

## ORDINANCE NO. 402

AN ORDINANCE RELATING TO THE REGULATION AND LICENSING OF EMERGENCY ALARM SYSTEMS WITHIN THE CITY LIMITS OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

### Section 1. Permit Required for Remote Alarm.

- A. Alarm systems installed in commercial buildings and residential property may be connected to the City Police Department with the approval of the Chief of Police. Any and all alarm systems connected to the City Police Department must have an approved remote alarm permit as provided for herein.
- B. The installation, operation, and maintenance thereof shall be at the expense of the property owner.
- C. The application for a remote alarm permit shall be on forms provided by the Chief of Police, which shall require the applicant for the permit to provide the following information:
  - 1) The name and mailing address of the permittee;
  - 2) The street address of the premises being served by the remote alarm;
  - 3) The home and business telephone number for the permittee and other persons who can act on behalf of the permittee to assist the police in responding to alarms originating from the permittee's remote alarm;
  - 4) The name and model of the remote alarm for which the permit is sought, the name and business address of the person who will be installing the alarm and the name and address of the person and/or business maintaining the alarm, if different from the installer; and
  - 5) Such other information as the Chief of Police might reasonably require to further the purposes of this section, including, specifically, information which would permit the Chief of Police to determine whether it is likely that the permittee will be able to conform to the requirements imposed pursuant to subsection D below.
- D. The Chief of Police may grant a permit conditionally, that is, subject to requirements which must be met by the permittee in order for the permit to remain valid. Among the requirements which may be imposed are the following:
  - 1) Specifications as to the design and manufacture of the alarm, either generically or by way of approved brand name;
  - 2) Specifications as to the testing and mechanical maintenance of alarms subsequent to their installation, such as, for example,

- requirements that certain prescribed preventive maintenance be performed at certain prescribed intervals;
- 3) Requirements that the applicant's employees be given appropriate training and instruction to the operation of the alarm so as to lessen the incidence of false alarms attributable to human error as opposed to mechanical malfunction;
  - 4) Requirements that the permittee or some other person authorized to act on his behalf be available customarily and promptly to assist the police in responding to alarms, such as, for example, in order that the police may speedily gain access to locked premises without being required to accomplish a forcible entry thereof; and
  - 5) Such other reasonable requirements as may be useful in accomplishing the purposes of this division.
- E. Applications for connection to the Police Department shall provide for waiver and release of municipal liability by reason of said connection.
- F. A permit once granted shall be in effect from the date approved through December 31<sup>st</sup> of the year in which the permit is granted; provided, however, that the permit may be revoked by the Chief of Police if:
- 1) The alarm is permanently disconnected or abandoned, or title thereto is transferred;
  - 2) The permittee does not meet the requirements imposed by the Chief of Police pursuant to subsection D above;
  - 3) The permittee fails to make timely payment of permit charges imposed by subsection G below; or
  - 4) The alarm is a source of an excessive number of false alarms.
- G. There shall be imposed an initial fee of \$25.00 for the issuance of a remote alarm permit.
- H. All alarm users shall annually renew their permit on the renewal form provided for by the Chief of Police and which form is approved by the Chief of Police by filing for the same by January 1 of each year. The fee for such renewal shall be \$10.00.

## Section 2. False Alarms.

- A. Purpose. Through carelessness, improper maintenance or other causes, large numbers of false alarms are received by the Police Department from emergency alarm systems. Each false alarm requires response by public safety personnel and in some instances, fire equipment and/or ambulance; this involves unnecessary expense to the City, increases the risk of injury to personnel or damage to property and dilutes the public safety protection to the overall City.
- B. The term "false alarm" as used in this subsection shall mean a signal from an alarm system resulting in a response by the Police Department or Fire Department when an emergency situation does not exist.
- C. Any false alarm resulting in a response by the Police Department or Fire Department shall subject the individual holding the permit to a fee in

accordance with the following schedule for the privilege of retaining the permit, unless the permit is being terminated pursuant to Section 1 – F(4).

- 1) For the first through the second false alarm during a period of one (1) year, no charge shall be imposed.
  - 2) For the third through the fifth false alarm during a period of one (1) year, there shall be imposed a charge of \$25.00 per false alarm.
  - 3) For the sixth through the ninth false alarm during a period of one (1) Year there shall be imposed a charge of \$50.00 per false alarm;
  - 4) For ten (10) or more false alarms during a period of (1) year there shall be imposed a charge of \$100.00 per false alarm.
- D. The Chief of Police may waive the occurrence of a false alarm if it is demonstrated to his satisfaction that the reason for the false alarm was mechanical in nature, and not operator error; however, no such waiver may be given without written proof, such as an invoice for repair services and proof of payment, that the mechanical malfunction has been corrected.
- E. Any alarm system connected to the Police Department which actuates in excess of twelve (12) false alarms within any one calendar year may be disconnected from the Police Department by order of the Chief of Police upon thirty (30) days prior written notice. Newly installed alarm systems shall not be subject to this provision for the first sixty (60) days after connection to the Police Department.

### Section 3. Penalty for Activation without a Valid Permit.

No person shall, without a valid alarm permit, have an alarm that summons by activation, emergency personnel. The owner of an alarm that does not have a valid remote alarm permit will be responsible for a \$50.00 fee and shall be required to obtain a valid remote alarm permit as provided for herein.

### Section 4. Appeals.

Any order of disconnection or order of revocation of permit issued by the Chief of Police as provided by this Ordinance may be appealed by filing a written notice of appeal with the City Auditor. Said appeal shall be filed within ten (10) days of the date of the order. Said appeal shall be heard by the City Council within thirty (30) days of the date of filing the appeal. The City Council may affirm, reverse, or modify the decision of the Chief of Police. An appeal timely filed suspends an order of disconnection or order of revocation or permit until the City Council renders its decision. The City Auditor shall give written notice of the time and place of the hearing to the appellant. Such notice shall be given by registered or certified mail or personal delivery not less than seven (7) days before the hearing.

### Section 5. Alarm Testing Notice.

An owner or lessee of an alarm system shall notify the owner's or lessee's central receiving station or answering service and the Police Department and Fire Department prior to any service, test, repair, maintenance, adjustment, alteration, or installation of the owner's or lessee's alarm system which might

activate a false alarm and result in a Police or Fire Department response. Any alarm system activated when such prior notice has been given shall not constitute a false alarm.

Section 6. Exemptions.

Property owned or leased by the City of Beulah, Beulah School District, and Beulah Park District shall not be subject to the fees as provided by this Ordinance.

Section 7. Penalty Section.

Violation of this Ordinance will be considered an infraction, for which a maximum penalty of a fine in the amount of Five Hundred Dollars (\$500.00) may be imposed.

Section 8. Savings Clause.

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Section 9. Severability.

All ordinances or parts of ordinances in conflict herewith are hereby rescinded and repealed.

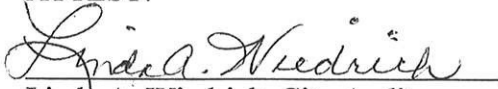
Section 10. Date of Taking Effect.

This Ordinance shall be in full force and effect from and after its final passage and publication of its title and penalty provision.

DATED this 3rd day of December, 2012.

  
Darrell Bjerke, Mayor

ATTEST:

  
Linda A. Wiedrich, City Auditor

Introduction and First Reading: October 1, 2012

Second Reading: November 5, 2012

Final Passage: November 5, 2012

Publication Date: November 29, 2012

Effective Date: November 29, 2012

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Section 7. Penalty Section.

Violation of this Ordinance will be considered an infraction, for which a maximum penalty of a fine in the amount of Five Hundred Dollars (\$500.00) may be imposed.

The title and penalty section of the above Ordinance is published in accordance with the Laws of the State of North Dakota.

Dated this 5<sup>th</sup> day of November, 2012.

/s/  
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LINDA A. WIEDRICH, CITY AUDITOR  
CITY OF BEULAH