

ORDINANCE NO. 395-2010

AN ORDINANCE GOVERNING POLICE AND FIRE CALLS RELATED TO FALSE FIRE AND SECURITY ALARMS

WHEREAS, the City Council of the City of Spanish Fort, Alabama, has noticed that, due to the proliferation of fire and security alarm systems throughout the City, numerous instances of false alarms have occurred; and

WHEREAS, each false alarm causes a significant misuse or misappropriation of the manpower and resources of police and fire departments by causing the dispatch of emergency units to the scene of a false alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and

WHEREAS, the City Council finds that the continued high incidents of false alarms are a threat to the health, safety and welfare of the citizens of the City of Spanish Fort, Alabama, and the City Council wishes to establish procedures and regulations to improve the reliability of alarm systems and to reduce or eliminate false alarms.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Purpose.

The purpose of this Ordinance is to encourage owners and alarm businesses to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and to reduce or eliminate false alarms.

SECTION 2. Definitions.

For purposes of this Ordinance, the following words and phrases shall have the meanings set forth below:

A. **Automatic telephone dialing device or digital alarm communicator alarm system** means an alarm system which is activated by a signal or message and which automatically sends a prerecorded voice message or coded signal by microwave, telephone lines or other mode of transmittal directly to the county 911 line or directly to the police or fire department, indicating the existence of an emergency situation that the alarm system is designated to detect.

B. **Calendar year** means from January 1 to December 31 of the existing calendar year.

C. **False fire alarm** means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligent or intentional misuse of the alarm system by the fire alarm user or an employee whereby the fire or medical emergency does not in fact exist. False fire alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false fire alarms:

- (1) Earthquake causing structural damage to the protected premises;
- (2) Flooding of the protected premises due to overflow or natural drainage;
- (3) Lightning bolt causing physical damage to the protected premises;
- (4) Telephone line malfunction verified in writing to the City of Spanish Fort by at least a first line telephone company supervisor or by Fire Department personnel on the scene of an alarm;
- (5) Notification of the Fire Department, before a unit is dispatched to investigate, that the alarm does not require a response; or

- (6) An alarm call on the mistaken belief that a fire or medical emergency exists.

D. **Fire alarm system** means any mechanical, electrical or radio-controlled device which is arranged, designed or used to signal the occurrence in the City of Spanish Fort of a fire or medical emergency requiring urgent attention, and to which fire or emergency medical personnel are expected to respond. Fire alarm systems include those through which public safety personnel are notified directly of such signals through central monitoring stations or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Fire Department. Fire alarm systems also include those designed to register a signal which is so audible, visible or in other ways perceptible outside of a protected building, structure or facility as to notify persons in the neighborhood beyond the lot where the signal is located who in turn may notify the Fire Department of the signal. The term does not include smoke detectors connected to an alarm system that is a part of a single-family or two-family structure.

E. **Fire alarm user** means the individual, including, but not limited to, any person, firm, corporation, partnership or any other entity that purchases, leases, contracts for, obtains or owns a fire or medical alarm system.

F. **Fire Department** means the Volunteer Fire Department of the City of Spanish Fort, Alabama, including, but not limited to, any of its services or divisions.

G. **Fire Official** means the fire chief or any other employee or representative of the Fire Department designated to assist in the enforcement of the provisions of this Ordinance.

H. **False security alarm** means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligent or intentional misuse of the alarm system by the security alarm user or an employee whereby an emergency does not in fact exist. False security alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false security alarms:

- (1) Earthquake causing structural damage to the protected premises;
- (2) Flooding of the protected premises due to overflow or natural drainage;
- (3) Lightning bolt causing physical damage to the protected premises;
- (4) Telephone line malfunction verified in writing to the City of Spanish Fort by at least a first line telephone company supervisor or by Police Department personnel on the scene of an alarm;
- (5) Notification of the Police Department, before a unit is dispatched to investigate, that the alarm does not require a response; or
- (6) An alarm call on the mistaken belief that an emergency exists.

I. **Security alarm system** means any mechanical, electrical or radio-controlled device which is arranged, designed or used to signal the occurrence in the City of Spanish Fort of an emergency or breach of security requiring urgent attention, and to which Police Department personnel are expected to respond. Security alarm systems include those through which public safety personnel are notified directly of such signals through central monitoring stations or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Police Department. Security alarm systems also include those designed to register a signal which is so audible, visible or in other ways perceptible outside of a protected building, structure or facility as to notify persons in the neighborhood beyond the lot where the signal is located who in turn may notify the Police Department of the signal.

J. **Security alarm user** means the individual, including, but not limited to, any person, firm, corporation, partnership or any other entity that purchases, leases, contracts for, obtains or owns a security alarm system.

K. **Police Department** means the Spanish Fort Police Department, including, but not limited to, any of its services or divisions.

L. **Premises** mean any building or structure or portion thereof protected by an alarm system. In the case of two (2) or more buildings or structures or portions thereof on the same property under the same ownership protected by alarm systems that are not connected to a single control system, each building or structure or portion thereof shall be deemed to be separate and distinct premises.

M. **Same premises** means at the same building or structure or portion thereof protected by an alarm system, without regard to alterations therein, if the identity of the alarm user has not materially changed since the last false fire alarm report. For example, but without limiting the meaning of this definition, a bona fide sale of the premises or the business therein to a third party or the replacement of a tenant by a different tenant shall be deemed a material change of the identity of the alarm user.

SECTION 3. Liability of City.

Neither the City nor any of its agents and employees shall have any liability or responsibility for the operation or effectiveness of any alarm system and shall not be subject to any claims, demands or actions which may arise out of or in connection with the failure to respond to any alarm.

SECTION 4. Prohibitions.

- A. False fire and security alarms are expressly prohibited in the City of Spanish Fort, Alabama, pursuant to the terms of this Ordinance.
- B. No person shall install or operate an audible alarm system which emits a sound which is similar to that of an emergency siren or civil defense warning system.
- C. It shall be unlawful to install or maintain an automatic telephone dialing device or digital alarm communicator alarm system within the City.

SECTION 5. Required equipment/information.

- A. Any newly acquired fire or security alarm system, or any existing fire or security alarm system which requires updating or modification following the date of the passage of this Ordinance, shall be required to:
 - (1) Be installed in accordance with any applicable codes, including the National Fire Protection Association standards currently adopted as the Fire Code of the City of Spanish Fort.
 - (2) Have an automatic audible alarm system cutoff within fifteen (15) minutes of activation for those systems using an audible alarm.
 - (3) Provide emergency access to the protected facility pursuant to one (1) of the three (3) listed criteria, as follows:
 - (a) User must provide to the Police Department Dispatch or answering service the names and telephone numbers of at least three (3) persons who can respond to the premises where the alarm occurred, at any time, within thirty (30) minutes of being notified with the keys to the premises and the alarm system. This list of names and telephone numbers shall be kept current at all times. In the case of fire alarms, the same information shall be supplied to the Fire Department upon request. Any user of a fire alarm system other than a Fire Department central alarm station must supply the same information to the Fire Department upon request. Failure to respond within thirty (30) minutes after the Police Department or Fire Department attempts to notify the key holder shall be a violation of this Ordinance and shall subject the individual responsible and/or the alarm user to a fine in

- the amount of two hundred and fifty dollars (\$250.00) by the issuance of a municipal offense ticket; or
- (b) If the alarm company agrees, it must have one of its representatives respond to the premises where the alarm occurred at any time, with the keys to the premises and alarm system. Under this alternative, it is still ultimately the responsibility of the owner of the alarm system to have keys available within thirty (30) minutes after attempted notification by the Police Department or Fire Department. Failure to do so shall be a violation of this Ordinance and shall subject the individual responsible and/or the alarm user to a fine in the amount of two hundred and fifty dollars (\$250.00) by the issuance of a municipal offense ticket: or
 - (c) The alarm user shall install on the outside of the premises a lock box that only the Police Department or Fire Department has a key to, which has also been approved by the Chief of Police or the fire official. This box must contain the keys to the premises and the alarm system. If the alarm owner chooses the third option of installing a secured lock box and the Police Department or Fire Department responds to an alarm, then the Police Department or Fire Department will immediately notify the alarm user and advise of the entry and apparent cause of alarm, such as an actual emergency or false alarm. In the event of a false alarm, the Police Department or Fire Department will leave the building secured, and the owner or alarm user will be responsible to reset all alarms as soon as possible.
- (4) All audible alarm systems shall have a sign or notice posted on or near the audible device with the name and telephone number of the person or persons responsible for service and maintenance of the system. The notice shall be conspicuously posted and readable from ground level.
 - (5) Tools and keys required to reset alarm system shall be maintained on the premises.
 - (6) Any alarm system with a zone display panel must have a diagram posted near alarm panel describing location of zones.
 - (7) Every newly installed required fire alarm system shall be approved by the fire official, and the installer shall furnish to the Fire Department an fire alarm system certification as described in the Fire Code of the City of Spanish Fort.

SECTION 6. Response to alarms.

- A. Whenever a fire or security alarm is activated in the City of Spanish Fort thereby requiring an emergency response to the location by the Police Department or Fire Department, the Police Department and Fire Department personnel at the scene of the activated fire or security alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm pursuant to the terms of this Ordinance.
- B. If the Police Department or Fire Department personnel at the scene of the activated alarm system determine the alarm to have been false, the Police Department personnel shall make a written report of the false alarm, a notification of which shall be sent by certified mail or hand delivered to the alarm user pursuant to the terms of this Ordinance, advising the alarm user of the occurrence of a false alarm and the date, time and location of said false alarm.
- C. Police Department personnel and the fire official shall have the right to inspect any alarm system on the premises to which a response has been made at the time of the activation of the alarm, or they may cause an inspection of such system to be made at any reasonable time thereafter by appointment with the owner of the property.

SECTION 7. Grace period; new installations.

The provisions of this Ordinance shall not apply to any new installation or modification of alarm systems for the first thirty (30) days following completion of the installation or system modification. Users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which false fire alarms generated by such system shall not be deemed a false alarms. This grace period shall cease thirty (30) days after installation or modification of an alarm system.

SECTION 8. Penalty.

For the first and second false alarms within a calendar year, a warning citation will be issued. Upon the third and each subsequent false alarm within a calendar year, a municipal offense ticket will be issued, and the person found guilty of violating this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

SECTION 9. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 10. Severability Clause.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 11. Effective Date.

This Ordinance shall become effective thirty (30) days after its adoption or as otherwise required by state law.

Adopted and approved this ____ day of _____, 2010.

Joseph C. Bonner
Mayor

ATTEST:

Mary Lynn Williams, MMC
City Clerk