

Ordinance #:	07-2775
Introduction Date:	9/18/07
Hearing Date:	10/2/07
Passage Date:	10/2/07

AN ORDINANCE TO AMEND THE CODE, CHAPTER IV, GENERAL LICENSING, SECTION 4-2, ALARM SYSTEMS AND WARNING DEVICES (*Repeal old and create new*)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

Section 1. That **SECTION 4-2, ALARM SYSTEMS AND WARNING DEVICES**, of the Code be amended in full and to read as follows:

4-2 ALARM SYSTEMS AND WARNING DEVICES.

4-2.1 Title and Purpose.

This section shall be known and cited as the "Private Alarm System and Warning Device Regulations" of the City of Summit. It is the purpose of this section to aid in (a) crime detection and prevention and (b) fire detection and control.

4-2.2 Definitions.

As used in this section:

Alarm Panel shall mean equipment within the dispatch office in the City's Fire Department which indicates the existence of a fire emergency.

Business shall mean retail store, personal service facilities, such as taverns, restaurants and fast food restaurants, commercial and professional offices, theaters and funeral parlors but not including financial institutions.

City shall mean City of Summit.

False alarm shall mean the activation of a private alarm system or warning device by causes other than those to which the alarm system or warning device was designed or intended to respond. An alarm activated by utility service activities or unusual weather conditions shall not be considered a false alarm.

Faulty private alarm system shall mean a private alarm system which is not operating properly or in accordance with its stated purpose or form which has emanated one (1) or more false alarms.

Faulty warning device shall mean a private warning device which is not operating properly or in accordance with its stated purpose or from which has emanated one (1) or more false alarms.

Financial institutions shall mean a commercial or savings bank or trust company, or a savings and loan association.

Person shall mean an individual, partnership, association or corporation.

Private alarm system shall mean any system installed to serve a residence, store, building or other facility and designed or used for detection of fire, smoke or similar hazards, the detection of unauthorized entry, or of the commission of an unlawful act or more than one (1) of the foregoing, or for reporting any emergency, which system communicates or causes the communication of information to a central station or the alarm panel in the City's fire headquarters. A private alarm system includes, but is not limited to, any one of the following types:

- a) *Direct System* which provides direct connection by a telephone lease line, radio waves, cable or any electrical means from a specific location to the alarm panel in Fire Headquarters to provide a visual or auditory signal.
- b) *Tape Dialer System* which automatically selects a telephone trunk line of the Fire or Police Department and then reproduces a prerecorded message.
- c) *Central Station System* which automatically alerts a person beyond the limits of the property who is engaged in the business of relaying information to the Fire or Police Department.

Warning device/Local Audible Alarm shall mean any device installed to serve a residence, store, building or other facility and designed to sound an alarm by a bell, horn, siren or other noisemaking instrument

located upon the property where the device is installed and audible beyond the limits of the property in the event of the presence of fire, smoke or similar hazards, unauthorized entry, or of the commission of an unlawful act, or more than one (1) of the foregoing.

Year shall mean the twelve (12) month period commencing January.

4-2.3 Registration Required for Private Alarm Systems.

No person shall maintain, use, or cause or permit to be used any private alarm system within the City unless the alarm has been registered with the City Administrator's Office in accordance with the provisions of this section.

4-2.4 Application for Registration.

Any person desiring to install, maintain, use or cause or permit to be used a private alarm system or warning device for property owned or occupied by such person shall submit a written application to the City Administrator for the registration of such system. The application shall be available on the City website or at the Department of Community Services, which shall require the following information over the signature of the applicant:

- a. The name, address, telephone numbers of the applicant;
- b. The location of the property to be served;
- c. The name, address and telephone number of the person or company which will furnish and maintain the private alarm system;
- d. The name and telephone numbers of three (3) persons located within five (5) miles of the City to be notified of an alarm or false alarm at any time when no one is present on the property served by the system; such person(s) capable of responding, providing access and resetting the alarm system
- e. The particular type of private alarm system or warning device for which the registration is sought;
- f. Consent to inspection of the premises on which the private alarm system or warning device is installed at

reasonable hours by the Chief of Police and/or Fire Chief, or their designated representatives; and

- g. The registrant shall comply with all other provisions of this section.

4-2.5 Registration and Renewal Fees.

At the time an application is submitted to the City Administrator for registration of a private alarm system or warning device/local audible alarm as defined in subsection 4-2.2, an initial fee of sixty (\$60.00) dollars shall be paid to the City for the year in which the initial registration is granted.

Every application for the renewal of a registration for a private alarm system or warning device as defined in subsection 4-2.4, shall be accompanied by an annual fee of twenty-five (\$25.00) dollars for each such system.

Those who register or renew after the effective date of this ordinance, but prior to January 1, 2008, shall pay the appropriate fee which shall provide coverage through December 31, 2008.

The aforesaid fees shall not be prorated by reason of the date upon which an application is filed; the fee shall be refunded to the applicant in the event that a registration is not issued.

4-2.6 Expiration of Registration.

Every registration issued for a private alarm system or warning device shall expire on December 31 of the year in which it is issued.

4-2.7 Terms and Conditions of Registration.

All registrations for private alarm systems and warning devices shall be granted upon the following terms and conditions:

- a. A registration shall be required for each separate residence, store, building or other facility and no registration shall be transferred or assigned in any manner;
- b. If requested by the City Administrator, Fire Chief, or Police Chief, an applicant shall furnish complete information and specifications for the system. Such

information shall include specific data relating to testing procedures and the prevention of false alarms;

- c. Every private alarm system and warning device shall be maintained in proper working condition;
- d. Any private alarm system connected directly to the Fire Department dispatch center shall be electrically compatible therewith;
- e. No private alarm system which automatically dials a telephone trunk line at the Fire or Police Department shall dial any number except one specified by the Fire or Police Chief;
- f. Any prerecorded telephone message to the Fire or Police Department resulting from the operation of a private alarm system shall be worded in a form approved by the Fire or Police Chief;
- g. No prerecorded telephone message to the Fire or Police Department resulting from the operation of a private alarm system shall repeat or remain connected for a continuous period of more than three (3) minutes; and
- h. Every registration shall be subject to rules and standards which may be promulgated by the City Administrator with respect to private alarm systems. Such rules shall be in writing and shall be given to each registrant at the time of initial issuance or renewal of any registration or at the time of promulgation or amendment.

4-2.8 Proper Maintenance of Private Alarm Systems or Warning Devices.

Every person who installs or uses a private alarm system or warning device to serve an improved property within the City shall maintain it in good repair and proper working condition, shall meet the standards which may be promulgated by the Chief of Police or Fire Chief to prevent faulty systems or devices, and shall promptly correct or disconnect any faulty system or device upon notice from the Chief of Police or Fire Chief that the system or device is sounding an inordinate number of false alarms.

4-2.9 Sounding Device Cut Off After Fifteen Minutes; Minimum Fine.

Every sounding warning device shall be equipped with a cut-off mechanism which will terminate the sound after fifteen (15) minutes. If the sound does not terminate after fifteen (15) minutes, the Police and / or Fire Department shall have the right to disconnect the sounding device. The fine for violation of this section shall be two hundred fifty (\$250.00) dollars.

4-2.10 False Alarms and Penalties.

Any person having knowledge of an alarm shall immediately notify the Police Department or Fire Department. The Police and/or Fire Chief shall cause an investigation to be made of each alarm and keep a record of all false alarms.

a. Private Alarms including Residential, Business, Banks and Financial Institutions, and Warning Devices.

i. Penalties for a response by the Police Department to a false alarm shall be according to the following schedule:

Schedule of penalties for Police response to false alarms	
False alarms within calendar year	Penalty for each false alarm
1 – 2	Warning notice
3 – 4	\$35.00
5 – 9	\$75.00
10 or more	\$100.00

Penalties for a response by the Fire Department to a false alarm shall be according to the following schedule:

Schedule of penalties for Fire Department response to false alarms	
False alarms within calendar year	Penalty for each false alarm
1-3	Warning notice
4	\$250.00
5	\$300.00
6	\$350.00
7	\$400.00
8	\$450.00
9 or more	\$500.00

b. If no registration has been granted for a private alarm system producing a false alarm, the warning notices and penalties in the above paragraphs of this sub-section shall not be applicable, and the fine for not

having a registered alarm will be two hundred (\$200.00 dollars). An additional fee of two hundred (\$200.00) dollars shall be charged for each false alarm occurring while the private alarm system or warning device is not registered, or at the rate set by the foregoing schedule of penalties for Police or Fire Departments, whichever is higher.

4-2.11 Suspension of Alarm Registration.

Any registration issued for a private alarm system may be suspended by the Fire or Police Chief if any of the conditions set forth in paragraphs a, b, or c shall exist:

- a. The registrant has failed to comply with the terms and conditions of the permit or has failed to comply with rules or standards promulgated by the City Administrator with respect to private alarm systems;
- b. The registrant or his agents knowingly installed or maintained a faulty private alarm system; or
- c. The registrant or his agents failed to comply with a request by the Fire or Police Chief to render necessary services to a faulty private alarm system within thirty-six (36) hours after such request is made or failed to disconnect such system within such period and keep such system disconnected until it has been repaired.

In the event that the Fire or Police Chief shall determine that a registration for a private alarm system should be suspended by reason of the provisions of this subsection, the Fire or Police Chief shall notify the registrant of the suspension in writing by certified mail to the last known address, setting forth the reason or reasons for the suspension. Such suspension shall commence seventy-two (72) hours after such notice has been mailed.

A suspension shall be terminated and the registration reinstated by the Fire or Police Chief when such official is satisfied that the conditions stated in the notice of suspension have been corrected.

A record of each such suspension and reinstatement of a registration will be maintained by the City Administrator.

4-2.12 Appeals.

Any person aggrieved by the action of the Fire Chief or Police Chief in the issuance, denial or suspension of a registration for a private alarm

system shall have the right of appeal to the City Administrator. The appeal shall be taken by filing with the City Clerk within thirty (30) days of the action by the Police Chief or Fire Chief. The appeal will include a written statement setting forth fully the grounds for appeal. The City Clerk shall set a time and place for hearing of the appeal, and notice of the hearing shall be given to the appellant by mail to his/her last known address at least five (5) days prior to the date set for the hearing. The decision of the Chief of Police or Fire Chief shall be affirmed, modified or reversed, and the reasons therefore shall be set forth in a letter to the registrant.

A further appeal may be made to Common Council by any person aggrieved by the decision of the City Administrator with respect to an appeal of an action of the Fire Chief or Police Chief. Such further appeal shall be taken by filing with the City Clerk within twenty (20) days after notice of the decision has been mailed as aforesaid, a written statement setting forth fully the grounds of the further appeal along with a fee of twenty-five (\$25.00) dollars. The City Clerk shall set a time and place for hearing of the appeal, at which time the Common Council shall conduct a hearing and affirm, modify or reverse the decision appealed from.

4-2.13 Regulations.

The City Administrator may establish rules, standards, terms and conditions to assist in the implementation of this section which shall be compatible with the provisions hereof.

4-2.14 Disclaimer of Responsibility.

Neither the City nor the Fire or Police Department shall assume any responsibility whatsoever with respect to the adequacy, operation or maintenance of any private alarm system or warning device. No action taken by the City or the Fire or Police Department pursuant to the provisions of this section shall create any liability upon the City or the Fire or Police Department by reason of any failure of any private alarm system or warning device, any failure to respond to any emergency or any act or omission or commission relating to any private alarm system or warning device. Every registrant who accepts a registration for a private alarm system or warning device agrees to hold and save harmless the City, its agents and employees from any liability and costs whatsoever in connection with the system or device covered by the registration or its operation.

4-2.15 Penalties.

In addition to the penalties imposed under section 4-2, any person who violates any provision of this section other than those set forth in

section 4-2, shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

4-2.16 Enforcement.

The City Administrator shall cause a notice of violation to this section to be served by regular mail upon anyone in violation in lieu of the filing of a complaint for such violation in the Municipal Court. Such notice shall set forth specifically the nature and location of the violation, the date and time thereof and the fine therefore. In the event that the violator shall not pay the fine indicated in the notice to the City of Summit within forty-five (45) days from the date of mailing, the City Administrator shall cause a complaint to be filed in the Municipal Court forthwith for such violation.

Section 2. That the current CHAPTER IV, GENERAL LICENSING, SECTION 4-2, ALARM SYSTEMS AND WARNING DEVICES, be and it is hereby repealed in its entirety, and that this ordinance shall take effect upon final passage and publication as provided by law.

Section 3. If any section of this ordinance shall be declared inoperative or unconstitutional, the rest of the ordinance is to be considered in full force and effect.

Section 4. This ordinance shall be effective immediately upon publication after final passage as provided by law.

Dated: October 2, 2007

I, David L. Hughes, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, October 2, 2007.

Approved:

Mayor

City Clerk