

## Sec. 2.5-21. - Intention.

The city commission hereby declares that it is the intention of this article to discourage the proliferation of false alarms in the city and to compensate the city for responding to unwarranted calls for the city's emergency services. The city commission finds that false alarms as defined in this section divert the resources of the police and fire-rescue departments from their primary missions. The city commission further finds that multiple false alarms at the same location are preventable by the alarm user. The city commission further declares that it shall be the duty of every person or business that maintains an emergency alarm device to see that the alarm is in good working order.

While recognizing the value of alarms in deterring crimes and alerting emergency services, the city commission finds that it is appropriate to impose a reasonable charge on alarm users for the city's response to more than four (4) false alarms within any six-month period.

The city commission further finds that due to the numerous responses to alarm calls, many of which are false alarms, alarm users receive a higher level of emergency services than residents who do not have alarm systems. The commission finds that it is appropriate to charge alarm users for the higher level of services they receive from the city through a false alarm fee.

(Ord. No. 403, § 1, 1-15-91; Ord. No. 403-A, § 1, 11-12-91; Ord. No. 403-B, § 1, 5-26-92)

## Sec. 2.5-22. - 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 device or system* means any mechanical or electrical device, sold or installed, which is designed or used for the detection of an unauthorized entry into a building, structure, facility or enclosed area, or for alerting others of the commission of an unlawful act within a building, structure, facility or enclosed area, and which emits a sound or transmits a signal or message when activated. "Alarm device or system" also includes any system or device designed and used in a building or structure for the detection of fire or smoke, waterflow from a fire sprinkler or standpipe system, or manual pull station for the purpose of alerting others, which emits a sound, signal, or message, when activated. Alarm device shall not mean any medical alert device.

*Alarm location* means any building, structure, facility or enclosed area that contains an alarm system excluding any city building, structure, facility or enclosed area.

*Alarm user* shall mean the owner of the premises on which the alarm system is maintained, or the lessee of the premises if the lessee is legally responsible for the operation and maintenance of the alarm system.

*False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the alarm user. Such terminology does not include alarms caused by hurricanes, tornadoes, earthquakes, power surges, power outages and thunderstorms or other violent weather conditions. A rebuttable presumption that a false alarm has occurred is created when an alarm is responded to by a certified police officer and the police officer finds there is no evidence of an unauthorized attempted entry, or when the senior firefighter arriving on the scene in response to an alarm determines that no fire emergency or other life safety emergency exists which requires an immediate response by the fire-rescue department. The activation of an alarm by a violent condition shall not be deemed to be a false alarm. The activation of a fire alarm by smoke, regardless of its origin, shall not be deemed to be a false alarm.

*Negligence* means failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

*Notice* of the first false alarm within any six-month period shall mean written notice provided to the alarm user by first class mail. Notice shall be complete upon mailing by the city. Notice of the second and any subsequent false alarms within a six-month period means written notice provided to the alarm user by certified mail, return receipt requested or by hand delivery by a code enforcement officer. Notice shall be complete upon receipt. All notices of violations shall include the date, time and nature of the violation.

*Person* means any person or individual, or any firm, partnership, association, limited partnership, sole proprietorship or corporation or any other business entity, whatsoever.

(Ord. No. 403, § 1, 1-15-91; Ord. No. 403-A, § 1, 11-12-91; Ord. No. 403-B, § 1, 5-26-92)

Sec. 2.5-23. - User charges established.

The following user charges are hereby established:

	Police	Fire-Rescue
First response	No charge	No charge
Second response	No charge	No charge
Third response	No charge	No charge
Fourth response		

Within six (6) months after receipt of three (3) notices of prior violations	\$100.00	\$100.00
Each additional response within six (6) months	250.00	250.00

The user charge is intended to partially compensate the city for the cost of responding to an unwarranted call for emergency service.

The following procedure is established for imposing the user charges established by this section:

- (1) For any response to an alarm location the alarm user shall be notified of the false alarm and of the user charge for a fourth false alarm, and any succeeding false alarms, responded to within a six-month period.
- (2) For a fourth response to an alarm location, which has been duly notified by the city of three (3) false alarms within any preceding six (6) months, and for all succeeding responses within six (6) months of the most recent response, the alarm user shall pay the user charge specified above. Payment shall be made to the finance department within thirty (30) days of mailing an invoice for such payment. A penalty charge of five dollars (\$5.00) shall be added for each month payment is not received. Interest shall be charged at the rate of twelve (12) percent per year on all delinquent balances.

(Ord. No. 403, § 1, 1-15-91; Ord. No. 403-A, § 1, 11-12-91; Ord. No. 403-B, § 1, 5-26-92)