

ORDINANCE 6-1996

AN ORDINANCE REGULATING THE INSTALLATION AND USE OF AUTOMATIC AND MANUAL ALARM SYSTEMS IN THE TOWN OF MOORESVILLE, INDIANA

WHEREAS, the Town of Mooresville through its Police and Fire Department are required to answer signals from alarm systems within the jurisdiction of the Town of Mooresville; and,

WHEREAS, many alarms that come into the Mooresville Police Department are false alarms; and,

WHEREAS, it is one of the purposes of this Ordinance to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the Town's commitment of law enforcement resources required to answer these false alarms; and,

WHEREAS, the Town of Mooresville is desirous to curtail the loss to the Town and its taxpayers cost by the dispatchment of police officers and fire department officials because of false alarms; and,

WHEREAS, it is desirous to reduce the loss of resources to answer false alarms and allow both the Police and Fire Department to direct their manpower to more constructive matters; and,

NOW, THEREFORE, BE IT ORDAINED:

SECTION I **PURPOSE AND DEFINITIONS**

1. It is hereby declared to be the purpose of this chapter to reduce the number of false alarms activated by private emergency alarm systems and to provide a more effective means of dealing with and servicing calls from private emergency alarm systems.
2. The following definitions shall be applicable for the purposes of this Ordinance:
 - A. Alarm Equipment Supplier: Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices which transmit alarms upon receipt of a stimulus from a detection apparatus or manually operated system.
 - B. Alarm Conditions: Alarms activated by unlawful violation of a user's property or other violations that the systems were designed to protect against, acts of God, other violent conditions or by outside agencies of

external forces not under the control of the owner, lessee or his employee or agent.

- C. Alarm User: Any person on whose premises an alarm system is maintained within the Town of Mooresville except for alarm systems on motor vehicles. Also included are those systems which employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.
- D. Alarm System: An assembly of equipment and devices such as a solid state unit, arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department are expected to respond. Alarm system does not include an alarm installed on a vehicle. This section does include alarms with an externally audible alert.
- E. Central Station: A facility whose prime purpose is to monitor incoming alarm signals twenty-four (24) hours a day and relay the signal information to the appropriate authorities.
- F. Direct Line: A telephone line or other line leading directly into the communications center of the Police Department that is for use only to report signals on a person-to-person basis.
- G. False Alarms: The activation of an alarm system caused by improper operation, negligence of the owner or lessee or his employee or agent or equipment malfunction.
- H. Local Alarms: A signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.
- I. Person: Any individual, partnership, corporation, association, or society, but such term does not include the Town of Mooresville.
- J. Police Chief: The Chief of the Police Department of the Town of Mooresville, or his authorized representative.
- K. Public Trunk line: A telephone line leading into the communications center of the Police Department that is for the purpose of handling emergency and administrative calls on a person-to-person basis.
- L. Signaling Device: An electrically operated instrument, which automatically sends visual and/or audible signals to be registered by indicators at a monitor panel at the receiving terminal or central station.
- M. Town: Town of Mooresville

SECTION II **PERMITTED DEVICES**

No person shall use or cause or permit to be used, an alarm system utilizing signaling devices that automatically select a public trunk line of the Police Department of the Town of Mooresville and then reproduce any pre-recorded message to report any robbery, burglary, fire or other emergency. No person shall use or cause or permit to be used, an alarm system utilizing an automatic signaling device through a public trunk line

of the Mooresville Police Department that does not automatically disengage upon answering the signal.

With the exception of local alarms, only signaling devices shall be permitted to be installed in the Town for the purpose of reporting any robbery, burglary, fire or other emergency to the Police Department of the Town.

SECTION III **MONITORING SYSTEM**

The Town Council for the Town of Mooresville is authorized to contract for and maintain the installation of a uniform monitoring system (Board) to receive visual and audible signals over direct lines. Fees shall be set by the Town Council for this service.

SECTION IV **PERMIT REQUIRED**

No alarm user shall install, operate or maintain an alarm system in the Town without first obtaining a permit as required below.

Any alarm user who operates an alarm system without first obtaining authorization as required by this Section, or who, after having an authorization revoked, fails to disconnect his alarm system, shall be in violation of this Ordinance.

SECTION V **APPLICATION FOR PERMIT**

Applications for permits to install, maintain and operate an alarm system shall be filed with the Clerk/Treasurer of the Town of Mooresville and thereafter renewable on an annual basis by January 15 of each year. The alarm user applying for the authorization required shall state on the application form his name, the address of the business or business in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local, burglar signaling device, holdup signaling device, fire signaling device) the alarm equipment supplier selling, installing monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least two (2) other persons (in the case of a corporate alarm user applicant, at least three (3) persons) who can be reached at any time, day or night, and who can open the premises in which the system is installed. The alarm user shall update any changes in the name, residence, address or phone number of the person or persons who can be reached at any time who is authorized to deal with police authorities and who can open the premises in which the system is installed. The information contained in an alarm user authorization application required by this Section and other information received by the Police Chief through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection by the Police Chief or Town Employees specifically assigned the responsibility for handling and processing alarm user authorization application or in correspondence or communications with an alarm user to

any other person for any purpose not related to this Ordinance or official law enforcement matters without the express written consent of the alarm user supplying such information. The Clerk/Treasurer shall approve such application if the Clerk/Treasurer finds that the equipment does comply with the standard of the Underwriters Laboratories, the National Fire Protection Association, Factory Mutual, Canadian Standards Association, or equal. At the time the Clerk/Treasurer approves the application she will issue a plastic insignia with permit number which shall be displayed in a conspicuous are on the property or as specifically directed by the Chief of Police.

For the year 1996 applicant shall have sixty (60) days from the date of passage of this Ordinance to obtain their permit.

SECTION VI **INSPECTION**

The Chief of Police or his duly appointed representative (including a representative of the Fire Department) shall have the right to inspect any alarm system on the premises where it is intended to be used, both prior to and subsequent to the issuance of a permit, at reasonable times to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this Ordinance. Every alarm user authorization under this Section will be required to have its alarm system inspected at least once a year by an alarm equipment supplier, licensed by the Town and post a certificate of such inspection on the premises in plain view where the alarm system is maintained.

SECTION VII **LOCAL ALARMS**

Local alarms with an externally audible alert shall not make a sound similar to that of Civil Defense warning systems and such alarms in residential districts must have an automatic cutoff after fifteen (15) minutes of sounding.

SECTION VIII **TESTING OF EQUIPMENT**

No alarm system designed to transmit alarm conditions directly to the Police Department shall be tested or demonstrated without first obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting alarm conditions directly to the Police Department, unless the alarm conditions are to be relayed to the Police Department.

Failure to notify the Police Department prior to testing an alarm system shall constitute a false alarm.

SECTION IX
FALSE ALARMS AND FINES

Any alarm user having false alarms at a specific site within a calendar year shall be subject to warning, fines and suspension or loss of permit depending on the number of false alarms at a specific site emitted from an alarm system at that specific location within the year based upon the following schedule:

Number of False Alarms	Action Taken
1 – 3	either written notice of false alarm or Warning letter
4 – 5	Fine not to exceed Twenty-Five Dollars (\$25.00)
6-10	Fine not to exceed Fifty Dollars (\$50.00) and or notice of possible revocation or suspension of permit
Above 10	Fifty Dollar (\$50.00) fine and/or suspension of permit

All suspensions shall be at the discretion of the Police Chief of the Town of Mooresville and reinstatement of permits shall likewise be at the discretion of the Police of Chief based upon evidence that the problems with the false reports have been cured. The failure to pay fines pursuant to Section IX shall also likewise constitute grounds for revocation of the permit granted pursuant to this Ordinance. In the event that all suspensions the Police Chief shall give a written notice fifteen (15) days prior to the suspension and during that time period the alarm user shall be allowed to show what reasonable steps have been taken to eliminate or reduce the false alarms and if sufficient steps have been taken, the Police Chief shall delay the suspension of the permit as long as no false alarms are reported within the next thirty (30) days. This shall not relieve the alarm user from the payment of fees for false alarms within this time period the Police Chief shall review the permit and make a determination of the status of the permit pursuant to this Section and either terminate the permit or grant the alarm user an additional fifteen (15) days to discover and eliminate the cause or causes of the false alarms.

Any alarm user having failed to obtain a permit as required under Section V of this Ordinance or who has failed to display the plastic insignia with the permit number on it as required under Section V shall be subject to a Twenty-Five Dollar (\$25.00) fine for violation of this Ordinance. Violations shall be enforced by the Police Chief of the Town

of Mooresville or one of his Town Marshals or duly appointed representatives including the Mooresville Fire Department representative who shall execute the ticket and cite it into the Mooresville Town Court.

SECTION X
REVOCATION OF PERMIT

A. False alarms on more than ten (10) dates in one (1) calendar year from any alarm system (at one specific site) for which alarm user authorization has been obtained, six (6) or more false alarms in any six (6) month period (at one specific site), or failure to pay the fine pursuant to Section IX of this Ordinance may constitute grounds for revocation of the permit granted subject to provisions of this Section.

B. After the Police Department has recorded false alarms on four (4) dates in any ninety (90) day consecutive period from any authorized user at one specific site, it shall notify the authorized alarm user, (with a copy to the alarm equipment supplier), specifically those persons authorized to deal with police authorization and inform them of the facts and ask that they within fifteen (15) days, submit a written report describing efforts to discover and eliminate the cause or causes of the false alarms.

If the authorized alarm user fails to submit a report within (15) days or such longer period as the Police Chief may reasonably grant or if by said report, the alarm user fails to show that he has taken or will take reasonable steps to eliminate or reduce false alarms, the police Chief may revoke the alarm user's authorization.

C. When alarm conditions are received by the Police Department that evidence a failure to comply with the requirements of this Ordinance, the Police Chief is authorized to demand that the owner or lessee of such device, his representative, disconnect such device until it is made to comply with the requirements of this Ordinance.

D. The Police Chief may revoke or suspend any alarm permit issued pursuant to the provisions of this Ordinance after giving written notice to the alarm user and an opportunity for the alarm user to effect compliance within fifteen (15) days if he determines that the alarm system under said permit has been installed, maintained or operated in violation of this Ordinance or of any term or condition of said permit, or if any fine is unpaid.

E. An alarm system user whose authorization has been revoked is not precluded under this Section from applying for a new authorization pursuant to Section V of this Ordinance. Provided, however, that before a new permit is issued, the Clerk/Treasurer shall have a report from the Police Chief as hereinafter defined and in addition, all fines are due must be paid and the system

corrected from any deficiencies. Before the Clerk/Treasurer shall issue a new permit, the Police Chief shall make reasonable efforts to determine that the alarm user's system has been properly serviced and its deficiencies corrected. The Police Chief shall notify the Clerk/Treasurer that the alarm system meets all requirements and that the system has been corrected from its previous deficiencies and upon all fines being paid, the Clerk/Treasurer shall then issue a new permit provided all requirements of Section V of this ordinance are complied with.

Any person effected by the Police Chief's order to disconnect or by the Police Chief's refusal to certify to the Clerk/Treasurer that the system currently meets all requirements, shall have the right to request the Mooresville Town Council to review the decision or action taken by the Police Chief by requesting review within ten (10) days after any adverse action or decision has been made by the Police Chief. The Town Council is given the authority to either affirm, modify or reverse any decision made by the Police Chief.

SECTION XI **DISCONNECTION**

In the event the Town finds it necessary to order a defective alarm system disconnected, the Town shall incur no liability by such action to the extent allowed by law.

SECTION XII **DIRECT LINE SYSTEMS**

The Town of Mooresville may provide a direct line alarm system monitored at the Police Department for certain commercial users that pay a fee to the Town of Mooresville for this service on an annual basis in the amount of Six Hundred Dollars (\$600.00) per year for their direct line alarm system being monitored and an additional Three Hundred Dollars (\$300.00) per year for any additional direct line alarm systems being monitored by the same commercial user. This fee shall be reviewed and set by the Mooresville Town Council with annual fees to be paid in the month of January for each direct line user, however, the year of 1996 the amount shall be paid within thirty (30) days from the date of billing. The Town of Mooresville shall have the right to limit the number of direct line users based upon manpower and equipment with all of such decisions to be made by the Mooresville Town Council. Direct line commercial users shall be required to obtain a permit pursuant to Section V of this Ordinance and shall likewise be subject to all penalties including fine and/or suspensions set out under Section IX False Alarms and fines of this Ordinance.

SECTION XIII
REPEAL

All ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed as they conflict herewith.

SECTION XV
PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with or who resists law enforcement of any provisions of this Ordinance shall upon conviction be fined not less than Twenty-Five Dollars (\$25.00) and no more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Any person violating any section of this Ordinance in lieu of being charged for said violation in a court of competent jurisdiction may pay within (5) days after receiving notice of a violation to the Mooresville Clerk/Treasurer, the sum of Twenty-Five Dollars (\$25.00) provided, however, if said amount is not paid within five (5) days after being advised of the violation of his right to pay in lieu of being charged, said person shall be charged with the violation in accordance with law in a court of competent jurisdiction.

Anyone charged with a violation of this Ordinance may be granted a two (2) week continuance to pay the amount to the Clerk/Treasurer before being charged with a violation in a Court of competent jurisdiction provided the continuance is granted either by the Clerk/Treasurer or by the Police Chief of the Town of Mooresville. Any person paying to the Clerk/Treasurer the fine as called for herein within the time allowed or any extension allowed, shall not be subject to the per day violation provision of this Ordinance.

It shall be the duty of the Police Department to furnish a copy of the citation to the Town Clerk/Treasurer within seventy-two (72) hours after the issuance of the citation.

SECTION XVI
EFFECTIVE DATE

That this Ordinance shall become and be effective upon its passage, approval and publication in the manner prescribed by law.

PASSED AND ADOPTED by the Town Council of the Civil Town of Mooresville, on the 15th day of July 1996.

Mooresville Town Council

Toby Dolen
James Hensley
Mark Mathis
Andy Pygman
William Wright

Attest: Sandra Perry, Clerk-Treasurer