

Chapter 9.05

INTRUSION ALARM SYSTEMS

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**9.05.010 Purpose and Intent.**

The ordinance codified in this chapter is adopted for the purpose of regulating and permitting alarm systems to which the police are expected to respond.

**9.05.020 Definitions.**

- A. **Alarm Company** - means that business by any person, firm, partnership, corporation, association, organization, company, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.
- B. **Alarm Agent** - means any person employed by, working for, representing, or subcontracted by an alarm company.
- C. **Alarm System** - means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any actual or attempted burglary or robbery to which the police are expected to respond.
- D. **Alarm User** - means a person(s), firm, partnership, corporation, association, organization, company or other entity in control of a protected premise where an alarm system is located.
- E. **Audible Alarm** - means an alarm system or device that generates an audible sound.
- F. **Automatic Dialing Digital Alarm Communicator System** - means a system in which signals are transmitted from a digital alarm communicator transmitter located at a protected premises through the public switched telephone network to a digital alarm communicator receiver at a central alarm station or the Tri-Com Communication Center.
- G. **Automatic Dialing Telephone Alarm** - means a device that automatically dials any of the Tri-Com Communications Center emergency telephone lines, without human activation of the device by the alarm user or employee of the alarm user, upon detection of an unauthorized entry or other unauthorized activity at a protected premise.

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- H. **Calendar Year** - means a 12-month period beginning January 1 and ending December 31 every year.
- I. **Central Alarm Station** - means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded at, or maintained and serviced from a place of business having trained alarm operators in attendance at all times.
- J. **Chief of Police** - means the city of St. Charles Chief of Police or his designee.
- K. **City** - means city of St. Charles.
- L. **False Alarm** - means activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm user or alarm user's employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual or attempted burglary or robbery exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user will be considered in determining if an alarm activation was false and whether or not any occurrence, fine, warning or other punitive action will be taken against the alarm user as provided for by this ordinance.
- M. **Mayor** - means the city of St. Charles Mayor or his designee.
- N. **Notice** - means written notice given by personal service upon the addressee, or, given by the United States Postal Office, postage paid, to the addressee's last known mailing address.
- O. **Permittee** - means any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the city.
- P. **Person** - means a natural person, or a firm, partnership, corporation, association, organization, company, or other entity.
- Q. **Prerecorded telephone message** - means a prerecorded voice message transmitted or received over a telephone line.
- R. **Protected premises** - means any building, structure, or facility where an alarm system is installed to signal the occurrence of any actual or attempted entry or entry to which the police are expected to respond.

### 9.05.030 Permit Required.

- A. It is unlawful for any person, firm, partnership, corporation or other entity to use, own or lease an alarm system or to be in control of a protected premise wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.
- B. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a protected premises wherein an alarm system is operated or maintained when a permit therefore has been revoked.
- C. A permit must be obtained for each separately addressed operating location.
- D. No fee shall be charged to obtain an alarm user permit.
- E. All permits issued are valid indefinitely unless revoked.

### 9.05.040 Permit Application.

- A. Each applicant for a permit to maintain an alarm system shall file a written application with the Police Department stating:
  1. The full legal name, address and telephone number of the applicant.
  2. The name, address and telephone number of the proposed protected premises where the alarm is located.
  3. The type of alarm system at the protected premises.

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4. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the protected premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
  5. The name, address, and telephone number of the alarm company that installed the alarm.
  6. The name, address, and telephone number of the alarm company that is responsible for the maintenance and repair of the alarm system, if applicable.
- B. Incomplete applications shall be returned to the applicant:
1. A permit will not be issued until the completed application is received and approval for the permit has been granted by the Chief of Police.
- C. An application for an alarm user permit shall be denied if:
1. The applicant has failed to pay false alarm fees required by this ordinance for a different protected premises under the applicant's ownership or control.
  2. The applicant has failed to comply with any provisions of this ordinance or other ordinances of the city.
- D. The Chief of Police shall be responsible for processing and issuing alarm user permits.

### **9.05.050 Alarm Activation at a Protected Premises Where an Alarm User Permit has not Been Issued.**

Each notice to the Police Department of an activation of a burglary or robbery alarm system at the protected premises protected by an alarm which is not permitted shall be considered a separate violation of this chapter and any alarm user who does not have a valid alarm user permit will be assessed a fine in the amount of \$300.

### **9.05.060 Updating Alarm User Application.**

It is unlawful for any alarm user to fail or refuse to amend its alarm user permit application within 14 days after any of the information required and obtained therein becomes outdated or inaccurate.

### **9.05.070 Transfer of Alarm User Permit Prohibited.**

An alarm user permit cannot be transferred to another premises or to another person.

### **9.05.080 Audible Alarm System Requirements.**

An alarm system that emits an audible signal that may be heard by persons outside the protected premises, structure or facility shall conform to the following requirements:

- A. No audible alarm system shall create a sound similar to that of the city's Civil Defense Warning System.
- B. Audible alarm systems shall automatically discontinue emitting an audible alarm within 10 minutes after it is activated.
- C. With respect to systems in existence prior to March 1, 1996, the owner or operator thereof shall have until May 31, 1996, to effect the necessary modifications to comply with the requirements in this chapter.

### **9.05.090 Automatic Dialing Telephone Alarm Requirements.**

No individual, firm, partnership, corporation, association, organization, company, or other entity shall use or cause or permit to be used or engage in the business of providing any telephone device and telephone attachment that automatically activates 911 lines connected to any Regional Communications (PSAP) Public Answering Point telephone, and then reproduce any voice message to report a burglary or robbery. Further, any individual, firm, partnership, corporation, association, organization, company, or other entity who is

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presently connected or engaged in the business of providing telephone devices or attachments that automatically activate the aforementioned 911 lines shall have until May 31, 1996, to have the alarm lines reprogrammed, removed, or deactivated.

### **9.05.100 False Alarms Prohibited.**

It is unlawful for any person to knowingly activate an alarm system for the purpose of summoning the Police Department except if such person knows or suspects that there is an actual or attempted burglary or robbery on the premises.

### **9.05.110 False Alarms - Fines - Notifications.**

- A. Any alarm user permittee who has more than two false alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:
  - Three false alarms: \$25 fine per false alarm
  - Four-five false alarms: \$50 fine per false alarm
  - Six-nine false alarms: \$100 fine per false alarm
  - More than ten false alarms: \$300 fine per false alarm
- B. Any individual, firm, partnership, corporation, association, organization, company or other entity in control of a protected premises where an alarm system is located accused of a violation of this article may settle and compromise the claim or violation by paying to the city, within ten (10) days of the time such alleged violation or offense was committed, the amount set forth in paragraph A above. Payment of such claim or claims shall be made at the police station of the city. In the event such claim or claims are not paid within ten (10) days of the alleged offense, or if the alarm user otherwise contests the validity of the claim, a complaint, notice to appear in court, or a warrant may be issued for the alleged violation.
- C. The Chief of Police shall notify the alarm user, in writing, of each instance wherein the Police Department has recorded a false alarm. The alarm user shall have the opportunity, within 14 days from the date of mailing or personal delivery, to submit a report or meet with the Chief of Police for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Chief of Police shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record will be voided. The finding of the Chief of Police shall be final.

### **9.05.120 Permit Revocation.**

- A. Any alarmed premises which has more than 10 false alarms within a calendar year shall subject the alarm user to permit revocation as provided herein.
- B. If city records show more than 10 false alarms within a calendar year for any alarmed premises:
  - 1. The Chief of Police shall notify the alarm user by certified mail or personal delivery, that their alarm permit shall be revoked 30 days from the date of mailing or personal delivery. The alarm user shall have 14 days from the date of mailing or personal delivery to submit a written report to the Chief of Police describing actions taken or to be taken to identify and eliminate the cause of the false alarms and to request that their alarm user's permit be reinstated.
  - 2. If the alarm user submits a report requesting reinstatement of their alarm user's permit, the Chief of Police shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms; if he determines that the action will substantially reduce the likelihood of false alarms, he shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm user's permit has been approved.

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3. If the alarm user's permit is reinstated and the Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Chief of Police shall proceed with the permit revocation process again as described in this Section 9.05.120. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false alarm through the remainder of the calendar year.
  4. If the Chief of Police determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The Chief of Police shall give notice by certified mail or personal delivery to the user that the permit will be revoked without further notice.
  5. An alarm user whose permit has been revoked by the Chief of Police may, within 14 days of receipt of notice of revocation, appeal this decision by filing a written request for a review meeting with the Mayor.
  6. If a review meeting with the Mayor is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Mayor by certified mail or personal delivery within 14 days of the request by the alarm user.
  7. The Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross examination by both parties.
  8. If the Mayor determines that the user has not taken action which substantially reduces the likelihood of false alarms, the Mayor shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit.
  9. If the Mayor determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the Mayor shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.
  10. If the alarm user's permit is reinstated, pursuant to the preceding paragraph 9 and the Police Department responds to a subsequent false alarm activation in the same calendar year at the protected premises, the Chief of Police shall proceed with the permit revocation process as described in this Section 9.05.120. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false alarm activation through the remainder of the calendar year.
- C. Any alarm user permittee who fails to pay fines or charges provided for under this Chapter within 30 days from the date of the invoice requesting payment of same, shall have the subject alarm user's permit revoked. Any such alarm user permit shall not be reinstated until all the unpaid fines and fees are paid in full.

### **9.05.130 Testing Equipment.**

No person shall conduct or cause to be conducted, any test or demonstration of any alarm system or signalling device that is directly connected to the Tri-Com Communications Center without first obtaining permission from Tri-Com. Permission to test shall not be required when the alarm system or signalling device is connected to an intermediary receiver and is not relayed to the Tri-Com Communications Center.

### **9.05.140 No Liability of City.**

The city assumes no liability for any defects in the operation of any alarm system or signal line system for any failure or neglect of any person associated with the installation or maintenance of any alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals, or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the city finds it necessary to revoke an alarm user's permit or to otherwise provide for the disconnection of any alarm system, the city shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this ordinance or by virtue of the issuance of an alarm system permit, the direct connection of an

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alarm system to the Tri-Com Communication Center, or as a result of the transmission to or receipt of alarm signals by the Tri-Com Communications Center.

### **9.05.150 Severability.**

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this chapter in the application of such provision to other persons or circumstances but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the City Council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not been included.

### **9.05.160 Penalty for Violation.**

Any person, firm, or corporation violating any provisions of this chapter in addition to the fees and specific fines established in this Chapter 9.05, may be fined as provided in Chapter 1.08 or as otherwise provided in this code. Each day during which a violation in this chapter continues or is permitted to exist shall be considered a separate and distinct offense.