

**ARTICLE II**  
**BURGLARY, ROBBERY AND FIRE ALARMS**

**§ 38-26. 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 business means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system 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.

Alarm dialing device means an alarm system which automatically sends over regular telephone lines a prerecorded voice message.

Alarm systems means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police or firefighting personnel are expected to respond.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

Burglary alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

Coordinator means the individual designated by the chief of police to issue permits and enforce the provisions of this article.

False alarm means an alarm signal, received and answered by police or firefighting personnel when a situation requiring a response by police or firefighting personnel does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

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

Robbery alarm system means an alarm system signaling a robbery or attempted robbery.  
(Ordinance 855, § 1.2, 4-24-90)

**§ 38-27. Purpose and scope.**

(a) The purpose of this article is to:

- (1) Protect the emergency services of the city from misuses.
- (2) Defray the cost of administering this article through license fee charges.

(b) The provisions of this article shall apply only to alarm systems which:

- (1) Send an alarm signal to a location where the signals are continuously monitored and an alarm message is relayed to the police department. No alarm system may be directly connected to the police department nor may a prerecorded message of an alarm signal be sent to any city office; or
- (2) Produce an audible or visual alarm which can be heard or seen outside of the premises, and are

§ 38-27 not equipped with an automatic shutoff device which will shut off all external alarms within 20 minutes of being activated. § 38-29

(c) The provisions of this article shall not apply to alarm systems which produce an audible or visual alarm which can be heard or seen outside the premises, provided that:

- (1) The alarm system is equipped with an automatic shutoff device which will shut off all external audible and visual alarms within 20 minutes of being activated; and
- (2) The alarm system is not continuously monitored at an off-premises location.

(Ordinance 855, § 1, 4-24-90)

## § 38-28. Penalty.

It shall be unlawful for any person to violate any of the provisions of this article, and each offense is punishable by a fine as provided in section 1-7(a).

(Ordinance 855, § 1, 4-24-90)

### **§ 38-29. Alarm user's permit required.**

- (a) Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office prior to use of an alarm system. An alarm user's permit shall entitle the holder to operate all burglary, robbery or fire alarm systems at the location specified on the permit. A user that maintains alarm systems at more than one location shall be required to purchase an alarm user's permit for each street address where alarm systems are maintained. Application for an alarm user's permit and a fee of \$25.00 for each alarm location shall be filed with the coordinator's office. Each permit shall bear the signature of the chief of police and shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his representative. The user shall acknowledge in the application for a permit that service is desired and that all information in the original application is current, or if not current, the applicant shall update all incorrect entries to the original application. The police department shall protect all information on such application as confidential information; provided, however, nothing in this article shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this article.
- (b) A revoked user's permit shall be obtained from the coordinator's office by filing an application and paying a fee as follows:
  - (1) First revoked user's permit, \$50.00.
  - (2) Each additional revoked user's permit, \$55.00.
  - (3) Each permit shall bear the signature of the chief of police and permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his representative.
- (c) An alarm user required by federal or state statute, regulation or rule to install, maintain and operate an alarm system shall be subject to this article; provided:
  - (1) A permit shall be designated as special alarm user's permit and the permit fee of \$25.00 shall not be required.
  - (2) A special alarm user's permit for a system which has six or more false alarms in a calendar year shall not be subject to revocation under this article but the holder of the permit shall pay a fee

§ 38-29 of \$50.00 with the submission of the report required by this article. § 38-32

(3) Upon written demand by the coordinator the holder of a special user's permit shall pay a fee of \$55.00 for each set of five false alarms in a year.

(4) The payment of any fee provided for in this section shall not be deemed to extend the term of the permit.

(Ordinance 855, § 1, 4-24-90; Ordinance 1538, § 1, 6-28-11)

### **§ 38-30. User instructions.**

(a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this article shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system.

(b) Standard form instructions shall be submitted by every alarm business to the coordinator. If the coordinator reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with this section and then to distribute the revised instructions to its alarm users.

(c) The alarm user shall keep the police department provided with a current list of not less than two persons who should be called to reset the alarm. If a mechanism sounds an audible alarm signal for longer than 20 minutes after being activated, the chief of the police department or his designated representative is authorized to disable the alarm. All cost 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 30 days after the operator has received notice that the costs have been assessed. The city shall not be liable for any damage incurred to the property or alarm system in disabling the alarm system. 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 alarm system under the provisions of this subsection.

(d) In case of a power failure, all alarm circuits shall automatically convert to standby battery supply, capable of supplying at least 12 hours of emergency power.

(Ordinance 855, § 1.4, 4-24-90; Ordinance 1538, § 2, 6-28-11)

### **§ 38-31. Automatic dialing devices.**

It shall be unlawful to own, operate or maintain an automatic dialing device which is designed to dial a telephone number which is assigned to the city police department. No alarm system may be directly connected to the police department.

(Ordinance 855, § 1.5, 4-24-90)

### **§ 38-32. Operation of central station or answering service.**

Any alarm system business which operates a central station and any telephone answering service shall:

(1) Responding to alarm. Have sufficient personnel trained in the procedures to be followed in receiving and relaying notice of the activation of any alarm system on duty at all times to ensure that emergency messages or alarm signals received by such business can be relayed immediately to the police department.

(2) Notification of alarm user. Notify the alarm user or his designated employee of the activation of the alarm system within 24 hours of the time the alarm was activated by telephone or by placing such

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notice in the mail, addressed to the person in control of the property.

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(3) Records. Keep a written record of the date and time each notification of the activation of an alarm system is received, and the date, time and method by which the person in control of the property or his designated employee was notified. Such records shall be retained for at least two years and shall be made available for inspection by any member of the police department designated by the chief of police to inspect such records when such a member of the police department makes demand at the office of the alarm system business or telephone answering service during regular business hours.

(4) Periodic testing; correction of defects. Test or cause to be tested all equipment used by the central station or telephone answering service relating to the receipt of notifications of the activation of any alarm system and the equipment in relaying those notifications to the police department at least one time in every 12-month period and, where a test result is unsatisfactory, correct or cause to be corrected within a reasonable period of time not to exceed seven days the cause of the unsatisfactory test result.

(5) Evidence of test results. Produce evidence of the results of tests conducted pursuant to subsection (4) above, upon request of a member of the police department designated by the chief of police to inspect such evidence. The requirements of this subsection shall be satisfied if such results are made available at the central station or telephone answering service on the next regular business day after demand is made.

(6) Providing service to licensed businesses only. Not provide answering services for any alarm system business which is not licensed by the state.

(Ordinance 855, § 1.6, 4-24-90)

### § 38-33. False alarms; permit revocation.

(a) Any alarm system which has six or more false alarms within a calendar year shall be subject to permit revocation as provided in this section.

(b) If the police department records five or more false alarms within a calendar year for any alarm system:

- (1) The coordinator shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the coordinator within ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
- (2) If the alarm user submits a report as directed, the coordinator shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user and the related alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.
- (3) If no report is submitted, or if the coordinator determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the coordinator shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.
- (4) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the coordinator by certified mail at the address provided by the user at least ten days

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prior to the date set for the hearing, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing.

- (5) The hearing shall be before the chief of police. The alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the chief of police determines that six or more false alarms have occurred in a calendar year, and that the user has not taken actions which will prevent the occurrence of false alarms, the chief of police shall issue written findings to that effect and an order revoking the user's permit.
- (6) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail at the address provided by the user of the revocation of a permit pursuant to this section.
- (7) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in this section. The coordinator shall not be required to issue a revoked user's permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The coordinator may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence for six additional false alarms in the permit year. Additional revoked user permits may be issued upon the same conditions as the first revoked user permit.
- (8) In situations permitting summary revocation under this section, revocations shall be effective on the third day following the mailing by certified mail by the coordinator of a notice of revocation. There shall be no appeal of a summary revocation for failure to submit a report.
- (9) All administrative actions may be appealed, except for summary revocation for failure to submit a report.

(Ordinance 855, § 1.7, 4-24-90; Ordinance 1538, § 3, 6-28-11)

#### **§ 38-34. Violations; corporations, partnerships and associations.**

- (a) A person, corporation, partnership or other association commits an offense under this article by commission or omission of any provision of this article that imposes upon such person or entity a duty or responsibility.
- (b) In addition to prohibiting or requiring certain conduct on 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 within the scope of his employment.

(Ordinance 855, § 1.8, 4-24-90)

#### **§ 38-35. Disclaimer.**

The city shall not be under any duty or obligation to any person by reason of this article and specifically disclaims liability for any damages which may be caused by the failure of any department of the city to monitor and/or respond to an alarm notification transmitted by any means or for any damage as a result of any unreasonable delay in response to such alarm notification.

(Ordinance 855, 4-24-90)