

CHAPTER 132: REGULATING THE USE OF FIRE AND/OR POLICE ALARMS

Section

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§ 132.01 DEFINITIONS

FALSE ALARMS The activation of any mechanical, burglary, robbery, security or fire alarm system for the purpose of summoning police and/or fire personnel, or which causes one or more police or fire personnel to be dispatched or summoned to a particular location within the City, when, in fact, no crime, fire, or other emergency has, or is being attempted or committed, on the premises.

PREVENTABLE FALSE ALARM The careless activation of any police security or fire alarm by any individual, or activation of any police security or fire alarm system proximately caused by the failure of the owner, lessee, operator, or occupant, or their contractor or agent, to properly design, install or reasonably maintain the security or alarm system in a safe operating condition. Police security or fire alarms shall not be deemed a “preventable false alarm” in violation of this article if it is determined by the Chief of Police, Chief of the Fire Department, or their designee, that the alarm was caused by:

1. A act of vandalism causing physical damage to the premises;
2. Alarms occurring during electrical storms, tornadoes, blizzards, or other acts of God where there is evidence of damage or disruption to the alarm system;
3. Electrical power or telephone circuit disruption beyond the control of the alarm company and/or user; or
4. Any and all other acts or omission by persons, or events beyond the reasonable control of the owner, lessee, operator or occupant of the premises and the security alarm system

(Ord. 13-2002, passed 08-05-2002)

§ 132.02 UNLAWFUL FALSE ALARMS; NOTICE AND DUTY TO INSPECT; REPAIR AND INITIATE TRAINING AFTER FIVE PREVENTABLE FALSE ALARMS

- A. Prohibition; Preventable False Alarms. It shall be unlawful for any person to activate, initiate, transmit or otherwise cause, authorize or allow more than five (5) “preventable false alarms” at the same location within a six (6) month period.
- B. Notice and Corrective Action Requirement.
 1. If the police or fire department, through their respective designees, have probable cause to believe that five (5) preventable false alarms have occurred at the same location within a six (6) month period, the chief of the respective department, or his designee, shall within forty-eight (48) hours of having established probable cause, notify the property owner or other entity, user or person in charge of the alarm system, in writing (by delivering said notice in person or by certified mail, return receipt requested), of the nature and number of preventable false alarms that have occurred to date, including a brief description of the date and circumstances of each preventable false alarm, and shall further advise the property owner, entity, user, or person in control of the alarm system, that any additional preventable false alarms after this period of correction provided in (B)(2) shall constitute a violation of this article for which the offender may be subject to prosecution or civil penalty. Therefore, a compliance status with zero (0) preventable alarms shall be maintained for at least six (6) months to avoid additional penalty.

Elizabethtown - General Offenses

2. Duty to inspect and repair. Upon written notification from the police or fire department, through their respective designee, of the occurrence of five (5) preventable false alarms within a six (6) month period, the property owner, entity, user or person in control of the police or fire security alarm system in question, shall have the alarm system inspected by a representative of the manufacturer of the alarm system or a qualified and reputable representative of a fire and security alarm system dealer, to determine if the false alarms are the result of mechanical failure, malfunction, improper design, installation, lack of proper maintenance or human error due to carelessness or lack of training. The inspection report shall note any and all deficiencies believed to exist in the professional opinion of the qualified inspector, and what repairs or other corrective action the inspector believes is required to render the alarm system safe, operational and functional in relation to the type of property or business it was designed and intended to secure. It shall be the responsibility of the property owner, entity, user or other person in control of the alarm system to make the necessary repairs and/or take any and all other remedial measures reasonably identified and required by the qualified inspector, and to submit a copy of the inspection report along with written proof of the repairs and/or remedial action taken to correct any malfunctions or deficiencies identified in the alarm system to the police or fire department from whom the original notice was received, within fourteen (14) days of receipt of the formal notification required in subsection (B)(1) hereinabove.
 3. Duty to train and provide orientation to employees and occupants. Upon written notification from the police or fire department, through their respective designee, of the occurrence of five (5) preventable false alarms within a six (6) month period, the property owner, entity, user or person in control of the police or fire security alarm system in question, shall provide system operation instruction to all system operators or potential authorized users of the premises, and shall provide written documentation of the training to the police or fire department from whom the original notice was received, within fourteen (14) days of receipt of the formal notification required in subsection (B)(1) hereinabove.
- C. A false alarm shall not be deemed a “preventable false alarm” under the prohibition in subsection (A) of this section if it occurs at a location for which the property owner, entity, user or person in control of the alarm system has been formally notified to inspect and repair any malfunctions or deficiencies in accordance with subsection (B)(1) and (2) as set forth hereinabove; provided, that the false alarm occurs within the time period prescribed for the alarm system to be inspected and repaired, if necessary.
- (Ord. 13-2002, passed 08-05-2002)

§ 132.03 FINES/CIVIL PENALTIES

Any person found to be in violation of any section of this ordinance shall be guilty of a misdemeanor and upon conviction thereof for each offense, shall be punished by a fine not to exceed five hundred dollars (\$500.00). As an alternative to, or in conjunction with, the penalties set forth herein, any person found to be in violation of this article may also be assessed a civil penalty not to exceed five hundred (\$500.00), payable to the City of Elizabethtown within twenty (20) days of the issuance of the citation. Civil penalties not paid within the time prescribed herein may be recovered by the City in a civil action, in the same manner provided for the collection of a civil debt.

(Ord. 13-2002, passed 08-05-2002) (Am. Ord. 03-2005, passed 02-21-2005)

The enforcing agency, department or individual may choose to seek enforcement through the Code Enforcement Board enacted on the 30th day of April, 2003, by Ordinance No. 09-2003.

(Ord. 19-2003, passed 06-23-2003)

§ 132.04 SEVERABILITY CLAUSE

If any portion of this Ordinance is declared null and void, the remaining provisions will remain in full force and effect.

(Ord. 13-2002, passed 08-05-2002)