

ORDINANCE NO. 03-10

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>(Mayor, votes only in case of tie)</i>		
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	
KEIR A. SCUBES <i>Councilmember</i>	X	

**AN ORDINANCE CREATING PENALTIES FOR FALSE ALARMS
AND REQUIRING ALARM COMPANIES TO REGISTER**

WHEREAS, Spanish Fork City operates a Public Safety Department consisting of police, fire and ambulance service; and

WHEREAS, the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property, in light of (1) the traffic danger inherent in the emergency response of police and fire vehicles and (2) the danger caused by possible decreased caution on the part of emergency personnel responding where no actual emergency exists; and

WHEREAS, the City Council finds it necessary for the health, safety, and welfare of the citizens to enact the following provisions governing alarm systems;

NOW THEREFORE be it enacted and ordained by the Spanish Fork City Council as

follows:

I.

Spanish Fork Municipal Code, Chapter 44 of Title 9 is hereby enacted as follows:

Chapter 9.44. False Alarms

9.44.010. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning set forth herein:

- A. **Alarm business** means any person engaged in the business of installing, planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the City.
- B. **Alarm coordinator** means the individual designated by the Director of Public Safety Director to issue permits and enforce the provisions of this Article.
- C. **Alarm permit or permit** means a permit issued by the City that authorizes a person to operate an alarm system in the City.
- D. **Alarm system** means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a fire, robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:
 - 1. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
 - 2. Devices which are not installed, operated or used for the purpose of

- reporting an emergency to the Department of Public Safety;
3. Alarm devices affixed to motor vehicles; and
 4. Alarm devices installed on a temporary basis by the Department of Public Safety.
- E. **Alarm user** or **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 an alarm system is maintained.
- F. **Central station** means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.
- G. **Emergency** means the existence of a fire or the commission or attempted commission of a criminal action, or medical conditions requiring immediate response and/or action.
- H. **Emergency personnel** means peace officers, firefighters, paramedics and emergency medical technicians.
- I. **False alarm** means the activation of an alarm system which results in a response by the Department of Public Safety where an emergency does not exist and for which no evidence or indication of criminal activity, fire, or other hazard is discovered. False alarms shall include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summons emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm

signal caused by conditions of nature which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature which cannot be reasonably anticipated by the alarm user.

- J. **Local alarm** means any noise-making alarm device and any alarm which emits a visual signal such as a strobe light.
- K. **Person** means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

9.44.020. Registration Required to Operate Alarm Business.

- A. It is unlawful for any person to engage in the practice of an alarm business, alarm company or alarm agent in the City as defined in Utah Code Ann. §58-55-301(1953, as amended), without a valid license therefor issued in accordance with the provisions of Utah Code Ann. §58-55-301 et seq.
- B. No alarm business or alarm agent shall install any alarm system in the City unless the owner or lessee of the premises on which the alarm system is to be installed has a valid alarm permit issued by the City.

9.44.030. Unlawful to Operate an Alarm System without an Alarm Permit.

It shall be unlawful for any person to use, maintain, operate or be in control of any alarm system which has been installed in any building, structure, facility or portion thereof in the City without a valid permit therefor issued by the City.

9.44.040. Alarm Permits.

- A. An alarm permit shall be issued to an alarm user at no charge upon the filing of a completed alarm information card with the Department of Public Safety. A separate alarm permit is required for each alarm site.

- B. The alarm information card shall set forth the full name, address and telephone number of the following individuals and entities:
1. the alarm user;
 2. the person or licensed alarm system business installing, maintaining or servicing the system;
 3. the central station to which the alarm system is connected;
 4. three individuals who may be contacted by emergency personnel responding to an alarm, who have authority to act for the alarm user in granting emergency personnel access to any portion of the premises concerned, and who are knowledgeable in the basic operation of the alarm system.
- C. In the event that emergency personnel or representatives of the central station responding to an alarm are unable to contact any of the parties listed in the alarm information card due to outdated or inaccurate information provided by the user; or if none of the listed parties are available; or if the listed parties fail to respond to the scene within thirty minutes of notice, such failure shall be treated as a separate false alarm in addition to the alarm which prompted the police response.
- D. In addition to submitting the alarm information card, users of local alarm systems shall post, near the front entrance and near the alarm, at a position readable from ground level, a code number furnished by the alarm coordinator to allow reference to the alarm information card required by this section.

9.44.050. User Instructions.

Every alarm business selling, leasing, or furnishing to any user an alarm system which is

installed on premises located in the City shall furnish the user with written instructions that enable the user to operate the alarm system properly.

9.44.060. False Alarms.

A. For each false alarm to which emergency personnel respond in any calendar year, the alarm user shall be issued a warning or shall pay an administrative service fee to the City according to the following schedule:

First three false alarms:	Warning;
Fourth false alarm:	Fifty dollars(\$50.00);
Fifth false alarm:	Seventy-five dollars(\$75.00);
Sixth through ninth false alarms:	One hundred dollars(\$100.00);
Tenth and all subsequent false alarms:	Two hundred dollars(\$200.00).

B. Any person who uses, maintains, operates or is in control of any operational alarm system in the City while the alarm permit for such alarm system is suspended shall be guilty of a Class C Misdemeanor.

9.44.070. Right to Hearing and Appeal.

A. An alarm user shall have the right to request a hearing to contest the imposition of any penalty under this Article including the imposition of any fee, suspension of any permit, or the determination of a false alarm. A written request for a hearing must be filed by the alarm user with the Department of Public Safety within ten (10) business days of the date of mailing of the notice of imposition of the penalty. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address listed in the alarm user's alarm information card. The request for a hearing shall include the alarm user's name, address, telephone number, and a statement of the reasons for disputing the

imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm, the imposition of an administrative service fee, or suspension of a permit shall be considered final if the alarm user fails to request a hearing within the time period set forth above.

- B. The alarm coordinator shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of providing the existence of an emergency shall be upon the alarm user. Hearings shall be conducted informally. Formal rules of evidence and court procedure shall not apply. Because the hearings are administrative in nature, hearsay is admissible, but evidence must have some probative weight and reliability to be admitted.
- C. An alarm user may appeal the decision of the alarm coordinator to the City Council by filing a written request for a hearing with the City Recorder within ten (10) business days of the decision rendered in the initial hearing. If no request for an appeal hearing is made within the ten day period, the decision rendered in the initial hearing shall be considered final. The appeal hearing shall be in a public meeting. The City Council shall affirm, reserve, or modify the decision rendered in the initial hearing and the action taken in the appeal hearing shall be final.

9.44.080. Deliberate False Alarms.

No person shall cause any alarm to be transmitted to the Department of Public Safety

knowing the same to be false or without basis in fact. Central stations shall not request emergency personnel to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction. A first violation of this section shall be a Class C Misdemeanor. Any violation of this section which occurs within three years of a prior conviction of this section shall be a Class B Misdemeanor.

9.44.090. Local Alarm System-Cutoff Required.

Alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic cutoff-device which will terminate the audible or visual alarm within thirty minutes. However, this section shall not apply to fire alarms, strobe lights, and fire gongs.

9.44.100. Public Safety Call Records.

Alarm businesses which request the response of emergency personnel to alarm signals shall maintain a record of all alarms reported to the Department of Public Safety, stating the time, date and location of the alarm and the name, address and phone number of the alarm user from which the alarm originated. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the Director of Public Safety or his/her designated representative at any time during normal business hours.

9.44.110. Administration and Enforcement.

The Director of Public Safety shall have power to make such reasonable rules and regulations as may, in the discretion of the Director of Public Safety, be deemed necessary to implement the provision of this chapter.

9.44.120. Operational Defects to be Remedied.

- A. The sensory mechanisms used in connection with alarm systems shall be adjusted

to suppress false alarms so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, radio frequency energy, non-intrusive motion or other forces unrelated to genuine alarms.

- B. All components of an alarm system must be maintained in good repair by the alarm user so as to assure reliability of operation.

9.44.130. Automatic Dialing and Prerecorded Message Alarm Systems Unlawful.

It is unlawful to maintain, operate, connect or allow to be maintained, operated or connected, any alarm system or automatic dialing device which automatically dials the Department of Public Safety and then relays any prerecorded message indicating the existence of an emergency situation.

9.44.140. City Liability Limitations.

Nothing in this Article shall create or be construed to create a duty upon the Department of Public Safety or the City to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service from the Department of Public Safety, may be responded to within the resources of the Department of Public Safety in light of other responses required by the Department of Public Safety at the time of the alarm.

9.44.150. Violation Penalty.

Unless otherwise provided in this Chapter, the failure of any person to comply with the requirements of this Chapter shall constitute a Class C Misdemeanor.

II.

This ordinance shall become effective July 1, 2010.

DATED this 16th day of February, 2010


G. WAYNE ANDERSEN, Mayor

Attest:


KIMBERLY ROBINSON, City Recorder

