

ORDINANCE NO. 1574

AN ORDINANCE REGULATING THE USE OF ALARM SYSTEMS
AND ESTABLISHING PENALTIES FOR FALSE ALARMS AND
OTHER PURPOSES.

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SECTION 1. PURPOSE

- (A) The purpose of this ordinance is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness and proper utilization of Alarm Systems and to reduce or eliminate False Alarms, which may unduly divert law enforcement and fire personnel from responding to criminal or fire, related activity.
- (B) This ordinance governs systems intended to summon law enforcement and fire department response, and provides for penalties for violations and establishes a system of administration.

SECTION 2. DEFINITIONS

In this ordinance:

(A) **Alarm Company** 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 in an Alarm Site.

(B) **Alarm Dispatch Request** means a notification to a law enforcement agency or fire department that an alarm, either manual or automatic has been activated at a particular Alarm Site.

(C) **Alarm Site** means a single fixed premises or location served by an Alarm System or systems. Each tenancy if served by an Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

(D) **Alarm System** means a device or series of devices, including, but not limited to, 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 the service of the police department or fire department, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.

(E) **Alarm User** means any Person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.

(F) **Automatic Voice Dialer** means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency or fire department.

(G) **Cancellation** or Responding Agency Alarm Dispatch Cancellation is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring the police or fire departments to respond.

(H) **Duress Alarm** means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement or fire department response.

(I) **False Alarm** means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the Alarm Company or Alarm User. Alarms resulting from the following conditions are not considered false alarms:

- (1) Criminal activity or unauthorized entry;
- (2) Telephone line malfunction verified in writing to the City by the telephone company;
- (3) Electrical service interruption verified in writing to the city by the local power company;
- (4) Communication to the police or fire department before a unit is dispatched to investigate clearly indication that the alarm is resulting from authorized entry, authorized system test, or other non-criminal cause;
- (5) An alarm caused on the reasonable but mistaken belief that a burglary, robbery or other criminal offense, fire emergency, or medical emergency is in progress.

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

(K) **Law Enforcement Authority** means the Chief of Police.

(L) **Local Alarm System** means any Alarm System that annunciates an alarm only by an internal or external audio device.

(M) **Monitoring** means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the

police or fire department for the purpose of summoning police or fire department response to the Alarm Site.

(N) **Panic** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police or fire department response.

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

(P) **Verify means** an attempt, by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting police or fire department dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

SECTION 3. DUTIES OF THE ALARM USER

(A) An Alarm User shall:

1. Maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and
2. Make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 20 minutes when notified by the police or fire department to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative 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.

(B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609).

- (C) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after three (3) false alarms in a one (1) month period.
- (D) An alarm User shall not use Automatic Voice Dialers.
- (E) An Alarm User shall maintain at each Alarm site, a set of written operating instructions for each Alarm System.

SECTION 4. DUTIES OF ALARM COMPANY

An Alarm Company performing Monitoring services shall:

1. Offer a training period in which no request for dispatch by the police or fire department will occur during the first seven (7) days after installation of an Alarm System, but rather will use that week to train the Alarm User on proper use of the Alarm System unless circumstances necessitates immediate requests for response as determined by the City of Blytheville.
2. Attempt to verify every alarm signal, except Duress and Holdup Alarm activation before requesting a police or fire department response to Alarm System signal.
3. Communicate Alarm Dispatch Requests to the police or fire department in a manner and form determined by the City of Blytheville.
4. Communicate Cancellations to the police and fire departments in a manner and form determined by the City of Blytheville.
5. Ensure that all Alarm Users of Alarm Systems equipped with a Duress or Holdup Alarm are given adequate training as to proper use of the Duress or Holdup Alarm.
6. Communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm.
7. Communicate type of alarm activation (silent or audible, interior or perimeter).

8. Endeavor to contact the Alarm User when an Alarm Dispatch Request is made; and
9. Upon enactment of this ordinance Alarm Companies that perform Monitoring services must maintain for a period of one (1) year, records relating to Alarm Dispatch Request. Records must include the name, address, and phone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The City of Blytheville may request copies of such records for individually named Alarm Users.

SECTION 5. FINES

- (A) An Alarm User shall be subject to fines depending on the number of False Alarms emitted from an Alarm System during each calendar month by using the below schedule.

<u># Of False Alarms</u>	<u>Fines</u>
First three (3)	0
Fourth (4th)	\$25
Fifth (5th)	\$50
Six (6)	\$75
More than (6)	\$100

- (B) If Cancellation occurs prior to law enforcement arriving at the scene, this will not be deemed a False Alarm for the purpose of this section and no fine will be assessed.
- (C) Alarm users who install a new system or who make substantial modifications to an existing system shall be given a grace period during which alarms generated by such system shall not be considered false alarms and no fine will be assessed. That grace period shall expire thirty (30) days following the installation or modification of the alarm system.

SECTION 6. SUSPENSION OF RESPONSE

The Police or Fire Department may suspend alarm response if it is determined by the Police or Fire Shift Supervisor that:

- (1) The Alarm User has three (3) or more False Alarms in one (1) twelve-hour period or as instructed by the Chief of Police.
- (2) Due to non-payment of fines or fees assessed under the provisions of this ordinance.

SECTION 7. RESPONSE TO ALARMS

- (A) Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the police or fire department and the police or fire department does respond, and the personnel 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 the alarm signal was a false alarm.
- (B) The police department or fire department personnel at the scene of the activated alarm system shall determine whether the alarm generated at that location was valid or a false alarm and cause a report to be made of their findings. Said report will be in a style and manner as determined by the Chief of Police.

SECTION 8. ENFORCEMENT AND PENALTIES

- (A) Violation of any portion of this Ordinance constitutes a Class "C" Misdemeanor.
- (B) Refusal or failure of any Alarm User to pay any fine assessment as provided for herein shall be fined not less than \$100.00 nor more than \$250.00. In the event the subscriber is a corporation, partnership or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm was initiated shall be responsible for the payment of any fine assessments levied in accordance with this ordinance.

(C) Enforcement of this Ordinance shall be the responsibility of the Chief of Police.

SECTION 9. GOVERNMENT IMMUNITY

This ordinance is not designed to create a contract, duty or obligation, either expressed or implied, for response. Any and all liability and consequential damage resulting from the failure to respond to notification is hereby disclaimed. By registering an Alarm System, the Alarm User acknowledges that police or fire response may be based on factors such as: availability of police or fire units, priority of calls, weather conditions, traffic conditions, or other conditions.

PASSED THIS 20 DAY OF January, 2004

APPROVED 

BARRETT E. HARRISON, MAYOR

ATTEST: Grace Haynie
GRACE HAYNIE, CITY CLERK