



# CHAPTER 1062

## Emergency Alarm Systems

### 1062.01 DEFINITIONS.

As used in this chapter:

(a) “Alarm business” means the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building, structure or facility.

(b) “Alarm system” means a mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, or for the detection of fire, which device emits a sound or transmits a signal or message when actuated. “Alarm system” includes, but is not limited to, a direct dial telephone device, an audible alarm or a proprietor alarm. “Alarm system” does not include a device which is not designated or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility.

(c) “False alarm” means an alarm signal which necessitates a response by the Police or Volunteer Fire Departments where there are no physical signs that an emergency exists.

(Ord. 26-80. Passed 9-18-80.)

### 1062.02 PERMITS REQUIRED.

(a) Alarm Businesses. No person shall engage in, conduct or carry on an alarm business in the City without first applying for and receiving an alarm business permit therefore in accordance with this chapter.

(b) Alarm Systems. No person shall possess or use an alarm system without first applying for and receiving an alarm system permit therefore in accordance with this chapter.

(Ord. 26-80. Passed 9-18-80.)

### 1062.03 PERMIT FEES AND EFFECTIVE DATE.

(a) Alarm Businesses. An annual permit fee of twenty-five dollars (\$25.00) is due and payable on February 1, 1980, and on February 1 of each subsequent year, for each alarm business doing business in the City. Such permit fee shall not be prorated.

(b) Alarm Systems. The fee for an alarm system permit is ten dollars (\$10.00) and shall not be prorated. February 1 is the anniversary date for any such permit. A permit issued on February 1 shall expire three years after issuance, and a permit issued subsequent to February 1 shall expire three years after such February 1. An application for the renewal of a permit shall be processed in the same manner as the application for the initial permit. The fee for renewal of such permit is ten dollars (\$10.00) for each successive three-year period.

(Ord. 26-80. Passed 9-18-80.)

#### **1062.04 ISSUING AUTHORITY; FILING OF APPLICATION.**

An application for a permit required by this chapter shall be filed with the Police Chief, who is the issuing and approving authority under this chapter, and shall be accompanied by the requisite fee. The Chief shall prescribe the form of the application and shall request such information as is necessary to evaluate and act upon the application.

(Ord. 26-80. Passed 9-18-80.)

#### **1062.05 CONTENTS OF PERMIT APPLICATION; INVESTIGATION AND DENIAL.**

(a) Alarm Businesses. An application for an alarm business permit shall require the name of the proprietor of the business; the names of the partners of the business, if it is a partnership; the names of the officers and principal stockholders, if it is a corporation; and the names of every employee of the business who will engage in the business of installing, repairing, servicing, selling, leasing or maintaining an alarm system. The Police Chief shall conduct an appropriate investigation of the applicant to determine whether or not such permit shall be issued. The Chief may require additional information of applicants which he or she deems necessary to conduct such investigation. The permit shall be denied by the Chief if:

(1) The character or reputation of the applicant, or of his or her partners, officers, stockholders or employees, is determined to be inimical to the safety or general welfare of the community;

(2) The applicant does not comply with the standards and regulations adopted pursuant to this chapter;  
or

(3) The applicant, or his or her employee or agent, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for the permit.

(b) Alarm Systems. An alarm system permit shall be denied by the Chief if such system does not comply with the standards and regulations adopted pursuant to this chapter. Such permit shall be issued to the person owning, using or possessing the alarm system.

(Ord. 26-80. Passed 9-18-80.)

#### **1062.06 APPEALS.**

An applicant who is denied a permit under this chapter may appeal within fifteen days of such denial to the City Manager who shall hold a hearing, or appoint a hearing officer to hold a hearing, thereon, within fifteen days from receipt of the notice of appeal. The Manager or hearing officer may affirm or reverse the denial of the permit.

(Ord. 26-80. Passed 9-18-80.)

## **1062.07 GROUND FOR SUSPENSION AND REVOCATION OF PERMITS.**

A permit issued under this chapter may be suspended by the Police Chief on the following grounds:

- (a) For violation of any of the provisions of this chapter;
- (b) For failure to comply with standards or regulations adopted pursuant to this chapter;
- (c) If an alarm business permittee, or his or her agent or employee, is charged with a crime involving moral turpitude or if the character, reputation or moral integrity of the permittee or his or her agent or employee is determined to be inimical to public safety or the general welfare of the community;
- (d) If an alarm system actuates excessive false alarms, in the reasonable opinion of the Police Chief or the Fire Chief. However, no permit shall be suspended or revoked under this subsection unless the permittee has been issued a letter of warning by the Police Chief or the Fire Chief and has been given a reasonable period to take corrective action.
- (e) If the permittee, or his or her agent or employee, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for the permit.

(Ord. 26-80. Passed 9-18-80.)

## **1062.08 PROCEDURE FOR SUSPENSION AND REVOCATION.**

(a) Suspension. The determination of the Police Chief in matters of permit suspension shall be appealable in the manner set forth in Section 1062.06. The Chief, in the case of such a suspension, shall serve the permittee with a written order of suspension which shall state the reasons for such suspension. Such written order shall be effective immediately if personally served, or forty-eight hours after the same has been deposited in the course of transmission in the United States Postal Service. When such order becomes effective, the permittee shall discontinue the use of an alarm system requiring a permit under this chapter and shall cease all operations conducted under the authority of a permit issued pursuant thereto.

(b) Revocation. The suspension shall become a revocation fifteen days after the written order of suspension becomes effective, unless the permittee appeals such order in the manner set forth in Section 1062.06. If an appeal is filed, the order of suspension shall be stayed pending a determination by the City Manager or a hearing officer appointed by the Manager. Such suspension shall become a revocation if the decision of the Manager or hearing officer upholds the suspension. The suspension shall be dissolved immediately if the decision of the Manager or hearing officer reverses the suspension.

(Ord. 26-80. Passed 9-18-80.)

## **1062.09 SURRENDER OF PERMIT.**

When a permit is revoked pursuant to this chapter, the permittee shall surrender such permit to the Police Chief.

(Ord. 26-80. Passed 9-18-80.)

## **1062.10 EXEMPTION FROM SUSPENSION AND REVOCATION.**

A financial institution required by State or Federal law or regulation to maintain an alarm system is exempt from the suspension and revocation provisions of this chapter. However, such institution is subject to the penalties for violations of this chapter.

(Ord. 26-80. Passed 9-18-80.)

## **1062.11 EQUIPMENT STANDARDS; INSPECTIONS.**

(a) All equipment used in installations for which a permit is required under this chapter shall meet the applicable standards of Underwriters Laboratories, the National Fire Protection Association and/or other recognized industry standards. An applicant for such a permit may be required to submit evidence of the reliability and suitability of the equipment to be installed.

(b) All equipment, the use or installation of which is subject to this chapter, shall be maintained in good operating condition. The Police Chief and/or the Fire Chief may require that repairs be made whenever the Police Chief and/or the Fire Chief determines that such repairs are necessary to ensure proper operation.

(Ord. 26-80. Passed 9-18-80.)

(c) The Police Chief and/or the Fire Chief, or a designated agent thereof, may, at reasonable times and upon oral notice, enter upon any premises in the City and inspect the installation and operation of an alarm system.

(d) The Police Chief and/or the Fire Chief, with the approval of the Safety Director, shall make and enforce such rules and regulations as such officers may deem necessary for the enforcement of this section and for the proper determination and collection of the fees and charges provided in this chapter.

(Ord. 27-81. Passed 9-24-81.)

## **1062.12 AUTOMATIC DIALING DEVICES.**

(a) The City may subscribe to one or more telephone lines for burglar alarms, robbery alarms, fire alarms or similar purposes. When a line is so designated, a person may, upon proper application and compliance with applicable laws, be granted a permit to install a device which automatically selects the designated telephone line to play a recorded message or to otherwise report an intrusion or other emergency.

(b) No person shall use, or cause to be used, for burglar alarm, robbery alarm or fire alarm purposes, a telephone device or telephone attachment that automatically selects a telephone line allocated by the telephone company to the City, or to any of its departments or divisions, except a telephone line which may be specifically designated by the City Manager for such purpose. Such designated telephone line shall terminate at the police station or fire station communications centers.

(c) For alarms of the type described in this section, the message shall comply with the following restrictions:

(1) The length of the message shall not exceed fifteen seconds.

(2) The message shall not be repeated more than three times for each dialing.

(3) The message shall first state: "This is a recording." The balance of the message shall be appropriate to the purpose for which the alarm is installed and shall be subject to the approval of the Police Chief and/or the Fire Chief.

(4) The entire message shall be intelligible.

(d) For alarms of the type described in this section, each such device shall be programmed to first dial the police station or fire station, using an unlisted number assigned for that purpose. The device shall next dial a number selected by the applicant, such second number being that at which a person having a key to the building where the alarm is installed can normally be found. A third number, subject to approval of the Police Chief or the Fire Chief, may be programmed for the next dialing. No more than three such dialings may be programmed, except under unusual circumstances and upon the approval of the Police Chief or the Fire Chief. No enforcement agency other than the Police Department or the Volunteer Fire Department may be selected.

(e) The cost of providing the service described in this section, including any fee or payment charged by the telephone company, shall be paid by the applicant.

(f) The fee to be charged by the City shall be determined on an annual basis by dividing the cost of the phone service for such purpose to the City by the number of holders of permits for alarms, adding fifteen percent for administration and rounding off to the next highest dollar. The minimum charge per subscriber is twenty dollars (\$20.00) per year. All fees are payable on a calendar year basis in advance. Delinquency in excess of ten days shall result in cancellation of the permit to install an automatic dialing device under this section.

(Ord. 26-80. Passed 9-18-80.)

### **1062.13 ALARMS CONNECTED DIRECTLY TO POLICE STATION.**

(a) Upon proper application by a person or an alarm business to install alarm equipment in the police station, the Police Chief may issue a permit for such installation.

For the placement of alarm system equipment supplied by others and installed in the police station, the applicant shall pay, to the City fifty dollars (\$50.00), plus a fee of twenty dollars (\$20.00) per year per subscriber for the monitoring of such equipment and the applicable business and system permit fees.

(b) Upon proper application by a person or an alarm business to connect to the police emergency alarm board to receive an emergency alarm, the Police Chief may issue a permit for such connection.

For use of an alarm terminal supplied by the City, the applicant shall pay, to the City, sixty-five dollars (\$65.00), plus a fee of twenty dollars (\$20.00) per year for the monitoring of such terminal and the applicable system permit fee.

(c) Each alarm system permittee connected to such system is responsible for the maintenance and operation of his or her respective signal line.

(Ord. 27-81. Passed 9-24-81.)

### **1062.14 FALSE ALARMS.**

(a) A charge of twenty-five dollars (\$25.00) shall be assessed for any false alarm received through an alarm system regulated by this chapter. Such fee shall be assessed against the holder of the permit for the alarm with which the false alarm is associated.

(b) Notwithstanding the fee to be assessed under division (a) hereof, no charge shall be made for the following:

- (1) The first two false alarms per alarm installation in any calendar year;
- (2) A false alarm to which there is no response by the Police Department or the Fire Department;
- (3) A false alarm when the cause has been proven to be an act of God; or

(4) A false alarm when the alarm system has been properly reported to be out of service, provided that it is repaired within a reasonable period of time.

(c) A penalty of 10% shall be applied to all fees not paid within 30 days. When a bill has been delinquent or overdue for 30 days thereafter, the Treasurer shall certify with the County Auditor's office the appropriate lien against the property address.

(Ord. 27-81. Passed 9-24-81; Ord. 01-2005. Passed 1-20-05.)

### **1062.15 DISPOSITION OF FEE MONEYS.**

All moneys derived from fees and charges required by this chapter shall be deposited in the General Fund of the City.

(Ord. 26-80. Passed 9-18-80.)

**1062.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 26-80. Passed 9-18-80.)