ARTICLE 4-13 ALARM SYSTEMS

Division 1. Generally

Sec. 4-13-1   Definitions

*Alarm site*. The single premises or location (one (1) street address) served by an alarm system or systems that are under the control of one (1) registration holder.

*Alarm system*. A device or system that emits, transmits, or relays signals intended to summon, or that would reasonably be expected to summon, police or fire services of the city, including but not limited to local alarms. Alarm systems will not include:

   (1) An alarm installed in a vehicle unless the vehicle is permanently located at a site; or

   (2) An alarm designed to alert only the inhabitants of premises which do not have a local alarm.

*Audible on-site alarm*. An alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

*Burglar alarm notification*. A notification intended to summon the police which is triggered manually or by an automated system warning of an intrusion.

*Chief*. The chief of the fire or police department or his/her authorized representative.

*Emergency medical assistance alarm notification*. A notification intended to summon emergency medical assistance from the city.

*False alarm*. The activation of any alarm system which was not the result of an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice nor the result of a severe weather condition or power failure that causes physical damage to or the malfunction of the alarm system, subject to section 4-13-7(b) and to appeal procedures.

*False alarm notification*. An alarm notification to the police or fire department, subject to section 4-13-7(b), when the responding officer finds no evidence of an attempted criminal offense or fire or threat of fire, or if there is or is not a criminal offense to which the police or fire department responds and the registration holder or his or her representative who issues the notification does not respond within thirty (30) minutes of notification. The person in control of the property is obligated to immediately notify the city police department or fire department and advise whether or not a key carrier is en route.

*Fire alarm notification*. A notification to the fire department intended to summon firefighting forces which is triggered manually or by an alarm system designed to react to any of the visual or physical characteristics of a fire.

*Local alarm*. An alarm system that emits a signal at an alarm site which is audible and/or visible from the exterior of a structure.
**Person.** An individual, corporation, partnership, association, organization, governmental entity or similar entity.

**Robbery.** The offense committed when a person in the course of committing theft with the intent to obtain or maintain control of the property of another intentionally causes, threatens or places another in fear of bodily injury or death.

**Robbery alarm notification.** A notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by a human.

**Registration holder.** The person designated in the registration as required in section 4-13-31 who is ultimately responsible for responding to an alarm and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and the payment of fees.


### Sec. 4-13-2 Violations; penalty

(a) A person commits an offense if he/she violates, by commission or omission, section 4-13-3(e), 4-13-4, 4-13-6, 4-13-31(a), 4-13-31(b), or 4-13-32(b).

(b) A person who violates any of the above-listed provisions is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted, and each offense is punishable by a fine of not more than five hundred dollars ($500.00).

(c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and acting within the scope of his/her employment.


### Sec. 4-13-3 Duties of owners and operators; charges for city response

(a) The person in control of the property in which the alarm system is installed shall train all persons who may activate the alarm system in the proper operation and deactivation of the alarm system.

(b) Any person in control of the property in which an alarm system is installed who is notified of the activation of an alarm system shall come to the alarm site within thirty (30) minutes of the time such person is notified of such activation and shall provide the police or fire department with the necessary access to the building. The person in control of the property is obligated to immediately notify the city police department or fire department and advise whether or not a key carrier is en route. Failure to respond to the site will result in a false alarm determination.

(c) The city will respond to proper notification of activation of an alarm system without charge except:
(1) The person in control of the property on which an alarm system is installed will be charged an administrative fee of fifty dollars ($50.00) when he, his agent or his employee intentionally activates the alarm system for any reason other than any emergency or threat of an emergency of the kind for which the alarm system was designed to give notice. The alarm installer or his agent may test the fire alarm, if prior notification is given to the fire department for fire alarms only, for routine maintenance without charge or fee;

(2) If a mechanism sounds an alarm signal for longer than twenty (20) minutes after being activated, and the city ordinance or state law prohibits such noise, the chief or designated representatives are authorized to disable the alarm. All reasonable cost to the city in disabling such alarm shall be assessed to the permit holder of the alarm system and shall be paid to the city within thirty (30) days after the operator has received notice that the costs have been assessed. Registration under the provisions of this article constitutes a grant of approval by the registration holder of the alarm system for the city to deactivate the local alarm system under the provisions of this subsection.

(d) A person in control of property on which an alarm system is installed shall maintain, at each alarm site, a complete set of written operating instructions for each alarm system. Special codes, combinations or passwords should not be included in these instructions.

(e) An intermediary who is engaged in the business of relaying alarm notifications to the city shall:

   (1) Report alarms only over special trunklines designated by the chief;

   (2) Communicate alarm notifications to the city in a manner and form determined by the chief;

   (3) Be licensed by the private security bureau if required by state law.


Sec. 4-13-4 Operation generally

(a) It shall be unlawful for any person to install, cause to be installed or permit to be installed any alarm system or operate any alarm system unless the requirements of this section are met.

(b) Any alarm system which may be activated as a result of different types of emergency situations shall give a unique signal to designate activation as a result of a robbery, a burglary, a fire or other type of emergency situations, so that the proper notification and proper response can be made.

(c) Any audible local alarm system, except a fire alarm system, shall have a twenty-minute shutoff and shall not make a sound similar to that of a siren of an emergency vehicle or a civil defense warning system. There shall be an exception to this subsection for an alarm system without a twenty-minute shutoff which is operating on the effective date of this section. Such an existing alarm system need not comply with this subsection for a period of twelve (12) months from the effective date of this article.
(d) No robbery alarm which can cause an inadvertent activation shall be installed; and any robbery alarm shall be designed so it can be activated only by intentional and deliberate human actions, which may include a money clip, pressure pad, or similar device if properly installed.

(e) No person shall operate, install, cause to be installed or permit the installation of any alarm system equipped with an automatic dialing device unless the device is connected directly to a third party, who shall screen the alarms before calling the police or fire department. For the purposes of this subsection, an automatic dialing device is any device connected to any alarm system which automatically sends a prerecorded message indicating the activation of the alarm system to the police or fire department. There shall be an exception to this subsection that a person in control of property upon which an alarm system is operating on the effective date of this article shall not be deemed in violation of this subsection for a period of three (3) months from the effective date of this article.

(f) No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was sounded internally only for the purpose of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the police department, fire department, or other department of the city.

(g) The sensitivity of any alarm system will be set at levels so that the alarm will not be activated by changes in atmospheric conditions, noise, exterior motion or sunlight.

(h) All contractors that install, or cause their agents to install, any alarm system shall meet all applicable state requirements as to licenses, registrations, and certifications.

(i) No person shall use, or cause or permit to be used, any alarm device which automatically selects a telephone trunkline of the police department of the city or 911, and then reproduces any prerecorded voice messages to report any robbery, burglary, or other emergency.


Sec. 4-13-5 Procedures for giving notice of alarm; records of responses

(a) The chief may set reasonable standards and procedures to be followed by the permit holder or telephone answering service when giving notice to the police or fire department of activation of an alarm system.

(b) The officer or appropriate fire department personnel responding to an alarm call resulting from an attempted criminal offense, fire emergency or false alarm notification shall record such information necessary to permit the chief of his/her respective department to maintain records, including but not limited to the following information:

(1) Identification of the registration holder;

(2) Identification of the alarm site;
(3) The time the officer is dispatched to the alarm site, the time the officer arrives at the site and the time he/she is cleared from the site;

(4) Time of day and date;

(5) Weather conditions;

(6) Area and subarea description;

(7) Name of the permit holder’s representative on the premises, if any;

(8) Whether or not the call was a false alarm.


**Sec. 4-13-6 Duties of alarm businesses**

Whenever any person, partnership, or corporation conducts the business of installing, servicing, or maintaining alarm systems at alarm sites within the limits of the city, such entities shall:

(1) Insure that sufficient personnel or contractors are available to provide service and to repair any alarm system installed and maintained. Such repair shall be completed within seventy-two (72) hours after notification from any person in control of the alarm site.

(2) Keep and maintain a written record of the date and time of repair and description of the specific repair which was performed on any alarm system when such repair was made in response to notification by the person in control of the property or by an employee of the city that such alarm system was in need of repair; such written record shall be maintained for at least two (2) years and shall be made available during the regular business hours of said entities for the inspection and duplication by any employee of the city as directed by the city manager or the chief.

(3) It shall be an offense if an installer who is not required to register as provided by section 4-13-31 installs an alarm system in the city and fails to file with the police department a notice that specifies the same information as required by section 4-13-31(c).


**Sec. 4-13-7 Administrative fee for excessive false alarms**

(a) If a person has more than five (5) false police alarms or more than two (2) false fire/EMS alarms within a 365-day period, he or she shall be assessed an administrative fee of fifty dollars ($50.00) for each violation over the allotted five (5) police alarms or two (2) ambulance or fire false alarms.

(b) A false alarm is defined in section 4-13-1 (definitions) of this article and is subject to the following procedure:
(1) The designated police or fire personnel assigned to respond to an alarm site will make the initial determination as to whether or not the alarm notification is false. This officer will prepare a report for the chief or his/her representative. The chief or his/her representative will make the final determination of whether or not the alarm notification is false. The determination of the chief shall be final;

(2) A false alarm will not be considered to have occurred unless a response is made by the police or fire department within thirty (30) minutes of the alarm notification and the designated police or fire personnel assigned to respond to the alarm site determine from an inspection of the interior or exterior of the premises that the alarm was false;

(3) The police department and/or fire department will maintain records necessary to carry out the provisions of this article concerning the alarms under their jurisdictions.

(c) A person shall have five (5) days after notification of a false alarm to appeal such determination. In making a determination on the appeal, the chief may take into consideration exigent circumstances.


Secs. 4-13-8 through 4-13-30   Reserved

Division 2. Registration

Sec. 4-13-31   Required; application

(a) A person commits an offense if he operates or causes to be operated an alarm system without an alarm registration approved by the chief. A separate registration is required for each alarm site. The fire chief will approve all fire alarm registrations and the police chief will approve all other types of alarm registrations.

(b) Upon receipt of a properly completed registration form showing compliance with all other sections of this article, the chief shall approve an alarm registration of a person, unless the person has failed to pay a service fee assessed or has had an alarm registration for the alarm site revoked, and the violation causing the revocation has not been corrected.

(c) Each application for registration must contain the following information:

(1) Name, address, and telephone number of the person who will be the registration holder and will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) Classification of the alarm site as either residential or commercial;

(3) For each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, robbery, fire, etc., shall be outlined in the application;
(4) Other information required by the chief, such as the name of the alarm vendor, which is necessary for enforcement of this article.

(d) Any false statement of a material fact made by a person for the purpose of obtaining approval of an alarm registration shall be sufficient cause for refusal to approve a registration.

(e) An alarm registration cannot be transferred to another person. A registration holder shall inform the chief of any change which alters any information listed on the registration within three (3) business days. No fee will be assessed for such changes.

(f) Applications for alarm registration must be accompanied by a non-refundable fee of $20.00 for residential applications and $25.00 for commercial applications.

(g) All fees owed to the city by any applicant must be paid before a registration may be approved or renewed.

(h) A registration is valid for one (1) year unless revoked for disciplinary reasons by the city or terminated by the owner. Registrations may be renewed at the end of the year upon submission of an updated application and a renewal fee of $15.00 for residential renewals and $20.00 for commercial renewals. The city shall give a permit holder thirty (30) days’ notice prior to terminating an alarm registration for nonrenewal. Notices of termination shall be mailed to the address contained in the registration application. If a registration is terminated, a subsequent application shall be considered a new registration.


Sec. 4-13-32 Revocation; reinstatement; appeals

(a) The chief shall revoke an alarm registration if he/she determines that:

(1) The registration holder has made a false statement of a material fact on the application for a registration;

(2) The registration holder has violated any of the provisions of this article;

(3) The registration holder has accumulated more than five (5) false alarms within a 365-day period, and has failed to pay any required fees;

(4) The permit holder has failed to make payment of the administrative fee listed in section 4-13-7(a) within thirty (30) days after he/she has received written notice of the assessment of the fee.

(b) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm registration is revoked or is not renewed.
(c) Once a person has had his/her registration revoked, it shall not be reinstated until that person shows that the conditions which have caused the permit to be revoked have been alleviated. If the registration for a person is revoked a second time within any twenty-four-month period under this article, he or she shall not be eligible for reinstatement for a period of twelve (12) months from the time of the second registration revocation.

(d) If the chief refuses to issue a registration or revokes a registration, he/she shall send the applicant or registration holder written notice of his/her action by certified mail, return receipt requested. Included will be a statement that the action will not become final for thirty (30) days, during which time the applicant or registration holder may appeal the decision of the chief to the city manager. Such appeal may be made by filing a written request, at the city manager’s office, for a hearing, setting forth the reason(s) for the appeal. The filing of a request for an appeal hearing with the city manager stays the action of the chief in revoking or refusing to renew the registration until the city manager, or his designated representative, makes a final decision. If a request for an appeal hearing is not made within the thirty-calendar-day period, the action of the chief is final and no appeal shall be allowed.

(e) The city manager or his representative shall serve as the hearing officer during an appeal and may consider evidence presented by any interested person. The formal rules of evidence do not apply at the appeal hearing and the hearing officer shall make the decision on the basis of the preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the hearing. The hearing officer shall affirm, reverse or modify the action of the chief. The decision of the hearing officer is final and no further right of appeal shall be allowed.