

## CHAPTER 126

# ALARM SYSTEMS

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**126.01 DEFINITIONS.** For the purpose of this chapter, the following terms have the respective meanings given herein:

1. “Alarm company” means a business providing among its services alarm sales, installation, service, monitoring or billing of alarm users or 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 emergency dispatch center or such other places as directed by the City.
2. “Alarm Review Board” means a three-member committee comprised of one representative of the Clive Police Department, one representative of Clive Fire Department and one resident selected and appointed by the Mayor of Clive, to serve a four-year term. In the event a vacancy shall occur during the term of any member, the successor shall be appointed for the unexpired portion of the term in the same manner as the original appointment. Those members from the Police and Fire Departments shall be appointed by each department’s Chief.
3. “Alarm system” means any device used to detect or prevent intrusion, criminal activity or other such emergency situation which, when activated, causes notification to be made directly or indirectly to the Police Department or Fire Department, or any such device or system designed primarily for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity, fire or other such emergency. An alarm system, for the purpose of this section, does not include an alarm installed on a motor vehicle.
4. “Alarm system operator” means an alarm user or other person using an alarm system.
5. “Alarm user” means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building who owns, leases, installs or contracts for or otherwise obtains an alarm system and thereafter contracts with or hires an alarm company to monitor and/or service the alarm device, or who owns or operates an alarm system.
6. “Building” means any single-family housing, multi-family dwelling, apartment, commercial business, school, church, religious facility, structure or place within the City.

7. “Chief” means the Police Chief and/or Fire Chief or designated representative who is authorized by the Chief to exercise any power or duty conferred to the Chief under this chapter.
8. “City” means the City of Clive, Iowa.
9. “Coordinator” means an individual designated to enforce the provisions of this Ordinance.
10. “False alarm” means any alarm signal that is activated by error or mistake, system malfunction, malicious misuse, or on purpose when an emergency situation requiring a response did not exist at or about the time of the response. “False alarm” does not include unintentional activations.
  - A. “Error or mistake” means any action by an alarm user or any action by an agent or employee of the alarm user or any other person in the building which results in the activation of the alarm system when no emergency exists, and no attempt to cancel the alarm by contacting the 911 call center was made.
  - B. “System malfunction” means any unintentional activation of an alarm system caused by a mechanical malfunction, flaw in the design, installation or maintenance of the alarm system. This does not include any activation caused by extraordinary violent conditions of nature.
  - C. “Malicious misuse” means any intentional activation of an alarm system when no emergency exists.
  - D. “Unintentional activation” means any system activation that did not constitute an emergency, however the system operated properly based on conditions or human actions at that time. (Examples include: smoke detector activation from burned food, children activating a pull-station, unintentional security system activation with prompt follow-up to the 911 call center, or extraordinary violent conditions of nature.)

The burden of proving that such an alarm signal was not a false alarm shall be on the alarm user.

11. “Monitoring” means the process by which an alarm company or its designated alarm answering service receives signals from an alarm system and relays an alarm dispatch request to the emergency dispatch center, or other places as directed by the City, for the purpose of summoning Police and/or Fire personnel to the building.

**126.02 PURPOSE.** It is the finding of the City Council that false alarms seriously undermine the morale and safety of Fire and Police Department personnel as well as unnecessarily expose to danger the citizens of the City who encounter emergency vehicles responding to false alarms, result in a waste of City resources, and result in citizens ignoring alarm system signals. The purpose of this chapter is to provide regulations applicable to alarm systems and to encourage the effective use of alarm systems. The most significant desired result of this chapter is to enhance public safety

and more efficiently and safely use City emergency response resources by reducing the number of false alarms received.

**126.03 ENFORCEMENT AND ADMINISTRATION.**

1. Grace Period After Installation of an Alarm System. Upon the installation date of a new or replacement alarm system, a grace period of fourteen (14) calendar days will be allowed for the alarm user and alarm system operators to become familiar with the operations of the alarm system and to make corrections to the operation of the alarm system. Service charges for false alarms shall be waived during the grace period, providing the number of false alarms during the grace period is not excessive. An excessive number of false alarms is:

- A. Equal to three (3) or more false alarms in one (1) calendar day or 24-hour period.
- B. Equal to six (6) or more false alarms in the first fourteen (14) calendar days since installation of the alarm system.

The appropriate Chief, or Chief’s designated representative, may waive the service charge fee for an excessive number of false alarms during the grace period, at their discretion, due to extenuating circumstances as determined on a case-by-case review.

2. Excessive False Alarms; Service Charge Fees. Because a false alarm for security, intrusion, robbery and other non-fire causes usually requires from one (1) to three (3) police officers to respond in individual vehicular units, depending on the type of alarm, and a false alarm for fire suppression or other fire fighting incidents usually requires multiple firefighters from the Fire Department to respond in multiple and specialized fire fighting equipment, depending on the type of alarm, the City shall assess a service charge fee to any alarm user that generates an unnecessary number of false alarm responses during a calendar year as listed below (“false alarm fee”). The alarm user shall pay the City the assessed false alarm fee within twenty (20) days of the date an invoice is given to the alarm user for any false alarm created by the alarm user’s alarm system in accordance with the following schedule:

The first and second false alarms during a calendar year .....	\$ 0.00
The third false alarm during a calendar year.....	\$ 75.00
The fourth false alarm during a calendar year.....	\$100.00
The fifth false alarm and each false alarm thereafter during a calendar year .....	\$150.00

After the second false alarm, the alarm user shall receive a written notice from the Chief. The notice shall require that by a specified date the alarm user shall have his/her alarm system inspected by an alarm company and alarm user shall review operational procedures with the alarm system operator and any other individuals having access to the use and operation of the alarm system. Notice

or billing from the City to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, addressed to the alarm user at the address shown for the alarm user. The alarm user shall notify the applicable Chief, in writing, after the inspection by the alarm company has been completed, and shall provide to the Chief a copy of any report of service, repair or inspection of the alarm system given by the alarm company. An alarm company providing an inspection or repair of an alarm system shall notify the Chief in advance of such service. The alarm company shall be assessed a fee of \$100.00 by the City when the Police Department and/or Fire Department respond to a false alarm and it is determined by the City that an on-site employee of the alarm company directly caused the false alarm. In such a circumstance, the false alarm shall not count against the alarm user.

3. **Appeal Process For False Alarm Service Charges.** An alarm user assessed a false alarm fee may appeal the false alarm fee in writing to the Alarm Review Board. The filing of an appeal with the Alarm Review Board stays the assessment of the false alarm fee until the Alarm Review Board makes a final decision.

A. The alarm user shall file a written appeal to the Alarm Review Board by setting forth the reasons for the appeal within ten (10) days after receipt of the false alarm fee invoice. The Alarm Review Board will review relevant information, including conditions of nature for the date and time of the occurrence of the false alarm. The Alarm Review Board may reverse the assessment of the false alarm fee only if there was no false alarm or the false alarm was not contributed to by the act(s) or omission(s) of the alarm user and/or the alarm user's family, pets, guests, employee(s) and/or invitees.

B. The Alarm Review Board shall notify the alarm user, the alarm company and the coordinator of its decision within five (5) working days. The decision of the Alarm Review Board is final as to administrative remedies of the City.

**126.04 NON-LIABILITY OF CITY.** The City shall not be liable for any defects in the operation of any alarm system, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, for any failure or neglect of any person in connection with the installation, operation, disconnection or removal of equipment, the transmission of alarm signals or the relaying of such signals or messages.

**126.05 PENALTY.** Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 4 of this Code of Ordinances. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Any person who intentionally activates a false alarm shall be guilty

of a simple misdemeanor, which is punishable by a fine of fifty dollars (\$50.00) to five hundred dollars (\$500.00) and/or up to thirty (30) calendar days in jail.

*(Chapter 126 amended by Ord. 825 – Mar-05 Supp.)*

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