

**COUNCIL BILL NO. 2008-505****ORDINANCE NO. 2008-023**

**AN ORDINANCE** amending Article II, Alarm Services, of Chapter 50, Emergency Services, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the City does not have a fee established with registering an alarm and there is a cost of service associated with this function, and,

WHEREAS, the Council of the City of Joplin desires to establish a fee to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article II, Alarm Services, of Chapter 50, Emergency Services, be amended to read as follows:

**CHAPTER 50 EMERGENCY SERVICES\***  
**"ARTICLE II. ALARM SERVICES**

**Sec. 50-31. Intent and purpose of article.**

It is the intent and purpose of this article to provide minimum standards and regulations applicable to users and installers of burglar, fire, holdup and automatic telephone dialer alarms within the boundaries of the city, to provide penalties for noncompliance, and to encourage the proper and error-free installation and operation of protective alarm systems in all dwellings and commercial structures.

**Sec. 50-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is always mandatory and not merely directory.

*Alarm business* means the business by any individual, partnership, corporation, governmental unit or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system, in or on any building, structure or facility.

*Alarm system* means an assembly of equipment and devices, or a single device, such as a solid state unit, which may operate from a power source, arranged to signal the presence of a hazard requiring urgent attention and to which police, fire or medical personnel are expected to respond, also known as a police alarm device, fire alarm device, or medical alarm device.

*Alarm user* means any person who is lawfully in possession of any property or premises on which an operating alarm system is located.

*Answering service* means a telephone answering business providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the public safety communications department.

*Automatic dial protection device* means an electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion, or any emergency message indicating a need for emergency response.

*Burglary alarm system* means an alarm system signaling an entry or attempted entry into an area protected by the system.

*Central alarm station* means any facility which is manned at all times by trained operators employed to receive, record and validate alarm signals and to relay information about validated signals to the public safety dispatch room when appropriate.

*Direct alarm device* means any alarm device or system which transmits, by whatever means, its alarm signal from the location of the alarm to the public safety dispatch room or other dispatch facility without the last step in the transmission process being a live voice capable of two-way communication. This definition includes automatic telephone alarm devices connected to emergency line 911 or other telephone numbers. No direct alarm devices are authorized to the City of Joplin public safety dispatch facility. Upon receipt of a direct alarm device by the City of Joplin, the business or residence will have three (3) business days to remove the direct alarm device.

False alarm.

(1) False alarm means any alarm signal originating from a police alarm device, fire alarm device, direct alarm device or audible alarm device to which the police or fire department responds and which results from:

- a. False activation, including but not limited to reporting a robbery where no actual or attempted robbery has occurred, or reporting a burglar alarm where there is no evidence to substantiate an attempted or forced entry to the premises.
- b. Alarm malfunction, including mechanical failure or electrical failure.
- c. An alarm triggered by negligence of the subscriber or the subscriber's employee, including overly sensitive settings.

(2) An alarm will not be considered a false alarm if it is determined that the alarm was caused by:

- a. Natural or manmade catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions.
- b. Vandalism causing physical damage to the premises.

- c. Telephone line malfunction verified in writing to the director of communications by an authorized telephone company representative within seven days of the occurrence.
- d. Electrical service interruption verified in writing to the director of communications by an authorized electric utility representative within seven days of the occurrence.
- e. An attempted entry of a location that causes visible physical or other evidence of damage to the location.
- f. Severe weather causing physical damage to the premises.
- g. The test of a local alarm system by a licensed alarm business agent or employee who is present at the premises and is servicing, repairing or installing the alarm, when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds, and when the city police department or city fire department, whichever department is appropriate, has been notified prior to the test.

*Licensee* means any person who has, because of the operation of a central alarm station, become subject to the license requirements of this article.

*Local alarm device* means any alarm device which produces an audible signal at the premises where it is installed, whether by means of bells, horns, sirens or other mechanism, thereby notifying persons within audible range of the signal that the police or fire department should be notified. The alarm device may also produce a visual signal intended to be seen by others outside of the protected premises indicating that the police or fire department should be notified.

*Notice* means written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified, at his last known address. Service of such notice shall be effective upon completion of personal service, or upon placing the notice in the custody of the United States Postal Service.

*Permit/license year* means a calendar year beginning on January 1 and ending on December 31.

*Permittee* means any person who has, because of the use of a police alarm device, fire alarm device, medical alarm device or audible alarm device, become subject to the permit requirements of this article.

*Personal residence* means the principal place of abode of any alarm user who personally installs and operates an alarm system for the security of his own home.

*Primary trunkline* means a telephone line leading into the communications center of the public safety communications department that is for the purpose of handling emergency calls on a person-to-person basis, and which line is identified by a specific listing among the emergency numbers in the telephone directory issued by the telephone company serving the city.

*Proprietary system* means an alarm system sounding and/or recording and supervising signals to a control center being under the supervision of the proprietor of the premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a communications dispatch system, a central alarm station or an answering service, it thereby becomes an alarm system as defined in this section.

Sec. 50-33. Alarm user permit.

(a) Required. No person, either as principal officer, agent, servant or employee, shall possess or operate an alarm system which is designed to elicit, either directly or indirectly, a response by police, medical and/or fire personnel, without first obtaining a permit for such alarm system from the director of finance. Such permit shall be renewable annually on the calendar year for each successive permit/license year such system is possessed or operated. A permit shall not be required to operate local alarm systems affixed to motor vehicles.

(b) Registration fee. A registration fee of \$10.00 for a medical alarm device, \$25.00 for residential or \$50.00 for commercial for the alarm permit shall be required. The registration fee shall be due and owing upon initial application. The one-time registration fee will be valid per location and per the same owner.

(c) Compliance with fire code; inspection of system. No permits shall be issued for a new installation until a review of the alarm plan by the fire marshal (reference Section 58-68) has been completed and final inspections have been made and the work approved by the city fire marshal.

(d) Application. The permit shall be requested by an application provided by the director of finance, which shall include:

- (1) The address at which the alarm system is installed, not to include post office boxes.
- (2) The full name, address, telephone number, and age of the alarm user.
- (3) The full name, street address and telephone number of the owner of the property at which the system is installed.
- (4) A description of the alarm system, including whether it is equipped to cease admitting an audible alarm sound within 15 minutes of activation for property located within an area zoned residential or within 500 feet of an area zoned residential, and within 30 minutes of activation for property located within all other areas not zoned residential and not within 500 feet of an area zoned residential.
- (5) The full name, address and telephone number of the licensed firm installing, or which has already installed, the alarm system.
- (6) The date the alarm system was installed.
- (7) If the alarm system is serviced or maintained by someone other than the alarm user, the full name, address and telephone number of the person servicing or maintaining the alarm system.
- (8) If the alarm system is monitored by someone other than the alarm user, the full name, address and telephone number of the person monitoring the system.

(9) The name, address and telephone number of a person to be contacted by the police department or fire department if the alarm user is not available.

(10) Any other information required by the director of finance to facilitate compliance with this article.

(e) Change of occupancy of premises. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm user permit within 30 days of obtaining possession of the property.

(f) Changes in information. Whenever the information provided on the alarm user permit application changes, the correct information shall be provided to the director of finance within 30 days of the change.

(g) Confidentiality of information. Alarm user permit applications shall be confidential and shall be inaccessible to the general public and all persons other than the alarm user, the courts and law enforcement agencies.

(h) Governmental units. An alarm user which is a governmental political unit shall not be subject to the payment of any fees or the imposition of any assessment as provided in this article. Governmental units shall include private and public schools, municipal, county, state and federal entities.

(i) Temporary use of alarm system owned by police department. An alarm user which temporarily and in cooperation with the city police department possesses, maintains or controls an alarm system owned by the police department shall be subject to this section; provided, however, such alarm user shall not be subject to the payment of any fees or the imposition of any assessment as provided in this article.

(j) Posting of address numbers. It is in the best interest of safety and efficient service for the alarmed premises to provide address numbers which are clearly visible from a distance of 100 feet or more. The address numbers shall be posted to the left, right or overhead of the main entrance of the building, structure or facility, and if such building, structure or facility is on a corner lot, address numbers shall face the street named in the official address as designated by the United States Postal Service.

(k) Incomplete applications. Incomplete applications shall be returned to the applicant. No alarm user permit shall be issued until a completed application is received and approved by the director of communications and until the registration fee has been paid.

(l) Failure to pay fee. Failure of an alarm user to pay the registration fee as provided in subsection (b) of this section or to otherwise satisfy the fee shall be in violation of this article. Additionally, upon recommendation of the director of communications, future response by emergency services may be suspended after notification by certified mail to the resident or business of failure to pay fee.

Sec. 50-34. Grace period for false alarms.

False alarms reported or caused to be reported within the first 120 days, or five false alarms, whichever occurs first, following installation of a new alarm system shall not be considered for any purposes of sections 50-35 through 50-38, for the purpose of adjustments and corrections to the alarm system.

Sec. 50-35. Maximum length of audible signals.

(a) Local alarm systems located within an area zoned residential or within 500 feet of an area zoned residential shall automatically discontinue emitting an audible sound within 15 minutes of activation.

(b) An alarm system which emits an intermittent signal shall discontinue emitting an audible sound within 15 minutes of activation.

(c) Local alarm systems located within an area not zoned residential, and not within 500 feet of an area zoned residential, shall automatically discontinue emitting an audible sound within 30 minutes of activation.

(d) Audible signals must comply with NFPA 72.

Sec. 50-36. Abatement of audible signals by city.

(a) A local alarm system regulated by section 50-35(a) or (b) which fails to discontinue emitting an audible sound within 15 minutes of activation is declared to be a nuisance. A local alarm system regulated by section 50-35(c) which fails to discontinue emitting an audible sound within 30 minutes of activation is declared to be a nuisance.

(b) Employees of the city are authorized to take necessary and reasonable steps to abate the nuisance declared by this section. These steps shall be limited to the exterior of structures.

(c) A notice shall be sent to the permit holder within a reasonable time following abatement of the nuisance.

(d) This section is remedial, not punitive.

Sec. 50-37. Notification of false alarm determination; review of determination.

(a) An alarm user shall be notified in writing of each false alarm determination over the limit allowed in a calendar year under section 50-38.

(b) The director of communications of the public safety communications department or a designee shall, when requested by an alarm user, review the determination that an alarm was false. Such review may be done only if the alarm user requests in writing such a review within 15 days of the date of the mailing or other delivery of the notice of false alarm determination.

- (c) The request for a determination shall include at least the following information:
  - (1) The alarm user name.
  - (2) The address at which the alarm is installed.
  - (3) The date of the alarm being contested.
  - (4) The facts upon which the request for determination is made.

Sec. 50-38. Fees for false alarms.

(a) Amount. Any person using an alarm system which reports or causes to be reported five or more false alarms within a calendar year shall be assessed in accordance with the following schedule:

TABLE INSET:

First offense	For fifth, sixth, and seventh false alarms	\$ 50.00 each
Second offense	For eighth false alarm	100.00
Third offense	For ninth false alarm	125.00
Subsequent offenses	For ten or more false alarms	150.00 each

(b) Continuing violations. Each occurrence of a violation of any provision of this article shall constitute a separate violation for which a separate assessment may be imposed.

(c) Right of appeal. Any alarm user who has been assessed a fee as provided for in subsection (a) of this section may appeal such assessment through the chief of police or his designee by filing a written notice of appeal within ten days of receipt of the notice that such fee is due.

(d) Failure to appeal or pay fee. Failure of an alarm user to appeal a fee assessment as provided in subsection (c) of this section or to otherwise satisfy the fee assessment shall create a *prima facie* case that the alarm signal at issue is a false alarm and that such alarm user is in violation of this article. Additionally, upon recommendation of the director of communications, future response by emergency services may be suspended after notification by certified mail to the resident or business of failure to pay fee.

(e) Due date for payment. The payment of the fee provided for in subsection (a) of this section shall be submitted by the city finance department to the alarm user within 30 days of receiving notice that such fee is due.

(f) Additional remedies. Nothing contained in this section shall prohibit prosecution in municipal court for violation of any section of this article and the assessment of any and all other penalties as provided by law.

(g) False alarms caused by alarm company. When the alarm company has caused an alarm activation through mechanical failure, malfunction, improper installation, improper adjustment, negligence of a person, or an alarm signal transmitted in the absence of an alarm condition, except when initiated by an act of God, it shall be the responsibility of the alarm

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company to satisfy such fees as are assessed with the false alarm signal. Those fees shall be the same as those set up for the user and indicated in this section.

(h) City Council shall review the costs of services associated with all user fees at least on a bi-annual basis during the budget process to determine the appropriateness of the fee charge.

Sec. 50-39. Confidentiality of information.

All information submitted in compliance with this article shall be held in strictest confidence, shall be deemed a public record exempt from disclosure, and shall be kept so that the contents thereof shall not be known except to persons authorized to administer and enforce this article."

Secs. 50-40--50-60. Reserved.

Section 2. That this ordinance shall become effective on April 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 14th day of February, 2008.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney