

ARTICLE 4.04 ALARM SYSTEMS*

Division 1. Generally

Sec. 4.04.001 Definitions

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

Alarm site. A location or premises served by an alarm system.

Alarm system. A device or system which transmits a signal which summons an emergency service of the city. The categories of alarm systems are robbery, burglary, fire, emergency medical assistance, and emergency assistance. "Alarm system" does not mean an alarm installed on a vehicle, unless used for a habitation at a permanent site, or an alarm designed to alert only the inhabitants within premises, but does include an alarm that emits an audible signal on the exterior of a structure.

Alarm systems company. Any person or company that sells, installs, services, monitors, or responds to burglar alarm signal devices, burglar alarms, television cameras, still cameras or any other electrical, mechanical, or electronic device used:

- (1) To prevent or detect burglary, theft, shoplifting, pilferage, or other losses of that type;
- (2) To prevent or detect intrusion; or
- (3) Primarily to detect and summon aid for other emergencies, and includes persons relaying alarm notifications.

Appeal hearing official. The city manager or his designee.

Burglar alarm notification. A notification which summons the police, which is initiated or triggered by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Department. The police department.

Director. The chief of police or his authorized representative.

Emergency assistance alarm. Any automatic notification system other than those defined herein which summons emergency assistance from the city.

Emergency medical assistance alarm notification. An alarm system which summons emergency medical assistance.

False burglar alarm notification. A burglar alarm notification to the police, when the responding police officer reasonably finds there is no evidence of unauthorized intrusion or attempted unauthorized intrusion.

False emergency medical assistance alarm notification. An emergency medical assistance alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of need for emergency medical assistance.

False fire alarm notification. A fire alarm notification to the fire department, when the responding fire department personnel reasonably find there is no evidence of a fire having occurred.

False robbery alarm notification. A robbery alarm notification to the police, when the responding police officer reasonably finds there is no evidence of a robbery.

Financial institution. An institution required to have an alarm system by the provisions of the Bank Protection Act of 1968 (12 United States Code, section 1882, as amended).

Fire alarm notification. A notification which is initiated or triggered by an alarm system designed to react to any of the visual or physical characteristics of fire.

Local alarm. An alarm system that emits a signal at an alarm site that is audible from the exterior of a structure.

Permit. A certificate, license, permit or other form of permission that authorizes a person to engage in action.

Permitted site. A location that has an active permit and for which the permit owner information on file is current.

Robbery alarm notification. Is a notification when a robbery occurs by means of an alarm system designed to be purposely activated by an individual.

Sec. 4.04.002 Permit

(a) Required. A person commits an offense if he installs, operates or causes to be operated an alarm system without first obtaining a permit from the director. A separate permit is required for each alarm site.

(b) Contents of application. Each permit application must contain the name, address, and telephone number of the person who is responsible for the proper maintenance and operation of the alarm system and payment of fees or charges levied under this article. Each permit application shall also include a floor plan of the building, structure, residence or business where the alarm system will be located. For an alarm permit for a nonresidential premises, the permit application shall contain the names and phone numbers (home and business) of two (2) people that when notified by the police or fire department(s) will come to the alarm site within thirty (30) minutes, if requested, to terminate the alarm signal and secure the property. Application for a permit under the provisions of this article constitutes a grant of approval to the city to deactivate an alarm system that sounds an alarm signal for longer than thirty (30) minutes after being notified.

(c) False statement. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining an alarm permit or renewal, or for the purpose of making a change thereto, shall be sufficient cause for refusal to grant or suspension of a permit.

(d) Fee; term; renewal, reinstatement.

(1) A nonrefundable fee as set in the [fee schedule](#) of this code is required for each permit or renewal of a permit. A permit is issued for one (1) year and must be renewed each year thereafter by payment of the permit fee. It is the responsibility of the permit holder to pay the renewal fee no later than the seventh day of the month following the renewal month. If the permit is not renewed within the allowable time, a late fee will be assessed.

(2) A permit that has been deactivated due to nonpayment of fees or a permit holder who fails to give notice of intent not to renew a permit within fifteen (15) days before the date the permit expires will, prior to reissuance of an alarm permit, be assessed a reinstatement fee in addition to the permit fee in subsection (d)(1) above. The annual permit fee and the reinstatement fee are as set in the [fee schedule](#) of this code.

(e) Issuance. Upon receipt of the required fee and completed application form, the director shall issue a permit unless there is reasonable cause to believe the equipment responsible for initiating an alarm will not be maintained or operated in accordance with this article or the applicant will not comply with each provision of this article. Robbery panel alarms will be limited to financial institutions. Fire panel alarms will be limited to high-risk loss of life occupancies such as hotels, motels, hospitals, nursing homes, residential care facilities, educational uses including day-care centers, and theaters.

(f) Transferability; change of individual designated to respond. An alarm permit cannot be transferred to another person. However, the individual designated to respond to an alarm or relay an alarm may be changed. A permit holder

must inform the director of any change that alters information listed on the permit application. No fee will be assessed for such changes.

(g) Denial of issuance, suspension of permit.

(1) Written notification; right of appeal; hearing. If the director denies the issuance of a permit, or suspends a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action setting forth the reason for such action and advising the applicant or permit holder of the right to an appeal. The applicant, or permit holder, may appeal the decision of the director to the appeal hearing official by filing with the appeal hearing official a written request for a hearing, setting forth his objections to the action of the director, within ten (10) days after receipt of the notice from the director. The filing of a request for an appeal hearing with the appeal hearing official shall stay the action of the director in denying the issuance of or suspending a permit until a final decision on the appeal is made by the appeal hearing official. If a request for an appeal hearing is not made within the ten-day limit, the action of the director is final.

(2) Conduct of hearing; evidence; decision. The appeal hearing official shall preside at any administrative hearing conducted under the provisions of this section and shall consider evidence offered by any interested person. The formal rules of evidence shall not apply at such hearing. The appeal hearing official shall make a decision on the basis of a fair preponderance of the evidence presented and matters officially noticed at the hearing. The appeal hearing official shall render a decision within thirty (30) days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the director and the appeal hearing official's decision is final.

(h) Penalty for operation without permit. A person commits an offense if he operates any alarm system as defined in this article without having a valid permit in accordance with the provisions of this article and upon conviction thereof shall be punished as provided in [section 1.01.009](#).

Sec. 4.04.003 Inspection of alarm site and system

Upon reasonable notification, the director or fire chief or his designee may inspect an alarm site and alarm system of a permit holder during regular business hours.

Sec. 4.04.004 Responsibilities of permit holders

(a) Generally. A permit holder must:

(1) Adjust or modify the sensory mechanism of his alarm system to suppress false indications of force so that the alarm system will not be activated by impulses due to:

- (A) Transient pressure changes in water pipes;
- (B) Flashes of light;
- (C) Wind noise caused by the rattling or vibrating of doors or windows;
- (D) Vehicular noise adjacent to the installation;
- (E) Other forces unrelated to actual emergencies.

(2) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system. It is the responsibility of the alarm permit holder to properly maintain the alarm system to prevent false activations. Should a permit holder have more than two (2) false activations within thirty (30) days, an inspection of the alarm system will be required by a licensed repairman. Notice must be made in

writing to the police alarm coordinator from the repairman of findings of the inspection within thirty (30) days. Failure to do so will result in cancellation of the alarm permit.

(3) If the permit holder or an emergency contact person is contacted to inspect an unsecured building or residence, and fails to respond to the scene in the allowed time of thirty (30) minutes to secure the building or residence, a fee may be charged to the operator if city representatives have to secure the premises. The city is not responsible for loss or damage. Failure of the operator to pay the assessed fee will result in cancellation of permit. The fee shall be as set in the [fee schedule](#) of this code

(4) Notify the director in writing of the date the permit is to be cancelled or that the permit will not be renewed. The notification must include the date the document was signed and signature of the permit holder. The city must receive the cancellation or nonrenewal notice in writing no later than fifteen (15) days before the permit expiration date.

(b) Reporting alarm signals through relaying intermediary person. A permit holder shall not report his alarm signals through a relaying intermediary person that does not meet the requirements of this article.

Sec. 4.04.005 Persons relaying alarm notifications

(a) A person who is engaged in the business of relaying alarm notifications to the city shall:

- (1) Send notification of an alarm to the city by an individual;
- (2) Keep his business premises locked and secured at all times;
- (3) Allow an inspection of his business premises by authorized agents of the director or the fire chief at any time;
- (4) Report alarms only to a telephone number, or numbers, designated by the city;
- (5) Send alarm notifications to the city in a manner and form determined by the city;
- (6) Maintain sufficient staff to ensure that valid alarms are relayed immediately to the city;
- (7) Inform their customers of permit requirements; and
- (8) Relay current permit numbers with alarms.

(b) An alarm system company may be assessed a service fee for each incorrect permit number relayed to the city with an alarm notification. Notification of any such assessment and appeal therefrom shall be as provided for in [section 4.04.002\(g\)](#) of this article. Any service fee assessed under the provisions of this section must be paid within thirty (30) days after receipt of notice that it has been assessed by the director. If the assessed fees become ninety (90) days delinquent, a ten (10) percent late charge will be added. The fees shall be as set in the [fee schedule](#) of this code.

Sec. 4.04.006 Local alarms

(a) A person in control of a local alarm must:

- (1) Adjust the mechanism so that an alarm signal will sound for no longer than twenty (20) minutes after being activated;
- (2) Display in a prominent exterior location, such as a window, a permit provided by the director; and

(3) Come to the alarm site within thirty (30) minutes after receiving a request from a member of the department or the fire department to do so and grant access to the site and deactivate the alarm if necessary.

(b) If a mechanism sounds an alarm signal for longer than thirty (30) minutes after notification is made, the director, the chief of the fire department or their designated representatives are authorized to enter the building to disable the alarm. All costs of the city in disabling such an alarm shall be assessed to the operator 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. Application for a permit under the provisions of this article constitutes a grant of approval by the operator of the alarm system for the city to deactivate the local alarm system under the provisions of this subsection.

Sec. 4.04.007 Verification

The city may require a burglary alarm system monitor to contact the occupant of the burglary alarm system location twice before the municipality responds to the burglary alarm notification

Sec. 4.04.008 Liability

The city does not have liability for damages for failure to respond to an alarm notification

Secs. 4.04.009–4.04.030 Reserved

Division 2. False Alarms

Sec. 4.04.031 Determination

(a) The director may not consider a false alarm regarding burglar alarms to have occurred unless a response is made by the department within thirty (30) minutes of the burglar alarm notification and the department determines from an inspection of the interior or exterior of the premises that the alarm was false.

(b) The director shall not consider the alarm notification to be false if he determines that the alarm was caused by:

- (1) A natural or manmade catastrophe;
- (2) Severe weather that causes physical damage to the premises;
- (3) Vandalism;
- (4) Telephone line outage;
- (5) Attempted entry or attempted robbery; or
- (6) In high-risk of loss of life occupancies such as hotels, motels, hospitals, nursing homes, residential care facilities, educational uses including day-care centers, and theaters where a fire alarm was:
 - (A) Caused by undetermined means; or
 - (B) Caused by conditions not under control of the building management such as manual false alarms, or smoking.

(c) The determination of the director in classifying an alarm notification as false or actual is final.

Sec. 4.04.032 Fees

A permit holder must pay any service fees as assessed under the provisions of this section within thirty (30) days after receipt of notice that the director has assessed it. If the assessed fees become ninety (90) days delinquent, a ten percent (10%) late charge will be added.

- (1) Burglar alarms. A permit holder will be assessed a fee for the signaling of a false alarm by a burglar alarm system in excess of three (3) false alarms which have occurred during the previous twelve-month period. This fee for each such false alarm will be as set in the [fee schedule](#) of this code.
- (2) Fire alarms. A permit holder will be assessed a fee for the signaling of a false alarm by a fire alarm system in excess of two (2) false alarms which have occurred at the permitted site. The fee for each such false alarm will be as set in the [fee schedule](#) of this code.
- (3) Robbery alarms. A permit holder will be assessed a fee for signaling of a false alarm by a robbery alarm system in excess of two (2) false alarm which have occurred at the permitted site. The fee for each such false alarm will be as set in the [fee schedule](#) of this code.
- (4) Medical assistance alarms. A permit holder will be assessed a fee for the signaling of a false alarm by a medical assistance alarm system in excess of two (2) false alarms which have occurred at the permitted site. The fee for each such false alarm will be as set in the [fee schedule](#) of this code.
- (5) Emergency assistance/personal distress alarms. A permit holder will be assessed a fee for the signaling of a false alarm by an emergency assistance/personal distress alarm system in excess of two (2) false alarms which have occurred at the permitted site. The fee will for each such false alarm will be as set in the [fee schedule](#) of this code.

Sec. 4.04.033 Grounds for suspension of or refusal to renew permit

- (a) The director must suspend or refuse to renew an alarm system permit for failure to pay any service fee.
- (b) Burglary alarms.
 - (1) The director may revoke or refuse to renew the permit of a burglary alarm system that has eight (8) or more false alarms during the preceding twelve-month period.
 - (2) The city must provide thirty (30) days' notice prior to terminating an alarm permit.
 - (3) The city may not terminate law enforcement services, except as provided by subsection (1), for a residential burglar alarm permit holder because of excess false alarm notifications, if the false alarm fees are paid in full.