

ORDINANCE NO. 02-18-2016

AN ORDINANCE TO REDUCE INCIDENTS OF FALSE ALARMS WHICH CAUSE THE ELKINS POLICE DEPARTMENT TO BE DISPATCHED.

WHEREAS, several residences, businesses and institutions within the City have or plan to have alarm systems which directly or indirectly cause the Elkins Police Department to be dispatched to an alarm site upon activation of the system;

WHEREAS, the City Council finds that excessive, unjustified false alarms which cause the City's Police Department to be dispatched to an alarm site deplete valuable time and resources, and that they impair the ability of the police department to respond to legitimate emergencies; and,

WHEREAS, the City Council recognizes that some degree of false alarms are unavoidable and it is not prudent to punish all instances of said conduct, nor to discourage persons, institutions, firms, or corporations from having alarms capable of causing the dispatch of the police department;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, that:

Section 1 Definitions. For the purposes of this Ordinance , the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm Dispatch Request means a notification to the Elkins Police that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

Alarm Site means a single fixed premise or location served by an Alarm System or Systems. Each unit, if served by a separate Arming Station in a multi-unit building or complex, shall be considered a separate Alarm Site.

Alarm System means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon a police response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's person.

Alarm User means any person, firm, organization, institution, business or entity who operates an Alarm System.

Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio, or other communications system, to a dispatch office for the Elkins Police requesting dispatch.

Burglar Alarms means any system or device detecting and reporting any unauthorized entry or attempted entry or property damage upon real property. Alarms on automatic teller machines are included in this definition.

Dispatch means the process in which the Elkins Police is instructed to respond to an alarm.

False Alarm means an Alarm Dispatch Request to summon the Elkins Police to a non-emergency situation. For enforcement purposes, any Dispatch Request cancelled prior to the arrival of the Elkins Police at the Alarm Site will still not be counted as a False Alarm.

Grace Period means a specified length of time from the date of installation during which no occurrence, fine or penalty is assessed for False Alarms.

Local Alarm System means any Alarm System, which is not monitored, that emits or transmits a local audible, visual or electronic signal indicating an alarm condition only at the Alarm Site.

Response means the dispatch of Elkins Police personnel to the premises where an Alarm System has been activated.

Robbery alarm (also hold-up alarm or panic alarm) means an alarm signal generated by the manual or automatic activation of a device, or any system, device, or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

Section 2 Duties of the Alarm User.

- (1) An Alarm User shall:

- (a) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
 - (b) make every reasonable effort to have a Responsible Individual available at the Alarm Site within 30 minutes after an Alarm Dispatch Request; and,
 - (c) not activate an Alarm System for any reason other than an occurrence or an event that the Alarm System was intended to report.
- (2) An Alarm User shall have a Licensed Alarm Installation Company inspect the Alarm System after _____ () False Alarms within any three-month period.
 - (3) An Alarm User shall not use Automatic Voice Dialers to notify the Elkins Police Department.
 - (4) Alarm Users may agree with their Alarm Installation Company or Monitoring Company to go through a “grace period” for the first seven (7) days after installation of an Alarm System during which time neither the Alarm Installation Company nor the Monitoring Company will have any obligation to respond to any Alarm Signal from the Alarm Site. If the Alarm Signal is the result of any actual alarm event, the Alarm Installation Company or the Monitoring Company shall send an Alarm Dispatch to the Elkins Police.

Section 3 Fees for Service.

- (1) An Alarm User shall be subject to a fee for service, depending on the number of False Alarms within a calendar year based upon the following schedule:

# of False Alarms	Fee for Service
1	\$0.00
2	\$75.00
3	\$100.00
4	\$150.00
5	\$200.00
6 or more	\$250.00

- (2) An audible alarm that has not been called into the Elkins Police Department by an Alarm Monitoring Service shall not constitute a false alarm under this section.
- (3) Notice of the right of Appeal under this ordinance shall be included with any fee for service.
- (4) A \$25.00 late fee will be assessed for each false alarm invoice not paid within 30 days of notice.

Section 4 Robbery Alarm. Activation of a robbery alarm shall be deemed an intentional act for which a required fee shall be deemed imposed for false alarms. Any alarm user of such alarms shall pay the city a fee for each and every false robbery alarm to which police respond.

# of False Alarms	Fee for Service
1	\$0.00
2-3	\$100.00
4 or more	\$200.00

The higher fee will continue to be assessed until the alarm user submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company and proper training has been provided to the Alarm User.

A \$25.00 late fee will be assessed for each false alarm invoice not paid within 30 days of notice.

Section 5 Appeals.

- (1) If the Chief of Police assesses a Fee for Service, he/she shall send written notice of the action and of the right to appeal to the Alarm User.
- (2) The Alarm User may appeal an assessment to the Chief of Police by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fee for service.
- (3) The Alarm User may appeal an adverse decision of the Chief of Police to the False Alarm Appeals Panel as follows:

- (a) The Alarm User may file a written request for review of an adverse decision of the Chief of Police by paying an appeal fee of \$25.00, and setting forth the reasons for the appeal within fifteen (15) business days after the date of notification of an adverse decision from the Chief of Police. Appeal fees shall be fully refunded if the appeal is granted.
- (b) The False Alarm Appeals Panel shall be comprised of the Mayor and two (2) other members, to be appointed by the Chief of Police, to serve a term of three (3) years. The panel will consist of the Mayor, a member of the Elkins Police Department, and an at large citizen of Elkins.
- (c) The False Alarm Appeals Panel shall conduct a review within thirty (30) days of the receipt of the request, and consider all evidence presented by any interested Person(s). The False Alarm Appeals Panel shall make its decision based upon the preponderance of the evidence presented. The False Alarm Appeals Panel shall render its decision to either affirm or reverse the decision of the Chief of Police no later than ten (10) days after the date of the hearing.
- (4) The filing of a request for appeal shall stay enforcement and collection of any fee for service assessed, until such time as the False Alarm Appeals Panel renders its decision. If a request for appeal is not made within the fifteen (15) business day period set forth at subsection above, the action of the Chief of Police shall be deemed final.
- (5) The Chief of Police or the False Alarm Appeals Panel may adjust the accrued number of False Alarms based on evidence that:
 - (a) a False Alarm was caused by the actions of the telephone company, Alarm Installation Company, and/or the Monitoring Company; or,
 - (b) a False Alarm was caused by a power outage lasting longer than four (4) hours; or,
 - (c) shows that the Alarm Dispatch Request was not a False Alarm; or,
 - (d) the officer response was not completed in a timely fashion; and/ or,
- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period may be counted as one False Alarm: to allow

the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

Section 6 Government Immunity. Nothing in this Section is intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response to an Alarm Request Dispatch by the Elkins Police Department. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. An Alarm User acknowledges that Elkins Police Department response may be influenced by factors such as: the availability of officers, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

PASSED AND APPROVED this __21st__ day of ____April____, 2016.

L. BRUCE LEDFORD, Mayor

ATTEST:

DELIA FOSTER, Recorder-Treasurer