

ORDINANCE NO. 2015-980

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, TITLE 5, CHAPTER 11, ALARMS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, by Ordinance No. 954 adopted February 12th, 2015, the Mayor and City Council Amended the City Code of Ordinances Title 5, Chapter 11, Alarms; and

WHEREAS, by Ordinance No. 965, adopted May 19th, 2015, the City Council provided for a revised effective date of Ordinance No. 954 to be October 1, 2015; and

WHEREAS, it is now deemed in the public interest to make certain modifications, clarifications, amendments, and revisions, to various provisions of Ordinance No. 954; and

WHEREAS, a public hearing was held on this 8th day of October, 2015

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SHELBYVILLE THAT

- Section 1: That Section 5-1107 being the same and is hereby amended; Government buildings and facilities are not exempt from the filing request.
- Section 2: That Section 5-1108 be the same as hereby amended that government entities are exempt from the fee requirement.
- Section 3: That Section 5-1111 be amended to add the following language to include; "after the third false alarm in any one calendar year." Government building alarms are not exempt.
- Section 4: That Section 5-1106 be and the same is hereby amended to delete the words "City Recorder" and substitute Police Department Records Office
- Section 5: That Section 5-1107 a be and the same is hereby amended to delete the words "City Recorder" and substitute Police Department Records Office

This Ordinance shall take effect immediately upon passage.

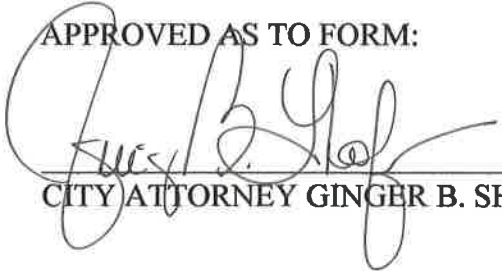
APPROVED:


MAYOR WALLACE CARTWRIGHT

ATTEST:


CITY RECORDER SHANNA BOYETTE

APPROVED AS TO FORM:


CITY ATTORNEY GINGER B. SHOFNER

First Reading: 9-10-15

Second Reading: 9-22-15

Third Reading: 10-8-15

Public Hearing: 10-8-15

Title 5
Businesses, Professions and Occupations
Chapter 11
Fire, Burglary and Robbery Alarms

5-1101 DEFINITIONS:

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony, fire or criminal conduct requiring urgent attention to and to which the Police and Fire Departments are expected to respond, but does not include alarms installed in conveyances.

(2) "Alarm Business" means the business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

(3) "Alarm user" means the person, firm, partnership association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein any alarm system is maintained.

(4) "Alarm Permit" means a permit issued by the City allowing the operation of an alarm system within the City.

(5) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following:

(a) Criminal activity or unauthorized entry.

(b) Acts of God which include but not limited to the following:

(1) Earthquake causing structural damage to the protected premises

(2) Tornado winds causing structural damage to the protected premises.

(3) Flooding of the protected premises due to the overflow of natural drainage.

(4) A lightning bolt causing physical damage to the protected premises.

(c) Fire causing structural damage to the protected premises verified by the Fire Department.

(d) Telephone line malfunction verified in writing to the City by at least a first line telephone company supervisor within seven (7) days of the occurrence.

(e) Persons or forces not directly connected to the owner/user shall not be penalized. If Police or Fire units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of fire, unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the Police or Fire Departments Special Alarm Log Book shall be prima facia evidence of the facts stated therein with regard to alarms and responses.

(6) "Cancellation" means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Shelbyville Police Department that there is not an existing situation at the alarm site requiring Police response after an alarm dispatch request. If cancellation occurs prior to Police arriving at the scene, this is not a false alarm for the purpose of a civil penalty, and no penalty will be assessed.

(7) "Communication center" means the Bedford County E-911 Communications District Center or Police Department Communications Center that provides communication service for the Shelbyville Police.

(8) "Runaway Alarm" means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Shelbyville Police Department may in its discretion discontinue Police responses to alarm signals from what appears to be runaway alarm.

(9) "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluation in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

(10) "Verify" means to attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this Ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

5-1102 CLASSIFICATION OF ALARM SYSTEMS.

Class I - An Alarm system is one which incorporates a remote annunciator installed on the premises of the Department or the Communications Center.

Class II - An alarm system incorporating an automatic dialer which directly or indirectly requires a response by Shelbyville Fire or Shelbyville Police Departments.

Class III – An alarm system in which the annunciator located at the protected premises, and which does not incorporate an automatic dialer.

5-1103 INSTALLATIONS IN POLICE DEPARTMENT COMMUNICATIONS CENTER.

No burglar or fire alarms will be installed in the Police Department Communications Center for monitoring purposes.

5-1104 ALARM SYSTEM REQUIREMENTS.

(1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training and re-training all employees, family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) Class I Alarm Systems must be installed by a Tennessee Licensed Alarm Contractor.

5-1105 PERMITS REQUIRED.

(1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(2) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(3) The Police and Fire Departments may refuse to respond to an alarm from a system without a permit.

(4) In the event Police or Firemen investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(5) If an alarm user has one or more alarm systems protecting two or more structures having different addresses, a separate permit will be required for each structure.

(6) Alarm installation companies are encouraged to use only alarm control panel(s) which meets SIA Control Panel Standard CP_01 on all new and upgraded installations

5-1106 ISSUANCE OF PERMIT AND DECAL.

(1) Upon receipt by the Police Department Records Office of the permit application and fee, the Chief of Police or Fire Chief shall undertake whatever investigation or inspection they deem necessary.

(2) If the investigation is satisfactory, a decal with the alarm user's permit number will be issued with a permit. This decal must be permanently posted on or near the front entrance to the premises so that the information on the decal is visible from outside of the structure.

5-1107 FILING REQUIREMENTS

(a) The user of every alarm system maintained in the City, shall, within ten (10) days of the installation thereof, file the following information with the Police Department Records Office.

- (1) The type make and model of each alarm device, and if the alarm system is monitored, by whom.
- (2) The street address and the nearest cross street of the building that houses the alarm.
- (3) For commercial premises, the name, address and telephone number of an authorized representative and an alternate who will be able to respond when called by the police department to deactivate the alarm system, if necessary, and to provide an up-to-date list at the central dispatch facility, amending the information from time to time as the authorized representative or alternate should quit or be discharged.
- (4) For a private residence, the name, address and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system.
- (5) Government buildings and facilities are not exempt from the filing request.

(b) Such filing requirements are applicable to all alarm systems, whether the systems are or are not directly connected to the Police Department numbers or are merely audible alarms.

5-1108 PERMIT FEES.

* Existing alarm permit holders (all classes) are exempt from the initial application registration fee provided the necessary registration documents are filed within 180 days (6 months).

(1) Class I-\$25.00-A one-time fee to be paid when the initial application for a permit hereunder is filed with the City.

(2) Class II-\$25.00-A one-time fee to be paid when the initial application for a permit hereunder is filed with the City. Senior Citizens are exempt from permit fees in non-commercial use only. Senior Citizen is defined as a person who has attained the age of sixty-five (65) years.

(3) Class III-\$25.00-A one-time fee to be paid when the initial application for permit is filed.

- (4) Be it further stated that government entities are exempt from the fee requirement.

5-1109 INSPECTION OF ALARM SYSTEM.

Prior to issuing an alarm system permit, and at any time thereafter, the City may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformation with the provisions of this chapter.

5-1110 CURRENT INFORMATION REQUIRED.

(1) Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application, setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit. Failure to comply with the section shall constitute grounds for revocation of the permit.

(2) When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

5-1111 FALSE ALARM FEE.

(1) Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by the Police or Fire Departments, and the Police or the Fire Department does respond, a Police Officer or Fireman on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system malfunctions and thereby activated a false alarm.

(2) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a \$50.00 service charge after the third false alarm in any one calendar year. Government building alarms are not exempt. Each service charge incurred shall be billed and payment shall be made within thirty (30) days from the date of receipt thereof.

5-1112 FALSE ALARM FEES-APPEAL

Prior to the assessment of the charges levied in paragraph 5-1111, the alarm user may appeal such charge to the City Manager. Such appeal shall be in writing and filed within five (5) working days of notice of false alarm charge. The City Manager shall have ten (10) working days to decide on any appeal and his/her decision shall be administrating final.

5-1113 TIMING DEVICES.

The user of every alarm system emitting an audible, visual or other response shall install or cause to be installed and automatic timing device, which shall deactivate such alarm so that it will be activated for no more than thirty (30) minutes.

5-1114 AUTOMATIC DIALING DEVICES.

It shall be a violation of this chapter for any automatic dialing device to call into the Police or Fire Department directly, either on regular business lines or on 911 emergency lines.

5-1115 ALARM SYSTEM STANDARDS.

All alarm systems operating within the City shall conform to the following standards:

(1) The installer of the alarm system may place each alarm so installed on a thirty-day test period to reduce the possibility of false alarms. During this test period, the alarm installer will notify the Fire and Police Bureaus that specific alarms are being tested that will not require Police or Fire response should an alarm be activated. Since no Fire or Police response will be required during the test period, there will be no charge to the alarm user should a false alarm occur; however any false alarm that results in response by either the Fire or Police Bureaus will implement the provisions set forth in § 11-611(1) and (2) of this chapter.

(2) The installer of any alarm system will maintain a local service organization within the Middle Tennessee area ("Middle Tennessee area" as used herein shall mean the counties of Bedford, Giles, Lincoln, Coffee, Wilson, Moore, Marshall, Rutherford, Davidson, Williamson, and Sumner) capable of providing necessary service calls of both a maintenance and emergency nature, within a reasonable time period after notice of equipment malfunction.

5-1116 DUTIES OF PERMIT HOLDERS.

(1) Each owner, operator or lessee shall be responsible for training employees, servants or agents in the prior operation of an alarm system.

(2) The current alarm registration sticker provided each permit holder shall be displayed so as to be easily visible from outside the building.

5-1117 PROHIBITED ACTS.

(1) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(3) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Shelbyville Police Department.

5-1118 PERMITS-DENIAL; REVOCATION.

(1) The Chief of Fire, Chief of Police, or Chief Building Official may deny any application for an alarm installation permit, or revoke such permit, if the applicant or any or the applicant's owners, partners, or principal corporate officers have:

- (a) Knowingly and willfully submitted any false information of a material nature in connection with the application for a license or reinstatement thereof.
- (b) Been convicted in any jurisdiction of a felony or a misdemeanor which the Chief of Fire, Chief of Police, or City Manager finds to be a conviction that reflects unfavorably on the fitness of the applicant to engage in the alarm business within the City.

5-1119 BUSINESS TAX LICENSE.

All security alarm businesses and installers within the City must possess a valid business tax license obtained through the tax division of the office of the City Recorder.

5-1120 GOVERNMENT IMMUNITY.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Shelbyville Police Department response may be influenced by factors such as: the availability of Police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.