

CHAPTER 969
Alarm Systems

- 969.01 Definitions.
- 969.02 Alarm user permit required.
- 969.03 Application for alarm user permits.
- 969.04 Renewal.
- 969.05 System standards.
- 969.06 Alarm validity determination.
- 969.07 False alarm prohibited.
- 969.08 Revocation of alarm user permit.
- 969.09 Liability of City.
- 969.10 Appeal of false alarm determination.

- 969.99 Penalty.

CROSS REFERENCES

Making false alarms - see GEN. OFF. 517.07

969.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section:

- (a) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal audibly, visibly or electronically, to a location outside the structures protected by the system or to a monitoring station which in turn notifies the appropriate agency, the occurrence of an illegal entry or other activity requiring urgent attention to which the Division of Police or the Division of Fire is expected to respond, but shall not include alarms installed in motor vehicles.
- (b) "Alarm user" means the person, partnership, corporation or any other entity in control of any building, structure or facility, or any portion thereof, which is intended to be protected by an alarm system.
- (c) "Alarm user permit" means a permit issued by the City allowing the operation of an alarm system within the City.
- (d) "Appropriate Chief" means the Westerville Chief of Police or the Westerville Fire Chief.
- (e) "Audible alarm" means any alarm system which is designed to emit its signal by bell, whistle, siren or other device to the immediate area near the structure which it protects. An audible alarm shall be considered as such whether or not it transmits a signal to an additional location.
- (f) "Automatic dialer" means any alarm system which is designed to emit its signal directly to the Division of Fire by means of dialing a telephone number at the Division of Fire and giving a tape recorded message or synthesized voice message, intended to elicit a response.
- (g) "False alarm" means an alarm system signal or message eliciting an urgent response by the Division of Fire or the Division of Police when a situation requiring such response by the police or fire does not in fact exist. An alarm which has been activated as a result of testing or repair shall not be considered as a false alarm if prior notification has been given the day of such repairs or test to

the agency which the alarm would signal. An alarm which has been activated shall not be considered as a false alarm if the responding public safety division receives a request to cancel. Such request must be made to the same location as the request for service and must be received prior to the dispatching of any units or equipment.

(h) "Interconnected alarm system" means an alarm system which directly or indirectly, automatically or manually, uses a telephone line to transmit an alarm or message upon activation of the alarm system, including automatic dialing devices and building alarms connected to a private central operator who reports alarm calls to the Fire Division of the City.

(Ord. 87-82. Passed 12-15-87.)

969.02 ALARM USER PERMIT REQUIRED.

(a) No person shall install, operate or allow on the premises under his control the operation of an alarm system unless such person first obtains a valid alarm user permit. This requirement shall be the responsibility of the owner unless the occupant of the property is different from the owner, in which case it shall be the responsibility of both.

(b) If an alarm user has more than one alarm system protecting two or more separate structures having different addresses, a separate permit shall be required for each system. All addresses shall be stated on the alarm user application.

(c) No posting of the alarm user permit or the posting of any other evidence of registration shall be required.

(d) Any party holding a previously issued valid alarm permit as of the effective date of this section shall apply for an alarm user permit within thirty days.

(Ord. 87-82. Passed 12-15-87.)

969.03 APPLICATION FOR ALARM USER PERMITS.

(a) Applications for alarm user permits shall be made on forms provided by the Chief of Police or the Fire Chief. The application shall include the name, address and telephone number of the applicant and the name, address and telephone number of the property to be serviced by the alarm, and the name, address and telephone number of the owner of the property (including business phone number) and central station phone number of applicant's alarm company, if any.

(b) Each application for an alarm user permit for an alarm system which pertains to a residence shall provide at least one other name and telephone number of a person to be contacted in case of an emergency when the user is unavailable. Each application for an alarm user permit for an alarm system which pertains to a building, structure or facility other than a residence shall provide at least three such names, unless such facility employs less than three persons. An alarm monitoring company name may be substituted for one of the required names, if a contractual arrangement exists between the user and the monitoring company.

(c) Each holder of an alarm user permit shall, within ten days of any change of the information on the alarm user permit application, notify the Chief of Police or Fire Chief in writing of any and all changes in the information on the application.

(d) Each application for an alarm user permit shall contain an agreement to submit to the assessment schedule given in Section 969.07. Failure to agree to this provision shall be cause to deny issuance of an alarm user permit or, if one has been issued shall be cause to revoke any such alarm user permit.

(e) The following fees shall be charged for permits issued pursuant to this chapter:

(1) Interconnected alarm systems connected to the City central alarm panel fifty dollars (\$50.00) per calendar year.

(2) Residential alarm systems not connected to City central alarm panel no charge.

(3) Commercial alarm systems not connected to the City central alarm panel - twenty-five dollars (\$25.00).

(4) An alarm panel connection fee of seventy-five dollars (\$75.00) shall be charged for the initial connection to the central alarm panel.

(f) The information contained in an alarm user permit application shall be securely maintained and restricted to inspection only by the Chief of Police, Fire Chief, or their designated representatives.

(Ord. 91-34. Passed 6-4-91.)

969.04 RENEWAL.

(a) The Division of Fire or the Division of Police shall mail to each alarm user permit holder a notice of expiration not less than thirty days before the expiration of the alarm user permit. This notice shall be sent to the service address provided on the alarm user permit application and shall include a form on which renewal may be requested.

(b) Renewal of an alarm user permit shall be accomplished by signing the renewal form and returning it to the Division of Police or the Division of Fire, with the renewal fee prior to the expiration of such permit. The signature shall certify the accuracy of the information currently on file regarding the permit, or may correct or update such information and shall be signed by the alarm system user or any person listed on the application currently on file.

Changes in information given on the application for renewal which were not previously reported at the time of any such change which had not been ascertained by the Division of Police or the Division of Fire prior to the time of renewal shall not be subject to any action.

(c) All alarm user permits shall be valid from the date of issuance through December 31 of the calendar year in which they are issued.

(d) The fee for renewal shall be the amounts specified in Section 969.03(e).

(Ord. 87-82. Passed 12-15-87.)

969.05 SYSTEM STANDARDS.

(a) After December 31, 1987, no alarm user permit shall be issued for any alarm system which can be activated by a failure in the electrical current from the utility. Systems shall be equipped with a secondary power source which shall hold the alarm readiness for a minimum of 120 minutes or shall be rendered inoperable by such power interruption.

(b) After December 31, 1987, no alarm user permit shall be issued or renewed for any audible alarm or automatic dialer alarm system designed to detect an intrusion which does not have an automatic cutoff which discontinues the alarm signals within fifteen minutes after activation.

(c) After December 31, 1987, no alarm user permit shall be issued by the Division of Police for any new installation of an automatic dialer alarm system and any current automatic dialer alarm systems reporting to the Division of Police shall be terminated by the alarm user by December 31, 1987.

(d) The Fire Chief may designate a specific telephone number for the Division of Fire to which all automatic dialer alarm systems signals and all alarm monitoring company calls must be directed.

(e) The equipment shall meet standards as set forth by the State and the appropriate chiefs and the applicants may be required to submit evidence of the reliability and suitability of the equipment to be installed.

(f) The Chief of Police or Fire Chief may require that repair or adjustments be made whenever he has determined that such are necessary to assure proper operation. The user's permit shall be suspended until such repairs or adjustments are made.

(Ord. 87-82. Passed 12-15-87.)

969.06 ALARM VALIDITY DETERMINATION.

(a) Whenever an alarm is activated, requiring an emergency response to the location by the Division of Fire or the Division of Police, a police officer or firefighter who responded to the alarm address shall inspect the areas protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system.

(b) If the inspecting police officer or firefighter determines the signal to be a false alarm, the police officer or firefighter shall make a report of the false alarm to their respective chief. A warning citation will be issued to the holder of the user's permit after the third false alarm in a calendar year.

(c) If two false alarms are received in any twenty-four hour period from the same location, it shall be presumed that any subsequent alarm received is also a false alarm. The user's permit will be temporarily suspended until such time as any of the parties specified in the alarm permit responds satisfactorily to the appropriate chief as to the reason for the false alarm.

969.07 FALSE ALARM PROHIBITED.

- (a) Each false alarm response shall constitute a separate false alarm, whether police or fire response is elicited. Any response to a false alarm to a City address by another agency, in lieu of response by Westerville agencies, as a result of mutual aid or automatic response agreements, shall constitute a false alarm.
- (b) No service fee shall be assessed for the first three false alarms per calendar year for each alarm user permit.
- (c) Each false alarm in a calendar year in excess of three false alarms and up to and including six false alarms transmitted by an alarm system for which a valid alarm user permit is in effect, shall be assessed by the appropriate chief or his designee, a service fee of fifty dollars (\$50.00).
- (d) Each false alarm in a calendar year in excess of six false alarms, transmitted by an alarm system for which a valid alarm user permit is in effect, shall be assessed by the appropriate chief or his designee, a service fee of one hundred dollars (\$100.00)
- (e) No person who is either the holder of an alarm user permit or responsible for the alarm system operation shall negligently allow such alarm to register seven or more false alarms within a calendar year.

(Ord. 87-82. Passed 12-15-87.)

969.08 REVOCATION OF ALARM USER PERMIT.

- (a) An alarm user permit shall be reviewed for possible revocation by the appropriate chief or his designee for any of the following reasons:
 - (1) Any false alarms in excess of six false alarms in a calendar year.
 - (2) Failure to remit the service fee required by Section 969.07 within thirty days of receipt of invoice.
 - (3) Falsification of any information on an application for issuance or renewal of an alarm user permit.
 - (4) Failure to notify the appropriate chief of changes in permit information as required by Section 969.03(c).
 - (5) Failure to direct all automatic dialer alarm system signals to the telephone number designated by the Fire Chief as provided in Section 969.05(d).
- (b) After review, the appropriate chief may recommend to the City Manager revocation of the alarm user permit for up to six months. The City Manager shall approve or disapprove the recommendation and notify the permit holder accordingly.

(Ord. 87-82. Passed 12-15-87.)

969.09 LIABILITY OF CITY.

The issuance of any permits in conjunction with this chapter shall not constitute acceptance by the City of any liability to maintain any equipment to answer alarms, or for anything in connection therewith. The City specifically reserves the right to not respond to an alarm received from an alarm system which does not hold a valid alarm user permit or which has been revoked.

(Ord. 87-82. Passed 12-15-87.)

969.10 APPEAL OF FALSE ALARM DETERMINATION.

- (a) Upon receipt of a warning citation as provided in Section 969.06 or upon receipt of notice of any service fee assessment as provided in Section 969.07, the alarm user may elect to respond in writing to explain the actual cause of such alarm(s). Such response must be submitted to the Chief of the department from which the citation or service fee was issued within ten days from the date of mailing of the citation or service fee assessment. If the appropriate Chief upholds the false alarm determination(s), the alarm user may request an appeal. Any request for appeal shall be made in writing and received by the appropriate Chief within ten days from the date of mailing or the delivery of the determination.
- (b) A hearing officer shall be appointed by the appropriate Chief to hear appeals from the alarm user on the issue of whether the

alarm system(s) in question activated a false alarm(s), as defined in Section 969.01(g). The date, place and format of the hearing shall be determined by the hearing officer.

(c) At the hearing, the alarm user shall have the right to present evidence and testimony.

(d) The hearing officer shall make a decision whether to uphold or disallow the warning citation or the service fee assessment. The hearing officer shall notify the alarm user and the appropriate Chief within ten days from the date the hearing is concluded. The decision of the hearing officer is final.

(Ord. 89-18. Passed 6-20-89.)

969.99 PENALTY.

(a) Whoever violates Section 969.02(a) is guilty of a minor misdemeanor.

(b) Whoever violates Section 969.07(e) is guilty of a misdemeanor of the fourth degree.

(c) Whoever violates Section 969.07(c) or 969.07(d) shall be assessed the fee stated in that section and such false alarms shall be included for purposes of Section 969.08.

(d) All other violations of sections in this chapter shall be grounds for revocation of alarm user permits and shall carry no other penalty.

(Ord. 87-82. Passed 12-15-87.)