

ARTICLE VII. - ALARM USERS

Sec. 18-217. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm activation report means a document issued by the enforcement official indicating that the activation was deemed to be the result of a valid incident, nuisance alarm or false alarm.

Alarm administrator means a person or persons designated by the City of Canton to administer, control and review false alarm reduction efforts and administer the provisions of this article.

Alarm company means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with City of Canton ordinances and state laws.

Alarm permit means a permit issued by the City of Canton allowing the operation of an alarm system within the city.

Alarm signal means a detectable signal; audible or visible, generated by an alarm system, to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Canton Police Department a recorded message or code signal indicating a need for law enforcement response.

Cancellation means the process whereby response is terminated when the alarm company (designated by the alarm user) notifies the Canton Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

City means the City of Canton or its agent.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Canton Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.

Fee means the assessment of a monetary charge payable to the City of Canton authorized pursuant to the ordinance from which this article is derived and separate resolution, to defray the expenses of responding to a false alarm.

Hold up alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Owner means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy, or manage the premises.

Premises means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein an alarm system is installed.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Canton Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

(Ord. No. 2009041601, § 1, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-218. - Alarm permit.

- (a) *Permit required.* No person shall use an alarm system in the city without first obtaining a permit for such alarm system from the city. A fee may be required for the initial registration and annual renewals as it will be set by the City of Canton on a separate resolution. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.
- (b) *Application.* The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.
- (c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (d) *Reporting updated information.* Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city within 30 days when any of the requested information has changed. Failure to comply will constitute a violation and may result in a civil penalty.

- (e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

(Ord. No. 2009041601, § 2, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-219. - Duties of the alarm user.

- (a) Register and obtain an alarm permit.
- (b) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms.
- (c) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (d) Respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the Cherokee County 911 Center to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises.
- (e) Refrain from manual activation of an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.
- (f) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.
- (g) If present at the alarm system's location, the alarm user or designee shall provide assistance to police personnel.

(Ord. No. 2009041601, § 3, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-220. - Duties of the alarm company.

- (a) Any person engaged in the alarm business in the city, shall comply with the following:
 - (1) Obtain and maintain the required state and city license(s).
 - (2) Required to assist with the registration of the alarm customers by providing registration applications, assisting with the completion and submission of the applications to the City of Canton.
 - (3) Provide the owner with the existence of this article and a copy of the alarm system's operating instructions in accordance with adopted codes and the manufacturer's instructions.
 - (4) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within two hours.
 - (5) Be able to provide the most current contact information for the alarm user including the user permit.
 - (6) Provide an electronic list quarterly of all monitored alarm systems in the City of Canton in a format designated by the alarm administrator.
- (b) Ninety days after enactment of this article the alarm installation companies shall, on all new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- (c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (d) Provide written information of how to obtain service from the alarm company for the alarm system.

- (e) An alarm company performing monitoring services shall:
- (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
 - (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - (3) Communicate any available information about the alarm.
 - (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(Ord. No. 2009041601, § 4, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-221. - Prohibited acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.
- (c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Canton Police Department.

(Ord. No. 2009041601, § 5, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-222. - Enforcement of provisions.

- (a) *Excessive false alarms/failure to register.* It is hereby found and determined that four or more false alarms within a calendar year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a calendar year may be assessed against an alarm user as follows:
 - (1) Fourth false alarm\$50.00
 - (2) Fifth false alarm100.00
 - (3) Sixth and over false alarm150.00
 - (4) Failure to register100.00
 - (5) Violations of ordinance provisions100.00
- (b) *Other civil penalty(ies).* Violations for failure to register; and violations for installing, maintaining, or using an audible system with a continual sound for more than 15 minutes may be enforced through the assessment of civil penalties in the amount of \$100.00.
- (c) *Payment of civil penalty(ies).* Civil penalty(ies) shall be paid within 30 days from the date of the invoice.
- (d) *Cause of verified response.* The failure of an alarm user to make payment of any civil penalties assessed under this article within 30 days from the date of the invoice will be cause for the Canton Police Department to only respond to alarm calls at that location when the alarm has been verifiably set off due to an actual crime. The requirement of a verified response shall not apply to panic, fire, or hold up alarms. All 911 and other calls to that location will be responded to normally by the Canton

Police Department. All alarms will be responded to normally once the alarm user's payment has been received.

- (e) *Civil non criminal violation.* A violation of any of the provisions of this article shall be a civil violation and shall not constitute a misdemeanor or infraction.

(Ord. No. 2009041601, § 6, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-223. - Alarm user awareness class.

The city may create and implement an alarm user awareness class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The city may grant the option of attending a class in lieu of paying one assessed fine.

(Ord. No. 2009041601, § 7, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-224. - Appeals.

- (a) *Process to appeal penalties.* Assessments of civil penalty(ies) and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the chief of police within ten days after the date of notification of the assessment of civil penalty(ies) or other enforcement decisions. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decisions. The chief of police shall designate a hearing officer from the police department to hear appeals related to the agency. The hearing officer shall render a decision within five business days and give written notification of his/her decision. The hearing officer's decision may be appealed to the chief of police by filing written notice of appeal within ten days of the decision of the hearing officer. The chief of police shall have the final decision in this matter. The hearing officer's decision and the decision of the chief of police are subject to review by the courts having jurisdiction by proceedings in the nature of writ certiorari.
- (b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

(Ord. No. 2009041601, § 8, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-225. - Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the city.

(Ord. No. 2009041601, § 9, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Sec. 18-226. - Government immunity.

Alarm registration 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 applying for an alarm registration, the alarm user acknowledges that the Canton Police Department

response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 2009041601, § 10, 4-16-2009; Ord. No. 2014-08, § 1, 3-20-2014)

Secs. 18-227—18-245. - Reserved.