

AN ORDINANCE RESTRICTING EXCESSIVE FALSE ALARMS BY INDIVIDUALS AND BUSINESSES IN ANY 12 CONSECUTIVE MONTH PERIOD THEREOF AND DECLARING AN EFFECTIVE DATE.

SECTION ONE

Purpose and Scope.

- (A) The purpose of this division is to protect the emergency services of the Police and Fire Department from misuse by responding to defective alarm systems and excessive false alarms.
- (B) The Ordinance governs and regulates alarm systems and alarm users. It establishes fees and provides penalties for violations and penalties for excessive false alarms.

SECTION TWO

Definitions.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alarm Business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, monitoring, administering, servicing, repairing, and/or installing any alarm system in or on any building, structure or facility.

Alarm Site. A single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm.

Alarm System. Any assembly of equipment, mechanical or electrical, designed to signal the occurrence of a robbery, attempted robbery, burglary, or an attempted burglary or another life hazard at the protected premises, requiring urgent attention, and to which the police are expected to respond. For the purposes of this division, the term "Alarm System" includes all systems which are designed to attract the attention and response of the police, including bells, horns, sirens, and lights, which are either audible or visible beyond the lot limits of the protected premises. "Alarm System" does not include a vehicle alarm or any equipment signaling a medical emergency.

False Alarm. An alarm (such as a fire or burglar alarm) that is set off needlessly. Something causing alarm or excitement that proves to be unfounded.

Alarm User. The individual or entity of any kind who or which is:

- 1) An owner (or lessee) and also the user of an alarm system, as the occupant of the premises where the system is installed (the "Premises");
- 2) The owner (or lessee) of such premises which is occupied by another person or entity, if there is no written contract stating that the occupant (rather than the owner or lessee of the premises) is to be responsible for the alarm system;

- 3) The occupant of such premises is there is a written agreement stating that the occupant is responsible for the alarm system;
- 4) Individual or entity of any kind which is in control of any building, structure, or facility wherein an alarm system is maintained

Automatic Dialing Device. A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit a voice message or code signal an emergency message indicating the need for an emergency response.

Emergency Alarm Button or Panic/Holdup Switches. An alarm system device that requires purposeful activation (tripping) for signaling and alerting the police of a robbery, burglary/attempted robbery, attempted burglary, or serious life hazardous criminal activity.

False Alarm.

- 1) The Activation of an alarm system through mechanical failure, malfunction, improperly installed or improperly maintained alarm system equipment, or the negligence of the owner or lessee of an alarm system or his employees or agent. False alarms shall not include those resulting from causes identified and determined beyond the control of the owner or lessee (force majeure). An alarm canceled by the operator or user within three (3) minutes of activation shall not be considered a false alarm.
- 2) An alarm system that is activated multiple times within a 12-hour period when the premises are unoccupied shall be deemed one false alarm if:
 - a) Access to the building is provided to the alarm system contractor; and
 - b) An alarm system contractor or an employee of the contractor responds.
 - c) Failure to comply with items (2) (a) and (b) of this definition shall result in each subsequent alarm being counted as a false alarm.
- 3) The responding Agency will determine if the event is reported as a false alarm and will document such event.

Interconnect. To connect an alarm system, including and automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes the telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Local Alarms. Those alarm systems which activate an audible signal within the proximity of the protected premises only, which are designed to directly or indirectly attract the attention of police.

Panic Alarms. An automatic alarm system signaling a robbery, attempted robbery, burglary, attempted burglary, or medical or fire emergency.

SECTION THREE

Excessive False Alarms.

- (A) If any alarm system produces two false alarms in any 12-consecutive month period, written notice of that fact shall be given by regular mail or delivery to the system user.
- (B) (1) Notice of false alarm; administrative fees

- (a) Police or Fire Officer(s) who answer a false alarm shall attach a false alarm warning notice (sticker) to the front of the premises or give the notice to the alarm system user.
 - (b) Upon the fifth false alarm and thereafter produced by any alarm system within any 12 consecutive month period, and each subsequent false alarm, an administrative fee of \$100.00 shall be assessed.
 - (c) Upon the tenth false alarm and thereafter produced by any alarm system within any 12 consecutive month period, and each subsequent false alarm, an administrative fee of \$150.00 shall be assessed.
 - (d) Upon the fifteenth false alarm and thereafter produced by any alarm system within any 12 consecutive month period, and each subsequent false alarm, an administrative fee of \$200.00 shall be assessed.
 - (e) Upon the twentieth false alarm and thereafter produced and each successive false alarm produced by any alarm system within any 12-consecutive month period, an administrative fee of \$250.00 shall be assessed and a disconnect order may be issued.
- (2) A person who fails to pay the appropriate fine within 30 days of the violation shall be in default, and the fine deemed delinquent. An additional \$25.00 penalty shall be added to delinquent fines.
 - (3) These fees shall be in addition to any criminal penalties imposed under this division. The question of whether a false alarm has occurred may be appealed by the alarm user under the applicable procedures set forth in this division. The police alarm administrator may indicate in the false alarm records the existence of mitigating or moderating circumstances relative to any false alarm.
- (C) The alarm user may be required to disconnect the alarm system in such fashion that signals are not emitted so as to notify Police or Fire Department either directly or indirectly. The procedure for such orders to disconnect is set forth in the division.
 - (D) An alarm system may be reconnected only if satisfactory evidence is provided to the Alarm Review Board that the alarm system has been repaired to that it does not emit further false alarms, upon payment of all fines and delinquent charges assessed for false alarm, and the alarm user has taken appropriate measures to ensure against negligent or accidental activation of the alarm system.

SECTION FOUR

Specific Alarm Provisions.

- (A) Entrance/exit devices. All alarm installations incorporating an entrance/exit device must permit a minimum delay of 30 seconds before actual activation of the system.
- (B) Local alarm. A local alarm shall not resemble the sound of any emergency vehicle signal or civil defense alarm or siren. All local alarms shall reset themselves within 15 minutes from the time it was activated.
- (C) Instructions. Every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on any premises located within the Village shall furnish the user with

instructions that provide information to enable the user to operate the alarm system properly, including false alarm cancellation procedures, and to obtain service for the alarm system at any time.

- (D) Emergency alarm buttons. Emergency alarm buttons are to be used only to send an automatic alarm to signal a robbery or other life-threatening activity.
 - (1) The activation of the panic alarm is intended to signal the Police Department of an emergency situation. Therefore, through the use of such device, the user grants to the Police Department the right to conduct any form of investigation deemed necessary to verify the authenticity of the alarm. Panic alarm users shall execute waivers to be submitted to the Chief of Police which will allow the Police Department the right to enter the premises of the alarm user to verify the alarm. The contents of such waiver shall be specified by the Village Attorney.
 - (2) It shall be deemed a violation of this division if a panic device is activated for anything other than that specified in the section.

SECTION FIVE

Application of Standards to Existing and Future Alarm Systems

Every new system installed after the effective date of this division shall comply with the applicable standards of this division. Every alarm system existing before the effective date of this division shall be placed in compliance with the applicable standards of this division no later than 60 calendar days after such effective date.

SECTION SIX

Limitation of Liability.

The Village and its officials, agents, representatives, and employees shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm from such device, in connection with the installation and operation of equipment, not for the failure of the transmission of alarm signals and prerecorded alarm messages, or the relaying of such signals and messages. In the event that the Village finds it necessary to disconnect a defective automatic dialing system or signaling device, the Village shall incur no liability by such action.

SECTION SEVEN

Exception.

Any property, facility, or installation of the Federal, State, or County Government which satisfactory demonstrates to the Chief of Police that the Village is required to allow an alarm system at such installation, facility, or property to be interconnected to the Police Department shall be exempt from the revocation and disconnect order provisions of this division, but shall be subject to the administrative fee assessments as described in this division, to be extent permitted by law.

SECTION EIGHT

Severability.

The Council of the Village of Crestline, Ohio declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION NINE

Order to Disconnect.

- (A) In addition to the administrative fees described herein and in addition to any criminal penalties imposed herein, an alarm user who has 25 or false alarms in any 12-consecutive month period shall be issued an order to disconnect the alarm system so that signals are not emitted to notify the Police Department either directly or indirectly. An order to disconnect shall be issued to any alarm user who has failed to deliver the Village full payment for any administrative fee levied for excessive false alarms within 30 calendar days after written notice of that fee has been mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.
- (B) The disconnection is to be completed by the alarm user within ten days after the written disconnect order is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.
- (C) An alarm user subject to an order to disconnect has the right to appeal under the procedures set forth below in this division. Any disconnect order must refer to this right to appeal. If such an appeal is filed, the disconnection is to be completed within ten calendar days after similar delivery of notice of the appellate decision, if that decision sustained the disconnect order.
- (D) Once disconnected, an alarm system may be reconnected only if so ordered by the Chief of Police in a decision on an appeal or if a preponderance of the credible evidence available to the Alarm Review Board shows that:
 - (1) The alarm system has been repaired so that it will not emit further false alarms; or
 - (2) If the disconnect order was based on failure to pay assessments when due and all delinquent false alarm fees have been paid in full; or
 - (3) The alarm user has taken appropriate measures to ensure against negligent or accidental activation of the alarm system.
- (E) An order to disconnect shall be effective for one year from the date of disconnection.

SECTION TEN

Appeals and Disconnect Orders.

(A) The following persons may appeal under this section:

- (1) An alarm user subject to an order to disconnect for failure to make responsible efforts toward correction of a false alarm situation may appeal the determination that such reasonable efforts were not made.
- (2) An alarm user subject to an order to disconnect for failure to pay when due to an administrative fee assessed for excessive false alarms may appeal the issue of whether or not such payment was timely made.

(B) (1) A written request for an appeal must be submitted to the Chief of Police within 30 calendar days after notice of the disconnect order or fine was mailed or otherwise delivered to the last known address of the alarm user or to the address at which alarm system is located. The alarm user-appellant shall have the right to present written and oral evidence to the Alarm Review Board, consisting of the Village Administrator or his or her designee, the Police Chief, or his or her designee and the Fire Chief, or his or her designee, at a hearing on the appeal and shall have the burden of proving his or her case by a preponderance of the credible evidence. Notice of the hearing date, hour, and place shall be mailed or otherwise delivered to the last known address of the appellant or to the address at which the alarm system is located at least ten calendar days' prior to the hearing.

- (2) The Alarm Review Board may sustain, modify, or reverse the decision appealed from, and the decision of the Alarm Review Board shall be made in writing and shall constitute a final administrative order.

SECTION ELEVEN

Enforcement and Penalty.

- (A) Enforcement of any of the provisions of this division may be by civil action and/or criminal prosecution.
- (B) Failure or omission to comply with any section or provision of this division shall be deemed a violation. Each day that such a failure or omission continues to exist after written notice of that failure or omission is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located shall constitute a separate violation.

SECTION TWELVE

Penalty.

- (A) A person who violates any of the provisions of this Ordinance is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for a second or subsequent offense.

SECTION THIRTEEN

Effective Date.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE: _____

Aye _____ Nay _____ Abstain _____

Clayton Herold, Mayor

Attest:

Annette Johnston, Clerk of Council

Approved as to form:

Jon K. Burton, Law Director