

ARTICLE IV. ALARM SYSTEMS*

***Editor's note:** Ord. No. 593, adopted Dec. 16, 2008, amended art. IV in its entirety to read as herein set out. Former art. IV, §§ 58-101--58-112, pertained to similar subject matter and derived from Ord. No. 389, adopted Feb. 11, 1994; and Ord. No. 468, adopted Feb. 2, 1999.

Sec. 58-101. 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:

Alarm administrator means a person or persons designated by the chief of police to administer, control and review false alarm reduction efforts and administer the provisions of this article.

Alarm company means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with city, county and state laws.

Alarm permit means a permit issued by the police department allowing the operation of an alarm system within the City of Chamblee.

Alarm signal means a detectable signal, either audible or visual, generated by an alarm system, to which the police are 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 requiring immediate attention and to which the police department is requested to respond, but does not include alarms motor vehicles 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 maintained for the protection of such premises.

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.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which upon being activated, automatically initiates to the Chamblee Police Department, a recorded message or code signal indicating a need for police response.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Chamblee 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 scene, this is not a false alarm for the purpose

of civil penalty, and no penalty will be assessed.

Chief of police means the Chief of Police of the Chamblee Police Department or his designee.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon police personnel unless law enforcement response was canceled by the alarm user or his agent before police personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Chamblee Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

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.

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

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum that a second call 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 before requesting law enforcement dispatch.

(Ord. No. 593, 12-16-08)

Sec. 58-102. Alarm permit.

- (a) *Permit required.* No person shall use an alarm system, as described in section 58-101, without first obtaining a permit for such alarm system from the Chamblee Police Department. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to section 58-112 of this article. 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 Chamblee Police Department. An alarm user has the duty to obtain an application from the police department.
- (c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (d) *Reporting updated information.* Whenever the information provided on the alarm user permit application changes, the correct information must be provided by the alarm user to the Chamblee Police Department within 30 days of the change. In addition permit holders may periodically receive from the Chamblee Police Department a form requesting updated information. The permit holder shall complete and return this form to the Chamblee Police Department indicating any information that has changed.

(Ord. No. 593, 12-16-08)

Sec. 58-103. Multiple alarm systems.

If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit will be required for each structure.

(Ord. No. 593, 12-16-08)

Sec. 58-104. Response to alarm; determination of validity.

- (a) *Police response.* Whenever an alarm is activated in the city and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area and shall determine whether the police response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.
- (b) *Notification.* If the police officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm. An alarm user shall be notified of each false alarm determination. Said notification may be accomplished by the police officer at the scene leaving notice at the time of response.
- (c) *Inspection.* The chief of police shall have the right to inspect any alarm system on the premises to which a response has been made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this article.

(Ord. No. 593, 12-16-08)

Sec. 58-105. Duties of the alarm user.

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (c) Must respond or cause a representative to respond to the alarm system's location within 60 minutes when notified by the Chamblee Police Department to deactivate a

malfunctioning alarm system.

- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.
- (e) Obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

(Ord. No. 593, 12-16-08)

Sec. 58-106. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the City of Chamblee shall comply with the following:
 - (1) Obtain and maintain any required state and city license(s).
 - (2) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day.
 - (3) Be able to provide the most current contact information for the alarm user.
- (b) Ninety days after enactment of the ordinance from which this article derives, the alarm installation companies shall, on all new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- (c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (d) Provide written information of how to obtain service from the alarm company for the alarm system.
- (e) An alarm company performing monitoring services shall:
 - (1) 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. Telephone verification shall require, as a minimum that a second call 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 panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
 - (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - (3) Communicate any available information about the alarm.
 - (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(Ord. No. 593, 12-16-08)

Sec. 58-107. New alarm systems.

Alarm companies shall not make a dispatch request in response to a burglar alarm

signal, excluding panic, duress and holdup signals, during the first seven days following an alarm system installation. The alarm administrator may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(Ord. No. 593, 12-16-08)

Sec. 58-108. Maximum decibel level of alarm system.

No alarm system which is installed on residentially zoned property or that is installed within 500 feet of a residentially zoned property shall be allowed to emit sound at levels greater than 95 decibels when measured at a distance often feet from the source of the emission.

(Ord. No. 593, 12-16-08)

Sec. 58-109. Alarms to automatically shut off after activation of ten minutes.

All alarms having an audible signal at the premises shall be equipped so as to automatically shut off the audible signal after a period of ten minutes of activation except those systems required by law to have a longer period of activation, in which case such systems shall be so equipped so as to automatically shut off the audible signal at the conclusion of the longer time. Owners of alarm systems existing on or before the effective date of this article shall have 90 days from the effective date of this article to comply with the requirements of this section.

(Ord. No. 593, 12-16-08)

Sec. 58-110. Prohibited acts.

- (a) It is unlawful for anyone to activate an alarm system for the purpose of summoning police officers 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.
- (b) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Chamblee Police Department.

(Ord. No. 593, 12-16-08)

Sec. 58-111. Enforcement.

- (a) *Excessive false alarms.* It is hereby found and determined that three or more false alarms within any calendar year is excessive and constitutes a public nuisance. Civil penalties for false alarms within a calendar year will be assessed against an alarm user as follows:

TABLE INSET:

(1)	First and second false alarm	No Charge
(2)	Third false alarm	\$50.00
(3)	Fourth false alarm	\$75.00
(4)	Fifth false alarm	\$100.00
(5)	Sixth false alarm	\$125.00
(6)	Seventh false alarm	\$150.00

(7)	Eighth false alarm	\$200.00
(8)	Ninth false alarm	\$250.00
(9)	Tenth false alarm	\$300.00
(10)	The eleventh false alarm within a calendar year period and all false alarms thereafter shall result in the revocation of the alarm user's permit.	

- (b) A civil penalty in the amount of \$100.00 will be assessed for failing to register an alarm.
- (c) All other violations of this alarm ordinance will be enforced through the assessment of civil fines in the amount of \$100.00.
- (d) All civil fines shall be paid within 30 days from the date of the invoice.

(Ord. No. 593, 12-16-08)

Sec. 58-112. Permit revocation and suspension of response.

- (a) When an alarm user has more than ten false alarms during the calendar year or when the alarm user fails to pay any civil fine within 30 days from the date of invoice, the alarm user's permit will be revoked in the following manner:
 - (1) The alarm user shall be given ten days' advance written notification that the alarm user's permit will be revoked. This written notice shall set forth the reasons for such revocation.
 - (2) The notice shall specify the specific date of revocation and that police response to the alarm user's permitted location will only be initiated in response to a 911 call or upon verification by the alarm company or user that the alarm was activated as a result of criminal activity.
 - (3) If the alarm user's permit is reinstated pursuant to section 58-115, law enforcement response to the site may again be suspended by revoking the permit if it is determined that there have been additional false alarms at the site subsequent to the reinstatement within the same calendar year.
- (b) A person commits an offense if he/she operates an alarm system during the period in which the alarm permit is revoked.
- (c) An alarm company commits an offense if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the alarm permit has been revoked.

(Ord. No. 593, 12-16-08)

Sec. 58-113. Review of false alarm determinations.

The alarm administrator shall, when requested by an alarm user, review the assessment of a fine for a false alarm. Such review shall be conducted only if the alarm user requests in writing such a review within ten days of the date that the false alarm occurred. The written request for review of a false alarm determination shall include the following information:

- (1) Alarm user name;
- (2) Address at which alarm is installed;

- (3) Date of false alarm that is being contested;
- (4) Alarm user permit number;
- (5) Facts upon which the request for review of the false alarm determination is made.

(Ord. No. 593, 12-16-08)

Sec. 58-114. Appeals.

- (a) *Appeals process.* The alarm user may appeal the decision of the alarm administrator regarding the assessment of a fine, refusal to issue a permit, revocation of a permit or refusal to reinstate a revoked permit to the chief of police. Said appeal must be filed in writing within ten days of notification of the decision being appealed. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the City of Chamblee.
- (b) *Appeal standard.* The chief of police shall conduct an appeal hearing and review the appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the chief of police shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted. The chief of police must render a decision within 15 days after the date of the hearing.
- (c) *Stay of action.* Filing of a request for appeal shall stay the action by the alarm administrator until the chief of police has completed the review.

(Ord. No. 593, 12-16-08)

Sec. 58-115. Reinstatement.

An alarm user whose alarm user permit has been revoked may, at the discretion of the alarm administrator, have the alarm user permit reinstated if the individual:

- (1) Provides satisfactory evidence to the alarm administrator that the alarm system has been inspected and repaired (if necessary) by the alarm company; and/or that additional training in the proper use of the alarm system was provided by the alarm company for all alarm users.
- (2) Pays, or otherwise resolves, all outstanding citations and fines.
- (3) Pays a reinstatement fee in the amount of \$500.00 if the revocation was the result of having more than ten false alarms.

(Ord. No. 593, 12-16-08)

Sec. 58-116. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, applications for appeals and any other alarm records shall be

held in confidence by all employees and/or representatives of the City of Chamblee.

(Ord. No. 593, 12-16-08)

Sec. 58-117. Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of a police response to an alarm. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Chamblee 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 history.

(Ord. No. 593, 12-16-08)