

ORIGINAL

BILL NO. 4041

ORDINANCE NO. 4041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI PROVIDING MINIMUM STANDARDS AND REGULATIONS APPLICABLE TO USERS AND INSTALLERS OF ALARM SYSTEMS WITHIN THE BOUNDARIES OF THE CITY OF FESTUS, MISSOURI; PRESCRIBING THE CONDITIONS THERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED. BY THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, as follows:

**SECTION I. Intent and purpose.** It is the intent and purpose of this Ordinance to provide minimum standards and regulations applicable to users and installers of alarm systems within the boundaries of the City, to provide penalties for non-compliance, and to encourage the proper and error free installation and operation of protective alarm systems in all dwellings and structures.

It is the further intent and purpose of this Ordinance to discourage unnecessary taxpayer expense and danger to life and property due to false alarms. Whenever the City Fire or Police Department responds to a false alarm, the City expends substantial manpower costs and equipment expense in addition to potential dangers posed to citizens and fire personnel due to fast moving emergency vehicles. In tandem with this concern are the safety dangers posed to citizens and police personnel when police officers respond to false alarms due to fast moving emergency vehicles.

**SECTION II. Definitions.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Where not inconsistent with the text, words used in the present tense include the past tense, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) ***Alarm business:*** The business by any individual, partnership, corporation, governmental unit or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring, or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, monitored or installed any alarm system in or on any building, structure or facility.

(b) ***Alarm system:*** An assembly of equipment and devices, or a single device, such as a solid state unit, which may operate from a power source, arranged to signal the presence of a hazard requiring urgent attention and to which police or fire personnel are expected to respond. Also known as a police alarm device or fire alarm device.

(c) ***Alarm user:*** Any person, firm or corporation who is lawfully in possession of any property or premises on which an operating alarm system is located.

(d) Answering service: A telephone answering business providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the City Police Department.

(e) Automatic dial protection device: An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion, or any emergency message indicating a need for emergency response.

(f) Central alarm station: Any facility which is manned at all times by trained operators employed to receive, record, and validate alarm signals and to relay information about validated signals to the police radio dispatch room when appropriate.

(g) City: The City of Festus, Missouri.

(h) Direct alarm device: Any alarm device or system which transmits by whatever means, its alarm signal from the location of the alarm to the police radio dispatch room or other police dispatch facility without the last step in the transmission process being a live voice capable of two-way communication. This definition includes automatic dial protection devices connected to emergency line 911 or other telephone numbers.

(i) False alarm: Any alarm signal originating from an alarm system, police alarm device, fire alarm device, direct alarm device or audible alarm device to which police or fire department respond and which results from:

(1) False activation, including, but not limited to, reporting a crime, fire or other emergency where no actual or attempted crime, fire or other emergency has occurred, or reporting an alarm where there is no evidence to substantiate a crime, fire or other emergency;

(2) Alarm malfunction, including mechanical failure or electrical failure; or

(3) Alarm triggered by subscriber's or subscriber's employee negligence, including overly sensitive settings.

An alarm will not be considered a false alarm if it is determined that the alarm was caused by:

(1) Natural or manmade catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions;

(2) Vandalism causing physical damage to the premises;

(3) Telephone line malfunction verified in writing to the City Chief of Police by an authorized telephone company representative within seven (7) days of the occurrence;

(4) Electrical service interruption verified in writing to the City Chief of Police by an authorized electric utility representative within seven (7) days of the occurrence;

(5) An attempted entry of a location that causes visible, physical, or other evidence of damage to the location;

(6) Severe weather causing physical damage to the premises; or

(7) The test of a local alarm system by a licensed alarm business agent or employee who is present at the premises and is servicing, repairing, or installing the alarm, when such testing does not result in the alarm being activated for an uninterrupted period exceeding sixty seconds, and when the City Police Department or City Fire Department, whichever department is appropriate, has been notified prior to the test.

(j) *Local alarm system*: Any alarm device which produces an audible signal at the premises where it is installed, whether by means of bells, horns, sirens, or other mechanism thereby notifying persons within audible range of the signal that police or fire should be notified. Such alarm device may also produce a visual signal intended to be seen by others outside of the protected premises indicating that police or fire should be notified. A local alarm system is also an alarm system.

(k) *Notice*: Written notice, given by personal service upon the address, or given by United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon completion of personal service, or upon placing the same in the custody of the United States Postal service.

(l) *Proprietary system*: An alarm system sounding and/or recording and supervisor signals to a control center being under the supervision of the proprietor of the premises. If a proprietary system includes a signal line connected directly or by means of an automatic dial protection device to a police communications system, a central alarm station or answering service, it thereby becomes an alarm system as defined in this Section.

### **SECTION III. Grace period.**

After the effective date of this Ordinance, false alarms reported or caused to be reported, within the first one hundred twenty (120) days or five false alarms, whichever occurs first, following installation of a new alarm system, shall not be considered for any purposes of Sections IV through VI of this Ordinance for the purpose of adjustments and corrections to the alarm system.

### **SECTION IV. Local alarm system and alarm system/length of alarm.**

(a) Local alarm systems located within an area zoned residential or within five hundred (500) feet of an area zoned residential shall automatically discontinue emitting an audible sound within fifteen (15) minutes of activation.

(b) An alarm system which emits an intermittent signal shall discontinue emitting an audible sound within fifteen (15) minutes of activation.

(c) Local alarm systems located within an area not zoned residential, and not within five hundred (500) feet of an area zoned residential shall automatically discontinued emitting an audible sound within thirty (30) minutes of activation.

**SECTION V. Local alarm system and alarm system/nuisance.**

(a) A local alarm system regulated by Section IV(a) of the Ordinance which fails to discontinue emitting an audible sound within fifteen (15) minutes of activation is declared to be a nuisance.

(b) An alarm system regulated by Section IV(b) of this Ordinance which fails to discontinue emitting an audible sound within fifteen (15) minutes of activation is declared to be a nuisance.

(c) A local alarm system regulated by Section IV(c) of this Ordinance which fails to discontinue emitting an audible sound within thirty (30) minutes of activation is declared to be a nuisance.

(d) City employees are authorized to take necessary and reasonable steps to abate the nuisance declared by this Section. These steps shall be limited to the exterior or other structures.

(e) A notice shall be sent to the alarm user within a reasonable time following abatement of the nuisance.

(f) When working on an alarm system covered by this Ordinance, the City Police Department dispatch office shall be notified.

(g) This Section is remedial, not punitive.

**SECTION VI. Review of false alarm determination.**

(a) An alarm user shall be notified in writing of each false alarm determination over the limit allowed in the applicable calendar month or year under Section VII of this Ordinance.

(b) The City Police Department or a designee shall, when requested by an alarm user, review the determination that an alarm was false. Such review may be done only if the alarm user requests in writing such a review within fifteen (15) days of the date of the mailing or other delivery of the notice of false alarm determination.

(c) The request for a determination shall include at least the following information:

(1) Alarm user name;

(2) Address at which the alarm is installed;

(3) Date of alarm being contested; and

(4) Facts upon which the request for determination is made.

**SECTION VII. Administrative assessment/appeals.**

**(a) Commercial/Areas Not Zoned Residential:**

(1) First False Alarm: A warning for the first false alarm in any calendar year.

(2) Second False Alarm: Fifty dollar (\$50.00) service charge for the second false alarm in any calendar year.

(3) Third False Alarm: One Hundred dollar (\$100.00) service charge for the third and any subsequent false alarm in any calendar year. Additionally, following the third false alarm, the City Chief of Police or the City Fire Chief shall visit the offending business to determine what steps are being taken to correct the false alarms.

**(b) Residential:**

(1) First False Alarm: A warning for the first false alarm in any calendar month.

(2) Second False Alarm: A warning for the second false alarm in any calendar month.

(3) Third False Alarm: A warning for the third false alarm in any calendar month.

(4) Fourth False Alarm: A Fifty dollar (\$50.00) service charge for the fourth false alarm in any calendar month.

(5) Fifth False Alarm: a One Hundred dollar (\$100.00) service charge for the fifth and any subsequent false alarm in any calendar month.

(c) Each violation of any provision of this Ordinance shall constitute a separate assessment.

(d) Any alarm user who has been assessed a fee, as provided for in subsections (a) or (b), may appeal such assessment through the City Administrator or his designee, by filing a written notice of appeal within ten (10) days of receipt of the notice that such fee is due.

(e) Failure of an alarm user to appeal a fee assessment as provided in subsection (d) hereinabove or to otherwise satisfy the fee assessment, shall create a prima facie case that the alarm signal at issue is a false alarm and that such alarm user is in violation of this Ordinance.

(f) The payment of the fee provided for in subsections (a) or (b) hereinabove shall be submitted by the City Clerk within thirty (30) days of receiving notice that such fee is due.

(g) Any person who violates or causes a violation of any provision of this chapter shall be subject to prosecution in municipal court and punishment as provided by law.

(h) When the alarm business has caused an alarm activation through mechanical failure, malfunction, improper installation, improper adjustment, negligence of a person, or an alarm signal transmitted in the absence of an alarm condition, except when initiated by an act of God, it shall be the responsibility of the alarm business to satisfy such fees as are assessed with the false alarm signal. Those fees shall be the same as those set up for the user and indicated in this Section.

SECTION VIII. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed, including but not limited to Ordinance 3408.

SECTION IX. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council and the approval of the Mayor.

READ TWO TIMES AND PASSED THIS 23 DAY OF May, 2012.

  
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President of the City Council

APPROVED THIS 23 DAY OF May, 2012.

  
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Mayor of the City of Festus

ATTEST:

  
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City Clerk

