

ORDINANCE 2001- 02

AN ORDINANCE REGULATING THE USE OF FIRE AND/OR POLICE SECURITY ALARM SYSTEMS LOCATED WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY; PRESCRIBING REGULATIONS FOR AND DUTIES OF THE OWNERS OF FIRE AND/OR POLICE ALARM SYSTEMS TO INSPECT, MAINTAIN AND REPAIR SUCH ALARMS; PROVIDING FOR PENALTIES FOR MULTIPLE FALSE ALARMS; PROVIDING DEFINITONS; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

WHEREAS, businesses and residences within the City of Russellville, Kentucky, utilize Police and/or Fire Alarms to protect persons and property from peril; and

WHEREAS, emergency response by Police/Fire Departments also create situations which may place persons and property in peril;

WHEREAS, Police and/or Fire Alarms that have been improperly installed, or have failed to be inspected, maintained or repaired can result unnecessary emergency services to respond to such alarms; and

WHEREAS, it is necessary for the protection of public health, safety and welfare of the citizens of Russellville, Kentucky, for regulations to be established governing the ownership, use, maintenance and inspect of Police/Fire Alarms;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

Section 1 - Definitions:

As used in this ordinance, the following definitions and conditions shall apply:

- a. **"Person"** means any person, partnership, association, firm, corporation or other entity.
- b. **"False alarm"** means 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.
- c. **"Preventable false alarm"** means 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, the chief of the fire department, or their designee, that the alarm was caused by:

- 1) An 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 omissions by persons, or events beyond the reasonable control of the owner, lessee, operator or occupant of the premises and the security alarm system.

Section 2 - Alarm systems information; operation and maintenance; duty to respond to activated alarm.

- a. Within thirty (30) days of the adoption of this ordinance, every person who owns, leases, operates, controls, or uses any fire or police security alarm system to secure and protect real and personal property from criminal activity and/or damage, shall provide the public safety communications department with the name, address, and telephone number of the person responsible for the operation, maintenance and monitoring of the fire and/or security alarm system, and any and all other information reasonably required

by public safety personnel, on official forms hereafter promulgated by the public safety communications department, to facilitate centralized emergency dispatch operations and response.

b. The owner, lessee, operator, occupant, or other person in control or using any fire or police security alarm shall maintain the premises and said alarm system in a manner that will minimize and whenever possible, eliminate the activation of false alarms, and in the event of the activation of any fire and/or police security alarm system which causes one or more police or fire personnel to be dispatched or summoned to a particular location within the city, the owner, lessee, operator, occupant, user or person in control of said system shall respond, or cause a designated representative to respond, to the alarm system's location within one (1) hour of notification by any city public safety personnel, in order to deactivate an alarm system, to provide access to the premises, or to provide security for the premises as directed by police or fire personnel.

c. The owner, lessee, operator or person in control of any police or fire security alarm shall adjust the alarm system or cause the mechanism thereon to be

adjusted so that an alarm signal audible on the exterior of a protected property site will sound for no longer than fifteen (15) minutes after being activated.

Section 3 - Unlawful false alarms; notice and duty to inspect and repair 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 Requirement.

(i) If the police or fire departments, 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 within the same six (6) month period shall constitute a violation of this article for which the offender may be subject to prosecution or civil penalty.

(ii) 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 chief of 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 subsections (b) (1) and (2) as set forth hereinabove; provided, that the false alarm occurs within the time period within which the alarm system is required to be inspected and repaired, if necessary.

Section 4 - Fines/civil penalties.

Any person found to be in violation of any section of this article shall be guilty of a misdemeanor and upon conviction thereof, 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 dollars (\$500.00), payable to the City of Russellville 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.

Section 5 - Severability Clause

If any clause, provision or section of this ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

Section 6 - Effective Date

This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted this the 3rd day of April, 2001.

SECOND READING passed on Roll Call vote this 17th day of April, 2001.

AYES: Jean Hankins, Morris Kisselbaugh, Russell Jones, Ken Smith

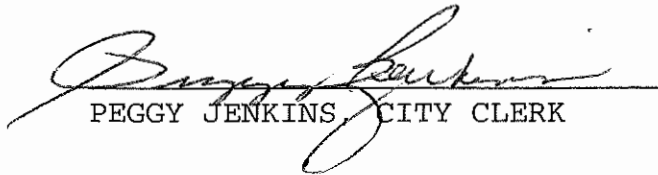
NAYES: None

ABSTAINING: None

ABSENT: Gerald Chapman, Howard Wren


MAYOR SHIRLEE YASSNEY

ATTEST:


PEGGY JENKINS, CITY CLERK