

**ORDINANCE NO. 2001-220**

**AN ORDINANCE OF THE CITY OF MADISON PROVIDING FOR THE  
REGISTRATION OF SECURITY ALARM SYSTEMS AND  
PROHIBITING FALSE SECURITY ALARMS.**

WHEREAS, The City Council of the City of Madison, Alabama finds that false alarms are not only a public nuisance, but also a threat to public safety by diverting limited police resources from legitimate requests for assistance and other law enforcement matters; and

WHEREAS, the Council wishes to enact this Ordinance to encourage security alarm users to maintain operational reliability and proper use of security alarm systems in order to reduce unnecessary police responses to false alarms; and

WHEREAS, this Ordinance imposes or creates no duties on the part of the city or its departments and employees, and the obligation of complying with the requirements of the Ordinance, and any liability for failure to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining security alarm systems.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA AS FOLLOWS:

**Section 1: Definitions .**

When used in this chapter, the following terms shall have the meaning ascribed to them below:

*Alarm Technician.* Any person who inspects, installs, repairs or performs maintenance on security, fire and/or burglary alarm systems and is licensed by the state or works under a state-licensed alarm contractor.

*Automatic Telephone Dialing Device or Digital Alarm Communicator System.*  
An alarm system which automatically sends a pre-recorded voice message or coded signal over regular telephone lines, by direct connection or otherwise indicating the existence of the emergency situation that the alarm has detected.

*Cancellation.* Responding agency alarm cancellation is the process in which a dispatch is cancelled or officer recalled when the alarm company providing monitoring verifies with the alarm user or responsible party that a false alarm has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.

*Enforcement Officials.* The designated representative of the police department appointed by the police chief and the designated representative of the fire department appointed by the fire chief for the purpose of enforcing this chapter.

*False Security Alarm.* The activation of any alarm not caused by fire, forced entry, attempted forced entry, robbery or other crime which results in an official response by the police and/or fire departments and which is caused by the negligent use or misuse of the system by the owner or his employees or servants. A presumption exists that the alarm was false if the police or fire personnel responding to the alarm find no evidence of criminal activity, attempted criminal activity, fire or other emergency at the premises.

*Fee.* The assessment of a monetary charge payable to the city pursuant to this section.

*Official Response.* A response to an alarm activation where any officer or member of the police or fire departments shall be dispatched to the premises where the alarm has been activated or where any on-duty officer of the police or fire departments learns of the activation of the alarm system(s) by any means whatsoever and responds thereto by traveling to the premises. The response ends when the officer or member has completed their investigation of the incident.

*Premises.* Any building, structure or combination of buildings and structures including the curtilage thereof, which is used for residential, commercial or any other purpose.

*Registration Year.* The calendar year beginning January 1<sup>st</sup> of the year following the application for a security alarm permit.

*Required Operative Alarm System.* An alarm system which the owner of premises is required to maintain in an operative condition pursuant to statute, law, ordinance, or rule or regulation of any governmental entity.

*Responsible Party.* Any person or entity that owns or controls the premises in which an alarm system is installed. By way of example and not limitation, the person who controls includes a person or entity that leases, operates or manages the premises.

*Security Alarm Permit.* A permit issued by the city allowing the operation of a security alarm system within the city.

*Security Alarm System.* Any mechanical, electrical or radio-controlled device which is designed to be used for the detection of smoke, fire or any unauthorized entry into a building, structure or facility, which emits a sound or transmits a signal or message to a monitoring company or other outside party when activated. Excluded from the definition of security alarm systems are devices which are audible, visible or perceptible, in or attached to any motor vehicle, or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

## **Section 2: Alarm Systems Operations.**

- a) The city, its officers, employees and agents, shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately-owned alarm system, those duties or responsibilities being solely those of the responsible party as defined in Section 1.
- b) The responsible party shall be required to silence and reset an activated alarm. All security alarm systems shall automatically reset/silence the audible alarm within fifteen (15) minutes of activation.
- c) All security alarm systems shall have a backup power supply that will automatically become available in the event of power failure or outage without activation of the alarm system..

## **Section 3: Alarm Registration.**

- a) The registration of security alarms with the City of Madison shall be voluntary for all alarm users who have not been charged with a false alarm. However, registration is strongly encouraged and will result in a reduced fine when and if any false alarm occurs.
- b) Registration will become mandatory upon the occurrence of the first false alarm. Alarm users who have had a false alarm and do not register will be subject to enhanced fines for subsequent false alarms.
- c) Registration forms will be available in the City of Madison Police Department and shall require the following information:
  - (1) The name(s), address, business and home telephone number of the responsible person in charge of the premises wherein the alarm system is installed.
  - (2) The type of premise, whether commercial or residential, the business name, if any, and the exact address.
  - (3) The name, address and telephone number of at least two (2) authorized representatives who can be notified by the police or fire department in the event of an activation of the alarm system, who shall be capable of responding to the premises within thirty (30) minutes, and who are authorized and able to enter the premises to ascertain the status thereof.
  - (4) The name and twenty-four-hour telephone number of the installing and/or maintaining alarm service company, or the name and telephone number of the company monitoring the alarm system, if different.
  - (5) Whether the alarm at this location is considered a required operative system.

- (6) A State of Alabama Electronic Security Board of License permit number.
- (7) A City of Madison Privilege License number.
- d) When any of the information required has been changed, it shall be reported to the enforcement official(s) by the responsible party within ten (10) working days of such change. Failure to notify the enforcement official(s) of any changes to the information on file at the city police department regarding such registration shall invalidate the registration and trigger the enhanced schedule of fines as if the alarm had never been registered.
- e) If an alarm user has one (1) or more security alarm systems protecting two (2) or more separate structures having different addresses, a separate registration shall be required for each structure.

**Section 4: Responsibility For Security Alarm Activation.**

- a) The responsibility for false alarms shall be borne by the owner or responsible party for the premises at the time of the false alarm. In the absence of the specific assignment of responsibility for the alarm, the person or persons occupying and/or controlling the premises on which the alarm is located will be held liable; however, if the false alarm occurs in an apartment building or other multi-family structure, and the alarm system was installed by and is registered to the owner, the responsibility shall lie with the manager or owner of the premises and not the tenants. If the tenant of an apartment wishes to install an individual security alarm, that alarm must be permitted separately from any alarm system owned by the apartment complex; and, in that case, the tenant will be responsible for false alarms in that tenant's residential unit.
- b) When responding to an alarm, false or otherwise, at which there are no persons on the premises, a police department official or fire department official will contact the authorized representative(s) who shall respond to the premises within thirty (30) minutes for the purpose of conducting a security check of the premises and resetting the alarm system. If on three (3) or more occasions within a twelve-month period, the responsible party or authorized representative(s) are not available after notification is attempted, or fail to respond to the premises as required herein, the responsible party shall be assessed a fee of fifty dollars (\$50.00).
- c) Each false alarm more than twenty-four (24) hours apart for which the police or fire department make a separate response is subject to a separate fee assessment.
- d) No person shall be held liable under this chapter for any false alarm transmitted under a reasonable mistake of fact that a fire, robbery, burglary or other felony crime was being or had been committed or for any false alarm caused solely by high wind, rain or other torrential weather.

**Section 5: Notice/Fees.**

- a) For each alarm that is determined to be false by the enforcement official(s), the responsible party will receive notice, by mail, informing the responsible party of the incident of false alarm and indicating how many false alarms have occurred at the premises during the calendar year.
- b) No fee shall be assessed under this section for the first alarm at the premises responded to by the police or fire departments during each registration year. Thereafter, the responsible party shall pay the following fees for each false alarm as set forth below:

**FALSE SECURITY ALARM**

<u>Number of Alarms</u>	<u>Registered</u>	<u>Non-registered</u>
Third Alarm	\$30.00	\$ 45.00
Fourth through Sixth Alarm	50.00	75.00
Seventh through Tenth	100.00	150.00
Eleventh and Above	250.00	500.00

- c) All fees/service charges assessed in the enforcement of this chapter shall be considered a bill owed by the alarm user to the city. Each fee/charge shall be paid to the city within thirty (30) calendar days from the date of the receipt of the written notification of the fee/charge.
- d) Failure to pay any fee/charge assessed pursuant to this chapter shall be a violation punishable through our municipal court system by a fine, imprisonment or both. The fee/charge is separate and apart from any fines that may be assessed for a violation of this chapter.
- e) Cancelled calls will not be included in the overall count of total false alarms unless the officer has already reached the alarm location.

**Section 6: Appeals.**

- a) The responsible party may request a hearing within fifteen (15) calendar days of the date of receipt by the responsible party of any notice of false alarm or fee assessment, to contest the validity thereof. The request for a hearing shall be in writing and shall be filed with the enforcement official(s).
- b) The police chief, fire chief, or their designee shall hold a hearing within twenty (20) calendar days from the date the responsible party files a request for a hearing with the enforcement official(s). The responsible party or designee shall be given notice of the hearing and shall have the opportunity to present evidence on their behalf, to cross examine any witnesses, and to be represented by counsel. Within ten (10) calendar days of the hearing, the police chief or fire chief or their designee who held the hearing shall issue a written determination affirming or denying the action taken by the enforcement official(s) and advising the responsible party of the action(s) needed. The written determination shall be final and conclusive, subject only to review by the City Council whose judgment shall be final as allowed by law.
- c) Should the responsible party choose to appeal the determination of the police chief or fire chief or their designee to the City Council of the city, a request for such hearing shall be in writing and accompanied by an appeal fee of twenty-five dollars (\$25.00). Said request shall be directed to the legal department of the city.

**Section 8: Automatic Telephone Dialing Alarm Device.**

It shall be unlawful for any person to possess, operate, or maintain an alarm that includes an automatic dialing system that automatically dials the statewide emergency telephone number (911), or any other telephone number assigned to the city police department or city fire department, except when required by federal or state law or local ordinance.

**Section 9: Penalties.**

Any person who is found to be in violation of the provisions of this chapter shall be subject to the fines and other punishment provided in Section 5 of this Code.

**Section 10: Testing of Newly Installed Alarm Systems.**

Notwithstanding any other provisions of this chapter, it shall not be a violation of this chapter to test an alarm system under the following conditions:

- a) Where there is no visual, audio, electronic or other indications of the alarm which can be seen, heard or received beyond the boundaries of the property upon which the test is occurring; or
- b) Where there is visual, audio, electronic or other indications of the alarm which can be seen, heard or received beyond the boundaries of the property upon which the test is occurring, and one (1) of the following two (2) precautions are observed:
  - (1) Adequate measures are taken to ensure that anyone seeing, hearing or receiving the indication of an alarm will not report it either directly or indirectly to the city as an alarm requiring police or fire assistance; or
  - (2) The police and fire departments are notified, in writing to the enforcement official(s), twenty-four (24) hours in advance of the test and are instructed not to respond by the owner or responsible party for the property upon which the test is to occur.

**Section 12: Severability Clause.**

If any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be invalidated by a court of competent jurisdiction, it is the intent of the Council that such invalidation shall not affect the validity of any other clause, phrase, sentence, paragraph, or provision thereof.

**Section 13: Effective Clause.**

This Ordinance shall become effective January 1, 2002, after adoption and publication as required by law.