



ORDINANCE 1090

SECURITY ALARMS OF BUSINESSES AND HOMES

AN ORDINANCE TO REDUCE THE NUMBER OF FALSE SECURITY ALARMS, THEREBY REDUCING THE COSTS TO THE CITY AND THE BURDEN ON POLICE SERVICES ARISING FROM AN INCREASING NUMBER OF FALSE SECURITY ALARMS, AND DIMINISHING THE RISK OF HARM TO OFFICERS AND THE PUBLIC. BY REGULATING SECURITY ALARM BUSINESSES AND SYSTEMS, THE CITY SEEKS TO ENCOURAGE WELL-MAINTAINED AND ACCURATE SECURITY ALARMS WHILE IMPROVING THE ABILITY OF POLICE TO RESPOND QUICKLY TO CRITICAL CALLS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Rexburg, Idaho:

SECTION I: PURPOSE: The purpose of this Chapter is to reduce the number of false security alarms, thereby reducing the costs to the City and the burden on police services arising from an increasing number of false security alarms, and diminishing the risk of harm to officers and the public. By regulating security alarm businesses and systems, the City seeks to encourage well-maintained and accurate security alarms while improving the ability of police to respond quickly to critical calls.

SECTION II: DEFINITIONS: For the purposes of this Chapter, the following terms, phrases, and words, and derivations thereof, shall have the meanings given in this section.

ALARM COMPANY: Any persons engaged in the business of selling, installing, maintaining, servicing, repairing, altering, replacing, or moving an Alarm System in businesses or residences located within the City, as well as any persons engaged in the business of monitoring alarm systems located within the City and summoning police response to activations thereof.

ALARM OFFICER: The Chief of the Rexburg Police Department or his or her designee.

ALARM SYSTEM: Any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by local or audible alarm or by silent or remote alarm.

ALARM USER: Any person who owns and renders operable any alarm system or who contracts for the servicing or maintenance of an alarm system within any building, structure, or property located within the City.

AUDIBLE ALARM: An alarm system which when activated generates sound or signal that is audible from the immediate vicinity of the premises where the alarm system is located.

AUTOMATIC DIALING DEVICE: An alarm system which automatically contacts the City of Rexburg or any law enforcement dispatch service thereof by sending, over a telephone line, by direct connection, internet, or otherwise, a pre-recorded voice message or coded signal indicating the existence of an emergency situation.

CALENDAR YEAR: The period between and including January 1 and December 31 of any given year.

CITY: The City of Rexburg, Idaho.

EMERGENCY: Any condition, including but not limited to fire, smoke, or the commission or attempted commission of a robbery, burglary, or other criminal action, which requires or is expected to require a response from police or public safety personnel.

FALSE ALARM: The activation of an alarm system under conditions which the responding officer cannot reasonably determine to have been an emergency. False alarms include, but are not limited to: alarms resulting from user error of any kind, alarms caused by faulty, inappropriately selected, or poorly installed equipment, and alarms set off by conditions of nature which are normal for the area. False alarms shall not include alarms caused by unusual natural occurrences such as hurricanes, tornadoes, earthquakes, or by other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

PERSON: Any individual, partnership, association, corporation, limited liability company, trust, or organization of any kind, including a government entity or political subdivision thereof.

SECTION III: DUTIES OF ALARM COMPANIES:

1. No Alarm Company shall:
 - a. Render any alarm system operational or transfer the control or operation thereof to the alarm user without first delivering to the alarm user written instructions regarding the proper use and operation of such alarm system including instructions regarding the procedure to deactivate the alarm system and reasonable measures that may be undertaken in order to avoid false alarms.
 - b. Install any alarm system without providing a copy of this ordinance to the alarm user and informing the alarm user of his or her obligations under this ordinance, including the penalties for false alarms and the requirement for the alarm user to receive an alarm permit from the City of Rexburg Police Department.
 - c. Install any Automatic Dialing Device that directly contacts the City or any agency thereof within an alarm system, unless such a device is required by law.
 - d. Notify or request a police dispatch in response to a security alarm signal without making reasonable efforts to contact the owner of the premises where the alarm system is located or another person designated by such owner to receive such telephone calls.
 - e. Fail to silence an alarm signal within one hour after the receipt of notification that the alarm system has been triggered or activated in either a residential structure or a commercial or industrial structure.

SECTION IV: DUTIES OF ALARM USERS:

1. No Alarm User shall:
 - a. Use, operate, maintain or install an alarm system on a commercial or industrial property without possessing a current business license, having filled out and signed an Emergency Card and submitted it to the City of Rexburg Police Department, and having obtained an alarm user permit from the City of Rexburg Police Department.
 - b. Use, operate, maintain or install an alarm system on a residential property without having obtained an alarm user permit from the City of Rexburg Police Department.
 - c. Use, operate, maintain or install an alarm system unless the alarm user, or a person within his or her employ or retention, has been trained in the appropriate procedures to deactivate an alarm system signal and is capable of deactivating an alarm system signal within one hour after receipt of notification

that the alarm system signal has been triggered.

- d. Use, operate, maintain or install an alarm system on a commercial or industrial property unless the alarm user, or an employee of the alarm user, is available to meet police officers when they respond to an alarm.
 - e. Use, operate, maintain or install an alarm system on a commercial or industrial property unless the alarm system is inspected and, if necessary, repaired, by a licensed alarm company, at least once per calendar year.
 - f. Allow any audible alarm system to remain activated for more than one hour.
2. Alarm User Permits:
- a. Every alarm user shall have in his or her possession an alarm user permit issued by the alarm officer at no charge. Such permit shall be issued upon filing by the user with the police department a completed alarm permit application as provided by section 4-2-c below. A separate permit shall be required for each alarm site. The permit application shall be submitted to the alarm officer prior to operation of the alarm system or prior to an existing alarm system being taken over by a different alarm user or alarm company.
 - b. An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, a change in the alarm company servicing or monitoring the alarm system, or any other meaningful change or upgrade to the alarm system, at which time the permit shall expire and the current alarm system owner must apply for a new alarm user permit. An alarm company shall notify the alarm officer of any alarm user who has canceled or otherwise terminated their alarm services with the alarm company.
 - c. The permit application shall set forth the full name, address, and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored, or maintained, and the name of the licensed alarm company installing, monitoring, or maintaining the system. The permit application shall further contain the names, addresses, and telephone numbers of at least two individuals who may be contacted by police officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting police officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit application shall contain such additional information as the alarm officer shall reasonably deem necessary to properly identify and locate the alarm user, the alarm company monitoring or maintaining the alarm system, and the persons to be contacted in the event of an alarm report.

SECTION V: FALSE ALARMS; PENALTIES

1. Following a police visit to any structure or property in the City in response to a false alarm, the City shall be authorized to impose the following penalties and requirements on the alarm user responsible for the alarm system that triggered the false alarm:
 - a. For a response to premises at which no other false alarm has occurred within the preceding 12-month period, no fine shall be assessed to the alarm user owning the property where the alarm system is located, but the alarm user shall be informed of the penalties associated with further false alarms.
 - b. For a second response to premises at which one false alarm has already been recorded during the preceding 12-month period, the alarm user shall be assessed a \$25.00 penalty. In addition, the alarm user shall, within five business days of receiving notice to do so, make a written report on prescribed forms to the alarm officer. This report shall include the cause of the false alarm, if known, any corrective action taken, the last date the alarm system was inspected by a licensed alarm company, any mitigating circumstances surrounding the activation of the false alarm, and any other information the alarm officer shall reasonably deem necessary to determine the cause of the false alarm and any corrective actions required. The alarm officer may direct the alarm user to have the alarm system inspected and repaired by a licensed

alarm company and/or to take other corrective action, including but not limited to upgrading or changing the equipment or configuration of the alarm system. All costs of inspection, repair, or other corrective action for the alarm system shall be borne by the alarm user.

- c. For a third response to premises within six months of a second response to false alarms, the alarm user shall be assessed a \$50.00 penalty. In addition, the alarm user shall make a written report to the alarm officer as described in section 5-1-b above. The alarm officer may order the alarm user to take corrective action as described in section 5-1-b above. At the discretion of the alarm officer, absent mitigating circumstances, the alarm officer may instead revoke the alarm user's alarm permit and order the alarm user to deactivate the alarm system. The alarm user may not reactivate the alarm system, or install and operate a replacement system, unless he or she applies for a new alarm user permit as described in section 4-2 above. The alarm officer has full discretion to deny any reapplications. No deactivation will be ordered for any structure or property required by law to have an operating alarm system.
 - d. For any further responses to false alarms within six months of the third response, at premises either required by law to possess an operating alarm system, or at premises which the alarm officer gave discretionary permission to continue operating an alarm system following the third false alarm, the alarm user shall be assessed a \$50.00 fine. In addition, the alarm user shall make a written report to the alarm officer as described in section 5-1-b above, and the alarm officer shall again have discretion to order the deactivation of the alarm system as described in section 5-1-c.
2. Other penalties:
- a. If an alarm is triggered at a commercial or industrial property, and the alarm user or his or her employee refuses to meet the responding officers as required in section 4-1-d above, the alarm user shall be assessed a \$50.00 penalty.
 - b. If an audible alarm continues unabated for longer than one hour in violation of section 4-1-f above, the police department will abate the alarm, the alarm system will be declared a public nuisance, and the alarm user will be assessed a \$50.00 penalty.

SECTION VI: VIOLATIONS:

1. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor.

SECTION VII: EFFECTIVE DATE: This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Rexburg Standard-Journal, a newspaper of general circulation published within the City of Rexburg and the official newspaper thereof.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of September, 2012.

(SEAL)

Richard Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

