-site written notice/ warning letter #3 (May be waived if school attended)	\$50.00
4	On-site written notice/warning letter #4 (Mandatory attendance of school)	\$100.00
5 and above	On-site written notice of revoked permit \$250.00 each (Subsequent false dispatches will be fined as operating a non-permitted system; additional violation fees will apply accordingly)	

(B) In addition, any person operating a non-permitted alarm system (whether revoked, suspended or never acquired) will be subject to a citation and assessment of a fifty dollar (\$50.00) fine and must register with the alarm administrator within thirty (30) days after such violation. All subsequent false alarm dispatches will continue to be fined in accordance with paragraph (A) of this section.

(C) An alarm user may register for the false alarm user awareness class prior to any false alarm dispatches, as a means to educate themselves and help to prevent false alarm dispatches.

(D) Alarm dispatch requests, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.

(E) The alarm administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken as outlined in section 301.37.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.34. Appeal from fines/grievance process.

(A) An alarm user may appeal assessment of a fine to the alarm review board by filing a written request for a hearing setting forth the reasons for the appeal within ten (10) working days after receipt of the fine. The filing of a request for an appeal hearing with the alarm review board stays the assessment of the fine until the alarm review board makes a final decision.

(B) The alarm review board shall conduct a formal hearing and consider the evidence by any interested person(s). The board shall make its decision on the basis of the preponderance of evidence presented at the hearing including, but not limited to, evidence that a false alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by criminal offense. The board shall reserve the right to call upon the respective alarm company to provide a representative in order to verify attempts to correct/not correct a failed system. The board must render a decision within thirty (30) days after the request for an appeal hearing is filed. The board shall affirm, reverse or modify the assessment of the fine, and/or include attendance at the false alarm awareness school. The decision of the board is final as to administrative remedies.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.35. Revocation, suspension or loss of alarm permit.

(A) In addition to suspension or revocation pursuant to section 301.33, the alarm administrator may suspend or revoke an alarm permit if it is determined that:

(1) there is a false statement of a material matter in the application for a permit;
(2) the permit holder has failed to make timely payment of a fee assessed under section 301.33(B), or;

(B) A person commits an offense if he operates an alarm system during the period in which his alarm permit is suspended or revoked.

(C) Unless there is separate indication that there is a crime in progress, the sheriff may refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm permit is revoked.

(D) If the alarm permit is reinstated pursuant to section 301.37, the alarm administrator may revoke the alarm permit if it is determined that two (2) subsequent false alarm dispatches occur within sixty (60) days after the reinstatement date.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.36. Appeal from denial, suspension or revocation of a permit.

(A) If the alarm administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he or she 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 of alarm use and the alarm business. A copy will also be sent to the sheriff for notification and processing.

The applicant or alarm user may appeal the decision of the alarm administrator to the alarm review board by filing a written request for a review to the sheriff setting forth the reasons for the appeal within twenty (20) days after receipt of the notice from the alarm

administrator. An alarm business may submit the request for review on behalf of an alarm user.

Filing of a request for appeal shall stay the action by the alarm administrator suspending or revoking a permit until the board has completed its review. If a request for appeal is not made within the twenty (20) day period, the action of the alarm administrator is final.

(B) The alarm review board shall conduct a formal hearing and consider the evidence by any interested person(s). The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that alarm users have been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The board reserves the right to summon a representative of the alarm company to verify the above, protecting both the alarm user and the alarm company from any misrepresentation. The board must render a written decision within thirty (30) days after the request for an appeal hearing is filed. The board shall affirm, reverse, or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the county.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.37. Reinstatement of permit.

A person whose alarm permit has been revoked may be issued a new permit if the person:

- (1) submits an updated application, and;
- (2) pays or otherwise resolves, all citations and fines, and;
- (3) submits a notarized certification from an alarm business, that complies with the requirements of this article, stating that the alarm system has been inspected and repaired (if necessary) by the alarm business.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.38. Ordinance administration; collection of fines and fees.

(A) This part shall be administered by the sheriff's office who shall be responsible for the issuance of all permits, administration of all funds collected and enforcement of the ordinance guidelines.

(B) A trust fund shall be established by the sheriff's office to administer all monies received through the issuance of alarm permits. Revenue received shall be used only for the administration of this part.

(Ord. No. 99-21, § 1, 8-24-99)

Section 301.39. Violations.

(A) A person commits an offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility and is subject to a fine not more than five hundred dollars (\$500.00) for each offense.

(B) There will be a one hundred eighty-day grace period from the effective date to educate users and the alarm industry once the ordinance is passed. No fees shall be collected during this period.

(Ord. No. 99-21, § 1, 8-24-99)