

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 322-17

AN ORDINANCE

amending Chapter 13 of the City Code relating to alarm systems; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

DIVISION 2. FIRE ALARM SYSTEMS

Sec. 13-254. Definitions.

The following definitions apply to this division:

Alarm system. A device or devices or an assembly of equipment intended to signal the presence of a hazard requiring a ~~police or~~ fire department response, including, but not limited to, ~~burglar alarms,~~ fire alarms, ~~hold-up alarms,~~ mechanical failure alarms, environmental alarms, digital communicators and automatic telephone dialer alarms, but does not include smoke detectors which do not signal outside the premises or alarm systems on motor vehicles.

Automatic telephone dialing device. ~~An~~ A fire alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

Central alarm system company. Any person engaged in the business of monitoring fire alarm systems to report hazards to the Boone County Joint Communications and Information Center for a ~~police or~~ fire department response.

False alarm. An activation of ~~an~~ a fire alarm system through mechanical failure, malfunction, improper installation, human error or alarms caused by acts of nature which

result in an audible alarm or which results in the notification of emergency services personnel when in fact no emergency exists.

Non-monitored alarm system. ~~An~~ A fire alarm system that is not monitored by a central alarm system company.

Sec. 13-255. ~~Alarm~~ Fire alarm system reporting requirements.

(a) Each central alarm system company operating in the city shall provide the following information to the Boone County Joint Communications and Information Center Administrator for each building in the city which is connected to the company's central alarm system:

- (1) The address and telephone number of the building in which the alarm is installed.
- (2) For each building other than a private residence, the name of the business or other use. For each private residence, the name of the person in whose name the telephone is listed.
- (3) If a ~~hold-up~~ an alarm is connected to the central alarm system, the number of a telephone inside the building that can be called for information regarding the status of an alarm.

The owners, lessees and occupants of each building or portion of a building connected to a central alarm system shall be responsible for providing the above information to the Boone County Joint Communications and Information Center Administrator if the central alarm system company fails to do so.

(b) Each central alarm system company operating in the city shall notify the Boone County Joint Communications and Information Center administrator of any changes in the information provided under subsection (a) within seven (7) days of the change. The owners, lessees and occupants of each building or portion of a building connected to a central alarm system shall be responsible for providing the above information to the joint communications and information center administrator if the central alarm system company fails to do so.

(c) The owners, lessees and occupants of each building or portion of a building protected by a non-monitored alarm system shall provide the following information to the Boone County Joint Communications and Information Center Administrator:

- (1) The address and telephone number of the building in which the alarm is installed.
- (2) The name, address and telephone number of the property owner, lessee and any other person who controls access to the premises.

- (3) For premises other than private residences installing ~~police or~~ fire alarms, the names, addresses and telephone numbers of three (3) responsible persons having access to the property who can respond to the location of an alarm within thirty (30) minutes after notice to assist the responding agencies.
- (4) For private residences, the names, addresses and telephone numbers of two (2) responsible persons having access to the property who can respond to the location of an alarm within thirty (30) minutes after notice to assist the responding agencies.

(d) Each person required to provide information under subsection (c) shall notify the Boone County Joint Communications and Information Center administrator of any changes in the information provided under subsection (c) within seven (7) days of the change.

Sec. 13-256. ~~Automatic~~ Fire alarm automatic dialers.

(a) No automatic dialing device shall dial or terminate at any city emergency service telephone number other than numbers designated by ~~The~~ the Boone County Joint Communications and Information Center. Under no circumstances may an automatic dialer be programmed to dial 9-1-1.

(b) Automatic dialing devices in existence on February 5, 1996 ~~prior to the effective date of this section (February 5, 1996)~~ shall be reprogrammed to numbers designated by the Boone County Joint Communications and Information Center ~~within sixty (60) days of the effective date (February 5, 1996) of this section.~~

(c) All automatic dialers shall be required to provide information to emergency service providers as required by the Boone County Joint Communications and Information Center administrator.

Sec. 13-257. ~~External~~ Fire alarm external alarm noise.

It shall be unlawful for any owner, occupant or operator of any residence, business or structure within the city limits to install, connect or maintain any ~~burglar alarm or anti-theft device or~~ fire alarm in or upon any such residence, business or structure when such alarm or device produces any loud noise that is audible off the premises on which it is installed unless such alarm or device will automatically reset itself, thereby terminating such loud noise within fifteen (15) minutes. This section shall not apply to any structure within the ~~Columbia Special Business~~ Downtown Community Improvement District or any structure upon property zoned for industrial use, or to any waterflow (water gong) alarm, or to any Automatic Teller Machine (ATM).

Sec. 13-258. ~~False~~ Fire false alarms—Administrative fee.

The owners and lessees of any property protected by ~~an~~ a fire alarm system shall be jointly and severally liable for payment of the following false alarm administrative fees:

- (1) For the fourth and subsequent false alarms by any fire alarm system within a thirty (30) day period \$100.00 for each such false alarm
- (2) For the thirteenth and subsequent fire false alarms by any alarm system within a twelve (12) month period \$100.00 for each such false alarm

Sec. 13-259. ~~False~~ Fire false alarms—Prohibited.

(a) It shall be unlawful for an owner, lessee or person in charge of any property protected by ~~an~~ a fire alarm system to fail to prevent an alarm system from generating more than three (3) false alarms in any thirty (30) day period or more than twelve (12) false alarms in any 365 day period. Each false alarm in excess of three (3) in any thirty (30) day period shall be deemed a separate offense. Automatic Teller Machines located on bank premises shall be considered along with the bank to be one (1) location.

(b) It shall be an affirmative defense to a charge brought under this section that the person charged has paid the administrative fee for the false alarm under section 13-258.

...

Secs. 13-260.1—13-260.4. Reserved.

DIVISION 3. ALARM SYSTEMS

Sec. 13-260.5. Purpose.

The city council finds that excessive false alarms unduly burden the police department's limited law enforcement resources. The declared purpose of this division is to establish reasonable expectations and standards for alarm system users and alarm companies within the city, to ensure that alarm users are held responsible for their use of alarm systems, and to establish a civil penalty system for alarm users and alarm companies who have repeated violations of the requirements of this division.

Sec. 13-260.6. Definitions.

The following definitions apply to this division:

Alarm administrator means a person or persons designated by the city manager to administer the provisions of this ordinance.

Alarm company means a duly licensed person, company, firm, or corporation subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring alarm systems.

Alarm permit means a permit issued to an alarm user by the city allowing the operation of an alarm system within the city.

Alarm signal means a detectable signal, audible or visual, generated by an alarm system to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is located.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means the process where response by the police department is terminated when the alarm company notifies the police department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the destination, the request shall not be deemed a false alarm for the purpose of civil penalty.

False alarm means the activation of an alarm system when, upon inspection by the police department, there is no evidence of unauthorized entry, robbery, or other such other crime attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a twelve (12) month period beginning on the day and month on which an alarm permit is issued.

Police chief means the chief law enforcement officer of the City of Columbia, Missouri or such person's duly authorized designee.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The police department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

Response verification means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

Sec. 13-260.7. Alarm permit.

(a) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. A fee of twenty dollars (\$20.00) shall be required for the initial registration and a fee of ten dollars (\$10.00) shall be required for annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(b) Application. The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.

(c) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the new alarm user obtaining possession of the property shall file an application for an alarm permit within fifteen (15) days of obtaining possession of the property. Alarm permits are not transferable.

(d) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within fifteen (15) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city whether or not any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(e) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Sec. 13-260.8. Duties of the alarm user.

Any person engaged as an alarm user in the city shall comply with the following:

(1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;

- (2) Provide name, address, and telephone number of the alarm user or designee who may be contacted twenty-four (24) hours a day;
- (3) Provide the alarm company the permit number to facilitate dispatch and track information about how to contact the alarm company for alarm service (the permit number must be provided by the alarm company to the communications center);
- (4) Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the police department. A reasonable amount of time shall be no greater than thirty (30) minutes, but may be extended upon extenuating circumstances for good cause shown;
- (5) Prevent manual activation of an alarm for any reason other than an emergency event or routine maintenance;
- (6) Notify the police department, in writing, of any changes in the information contained in the alarm application or permit; and
- (7) Obtain a new permit if there is a change in address or ownership of the alarm system or property on which the system is located (permits are not transferable).

Sec. 13-260.9. Duties of the alarm company.

Any person engaged in the alarm business in the city shall comply with the following:

- (1) Obtain and maintain any required state, county and city license(s);
- (2) Provide the name, address, and telephone number(s) of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day;
- (3) Be able to respond to an alarm call, when notified within a reasonable amount of time when notified by the Police Department. A reasonable amount of time shall be no greater than thirty (30) minutes, but may be extended upon extenuating circumstances for good cause shown;
- (4) Be able to provide the most current contact information for the alarm user;
- (5) Be able to contact a key holder of the premises for a response, if requested;
- (6) Provide instructions explaining the proper operation of the alarm system to the alarm user prior to activation of the alarm system;

- (7) Provide written information to the alarm user of how to obtain service from the alarm company for operation and maintenance of the alarm system;
- (8) An alarm company performing monitoring services shall:
- a. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch.
 - b. Telephone verification shall require, as a minimum that a second call also known as Enhanced Call Verification, be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a fire, panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
 - c. Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - d. Communicate any available information about the location of the alarm.
 - e. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.
 - f. Maintain and provide to city, upon request, alarm dispatch records (such as but not limited to: alarm date, time, address, phone number, alarm zone location) for one (1) year after the alarm event.
 - g. Install and maintain all alarm equipment in accordance with current industry compliance standards. "Compliance standards" means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Sec. 13-260.10. Administrative penalty.

(a) Civil non-criminal violation. With the exception of the prohibited acts set forth in section 13-260.13, a violation of any of the provisions of this division shall be a civil violation and shall not constitute a misdemeanor or infraction.

(b) Excessive false alarms. It is hereby found and determined that three (3) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. The alarm administrator is authorized to assess an administrative fee in

the amount of one hundred dollars (\$100.00) to any person or company for each false alarm in excess of three (3) in a permit year.

(c) Failure to register. Any person who has been determined by the alarm administrator to operate an alarm system with an alarm signal without registering such system as provided in this division shall be assessed an administrative fee in the amount of one hundred dollars (\$100,00), in addition to any other administrative fees which may be assessed for excessive false alarms.

(d) Payment of administrative fees. Each and every administrative fee shall be paid within thirty (30) days from the date of the invoice from the alarm administrator.

(e) Discontinuance of law enforcement response. The failure of an alarm user to make payment of any administrative fee assessed under this division within thirty (30) days from the date of the invoice shall result in discontinuance of law enforcement response to any alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

Sec. 13-260.11. Alarm User Awareness Class.

The city may establish an Alarm User Awareness Class to inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The city may grant the option of attending a class in lieu of paying one (1) assessed administrative fee, not to exceed one hundred dollars (\$100.00).

Sec. 13-260.12. Administrative appeals.

(a) Appeals process. Assessments of any administrative fee or other administrative action taken under this division may be appealed by filing a written notice of appeal with the police chief within thirty (30) days after the date of notification of the assessment of such administrative fee or administrative action. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty or administrative action. Appeals shall be heard through an administrative process established by the city. Imposition of the administrative fee or other administrative action shall be suspended during the appeals process.

(b) Appeal standard. The police chief shall review an appeal using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of any administrative fee or other administrative action, the police chief shall have the discretion to dismiss or reduce an administrative fee or reverse any other administrative action when deemed warranted by the police chief.

Sec. 13-260.13. Prohibited acts.

The following are prohibited acts when using, operating or maintaining an alarm system:

- (1) It shall be unlawful for any person to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than fifteen (15) minutes.
- (3) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-8. It shall be an affirmative defense to a charge brought under this section that the person charged has paid the administrative fee for the false alarm under section 13-260.10.

Sec. 13-260.14. Government immunity.

(a) By submitting an application for an alarm permit, the alarm user acknowledges that the police department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response.

(b) Issuance of an alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to an alarm notification is hereby disclaimed and governmental immunity as provided by law is retained.

Sec. 13-260.15 Severability.

If any provision, section, subsection, sentence, clause or phrase of this division, or the application of the same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portions of this division or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting this division declares the provisions thereof are severable and that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other provision.

SECTION 2. This ordinance shall be in full force and effect from and after January 1, 2018.

PASSED this _____ day of _____, 2017.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor