

**9.78.10 Definitions.**

Unless the context of subject matter otherwise requires, terms defined herein shall have the following meanings when used in this chapter:

"Alarm system" means any system, device or mechanism which, when activated, transmits a telephone message to a private monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device or mechanism primarily protecting a motor vehicle.

"Burglary alarm system" means an alarm system designed or used for detecting and reporting an unauthorized entry or attempted unauthorized entry upon real property protected by the system.

"Chief of police" means the chief of the Fircrest police department or his/her designee.

"Department" means the Fircrest police department.

"False alarm" means the activation of any burglary and/or robbery alarm system when no crime is being committed or attempted on the premises.

An alarm shall be presumed to be false if the police officers responding do not locate any evidence of an intrusion or commission of an unlawful act or emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes or other violent acts of nature shall not be deemed false alarms.

"Permittee" means the person(s), corporation or other business entity to whom a permit has been issued under this chapter.

"Premises" means any area and any portion of any area protected by an alarm system.

"Robbery alarm system" means an alarm system designed or used for alerting others of a robbery or other crime in progress which involves potential serious bodily injury or death.

"Six-month period" means any consecutive six-month period (180 days).

"System subscriber" means person(s), corporation(s) or other business entity who purchased or contracted for any alarm system. (Ord. 1041 § 1, 1993).

**9.78.020 Permit requirements.**

(a) From and after April 1, 1994, no person shall operate or use an alarm system on any premises within the city under that person's control without first having obtained from the chief of police a separate permit for each premises protected by an alarm system. For the purpose of this section, a person shall be deemed to be an operator or user of an alarm system if:

- (1) The person controls both the alarm system and the premises upon which it is installed;
- (2) The person controls the premises and is the client or tenant of the system subscriber; or
- (3) The person is the system subscriber.

(b) All persons required to obtain a permit must complete a permit application form. Information required to be provided on the permit application form includes, but is not necessarily limited to:

- (1) Subscriber's name, address and telephone number(s);
- (2) Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the subscriber;
- (3) The electrical inspection permit number (if required);

(4) Name of the alarm company responsible for regular maintenance and that company's electrical contractor's license number;

(5) The information required in subsections (b)(3) and (b)(4) of this section may not apply to:

(A) Alarms which are installed by the homeowner/tenant;

(B) Existing alarms; or

(C) Alarms which are installed in multiple-tenant buildings.

Failure to complete the required information will result in possible denial of the permit.

(c) Each permit shall be given a unique number which shall not be transferable. The city shall charge a \$15.00 application fee, except that no fee shall be charged for alarms installed prior to April 1, 1994, if a permit application for such existing alarm system is filed with the chief of police before April 1, 1994. Permit fees shall be payable to the city and deposited into the city's general fund.

(d) Any person who owns, operates, or possesses any alarm system within the city limits which does not conform to the requirements of this chapter shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than April 1, 1994. (Ord. 1041 § 1, 1993).

#### **9.78.030 Permit revocation.**

(a) The chief of police may revoke a permit of any permittee:

(1) Whose alarm system has resulted in more than two false alarm responses by the department within a six-month period; and

(2) Who has failed to pay a service charge within 60 days of billing.

(b) The chief of police shall notify such permittee in writing by certified mail of the revocation of his/her alarm permit and the grounds therefor.

(c) The notice shall specify the specific date of revocation, which shall be no sooner than 10 days after the notice is deposited in the mail.

(d) The permittee may obtain review of intended or actual revocation within 30 days after being notified of the revocation. (Ord. 1041 § 1, 1993).

#### **9.78.040 Permit reinstatement.**

(a) Reinstatement of the permit may be made upon receipt by the department of payment of the past service charge and receipt of a letter from an alarm company licensed by the city, that the alarm system is operating properly and/or the permittee(s)' agents are properly trained in the alarm system operation. The city shall not be responsible for any costs incurred by the permittee to qualify for reinstatement.

(b) Reinstated permittees will be billed for any false alarm responses after reinstatement, and will be subject to further revocation after two more false alarm responses during the remainder of the six-month period.

(c) Permits will not be reinstated if there are any outstanding fees or service charges due. (Ord. 1041 § 1, 1993).

#### **9.78.050 Service charges.**

(a) A service charge of \$65.00 shall be billed to and paid by the permittee for each false alarm response in excess of two responses during a six-month period.

(b) Service charges shall be payable to the city and deposited into the city's general fund. (Ord. 1041 § 1, 1993).

**9.78.060 Additional duties of permittee(s) and/or agents of permittee(s).**

(a) The permittee shall be required to maintain the permit on site.

(b) The permittee shall display the street address at or near the front of the premises and should display the street address at other places where access is available, such as from an alley or parking lot. The street address shall be clearly visible and readable from the exterior of the premises.

(c) All telephone calls from a private monitoring company requesting department response shall include the permit number for that premises.

(d) The permittee or his/her designee shall respond by going to the premises following activation of an alarm system for which a permit has been issued. The response shall be made within a reasonable time. (Ord. 1041 § 1, 1993).

**9.78.070 Impermissible system and uses.**

(a) No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within 15 minutes.

(b) No person shall use an alarm system to protect more than one licensed business and/or private residence without receiving a separate permit for each licensed business and/or private residence to be protected.

(c) No person shall operate or use any alarm system for which the permit has been revoked by the chief of police.

(d) No person shall operate or use any alarm system which automatically dials the department directly and delivers a prerecorded message. (Ord. 1041 § 1, 1993).

**9.78.80 Violation - Penalty.**

**9.78.81**

In addition to the penalties and regulations provided herein, any person who violates any provisions of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 for each violation. (Ord. 1041 § 1, 1993).

**9.78.90 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 1041 § 1, 1993).