

ORDINANCE NO. 1803

AN ORDINANCE TO REGULATE
ALARM SYSTEMS
IN THE CITY OF PRICHARD, ALABAMA

Sponsored By: Mayor Jesse M. Norwood

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD,
ALABAMA, AS FOLLOWS:

ARTICLE I. PURPOSES.

(A) The main purpose of this ordinance is to reduce or eliminate the incidents of false fire alarms and false burglar alarms in the City of Prichard, Alabama. While alarms systems provide a vital service to the residents, business and the entire City of Prichard, false fire alarms and burglar alarms pose a safety hazard. False fire and burglar alarms divert municipal employees from useful duties, causing a waste of municipal manpower and services and increase the likelihood of serious injury and damage to person and property when municipal manpower is unnecessarily diverted to respond to such calls.

(B) The purpose of this ordinance is to encourage alarms users and alarm businesses, including businesses engaged in the sale, installation, customer service and monitoring of such alarms, to properly maintain and operate alarm systems within the City of Prichard by limiting unnecessary municipal department responses to false alarms.

(C) This ordinance governs local alarms systems by providing for penalties for violation of this ordinance along with enforcement procedures.

ARTICLE II. ALARM REGULATIONS.

SECTION 1. DEFINITIONS:

A. **ALARM SYSTEM.** The term "Alarm System" shall mean any mechanical, electrical or radio-controlled device which is arranged, designed, or used to signal the occurrence in the City of Prichard, Alabama of a fire, medical, or police emergency requiring urgent attention, and to which fire, emergency medical or police personnel are

expected to respond. Alarms systems include those through which public safety personnel are notified directly of such signals through central monitoring stations or are notified indirectly by way of third persons who monitor the alarms systems and who report such signals to the Fire or Police Department. Alarm systems also include those designed to register a signal which is so audible, visible, or in other ways perceptible outside of a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the Fire or Police Department of the signal. The term does not include smoke detectors connected to an alarm system that is part of a single-family or two-family structure.

B. ALARM USER. Alarm user shall mean the individual, including by not limited to any person, firm, corporation, partnership of any other entity who purchases, leases, contracts for, or obtains a fire, medical or police emergency alarm system.

C. AUTOMATIC TELEPHONE DIALING DEVICE or DIGITAL ALARM COMMUNICATOR ALARM SYSTEM means an alarm system which is activated by a signal or message and which automatically sends a prerecorded voice message or coded signal by microwave, telephone lines, or other mode of transmittal directly to the county 911 line or directly to the police or fire department, indicating the existence of an emergency situation that the alarm system is designated to detect.

D. CALENDAR YEAR. The term calendar year shall mean from January 1 to December 31 of the existing calendar year.

E. CITY OFFICIAL. The term City Official as used herein shall mean any employee of the City of Prichard designated to enforce the laws of the State of Alabama and the ordinances of the City of Prichard, including those designated by the Mayor to issue Municipal Offense Tickets enforceable in Municipal Court of the City of Prichard.

F. DATE OF RECEIPT. Date of Receipt means, for a residential user, the date that the return receipt accompany any certified mailing of the notice required to be sent to the alarm user's premises pursuant to Section 5(D) is signed or the date that any such notice is delivered to the alarm user personally or to any person 15 years of age or older residing with the alarm user after informing the person of the contents of the notice. For business alarm users, the term means the date the return receipt accompanying any certified mailing of the notice required to be sent to the alarm user's premises pursuant to Section 5(D) is signed or the day any such notice is delivered to an officer, a director, a general partner or the proprietor of the business, or to any employee if any officer, a director, a general partner, or the proprietor is not present on the premises, after notifying the employee of the contents of the notice.

G. FALSE ALARM. False alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligent or intentional misuse of the alarm system by the alarm user or an employee whereby the fire, medical or police

emergency does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- (1) Earthquake causing structural damage to the protected premises.
- (2) Flooding of the protected premises due to overflow of natural drainage.
- (3) Lightning bolt causing physical damage to the protected premises.
- (4) Telephone line malfunction verified in writing to the City of Prichard by a telephone company supervisor or by the Fire or Police Department personnel on the scene of an alarm.
- (5) Notification of the Fire or Police Department, before a unit is dispatched to investigate, that the alarm does not require a response.
- (6) An alarm call on the mistaken belief that a fire, medical or police emergency exists.

H. FIRE DEPARTMENT. Fire Department means the Fire Department of the City of Prichard, Alabama and the City of Prichard's jurisdiction, including, but not limited to its emergency medical services.

I. POLICE DEPARTMENT. Police Department means the Police Department of the City of Prichard, Alabama and the City's jurisdiction.

J. PREMISES. Premises means any building or structure or portion thereof protected by an alarm system. In the case of two or more buildings or structures or portions thereof on the same property under the same ownership protected by alarm systems that are not connected to a single control system, each building or structure or portion thereof shall be deemed to be separate and distinct premises.

K. SAME PREMISES. Same premises means at the same building or structure or portion thereof protected by an alarm system, without regard to alternations therein, if the identity of the alarm user has not materially changed since the last false alarm report. For example, but without limiting the meaning of this definition, a bona fide sale of the premises or the business therein to a third party or the replacement of a tenant by a different tenant shall be deemed a material change of the identity of the alarm user.

SECTION 2. LIABILITY OF THE CITY.

The City of Prichard and its agents and employees shall have no liability or responsibility for the operation or effectiveness of any alarm system and shall not be subject to any claims, demands or actions which may arise out of or in connection with the failure to respond to any alarm.

SECTION 3. PROHIBITIONS.

- A. False alarms are expressly prohibited in the City of Prichard, Alabama, pursuant to the terms of this ordinance.
- B. No person shall install or operate an audible alarms system which emits a sound which is similar to that of an emergency siren or civil defense warning system.
- C. It shall be unlawful to install or maintain an automatic telephone dialing device or digital alarm communicator alarm system within the City of Prichard.
- D. Upon activation of an alarm system and request for assistance by the Fire or Police Department, no fire alarm user or other person listed with the Fire or Police Department, pursuant to Section 8 hereof, shall fail or refuse to respond to the premises where the alarm occurred after being requested to do so by the City of Prichard Dispatch. Any failure to respond to the premises within 30 minutes after requested to do so shall be deemed a "Failure to Respond".
- E. It shall be unlawful to install or maintain an alarm system that does not have an auxiliary power supply that activates in the event of a power failure or electrical outage.

SECTION 4. PENALTY

- A. If any alarm user produces a false "Fire Alarm" in any calendar year, the Fire Official designated to issue Municipal Offense Tickets shall provide a written warning of such false "Fire Alarm", by certified mail or hand delivery, to the individual. Said warning may request the false fire alarm user to take corrective action in regard to the false fire alarm. Additionally, the warning shall inform the false fire alarm user of the City of Prichard's fine schedule for false alarms.
- B. If any alarm user produces a false "Burglar Alarm" or any other such alarm which is meant to summon or alert the Prichard Police Department

in any calendar year, the police officer responding to such false alarm shall provide a written warning of such false alarm, by certified mail or hand delivery, to the individual. Said warning may request the false alarm user to take corrective action in regard to the false alarm. Additionally, the warning shall inform the false fire alarm user of the City of Prichard's fine schedule for false alarms.

- C. Upon receiving the fourth false alarm during a calendar year, the Fire Official designated to issue Municipal Offense Tickets, in the case of false fire alarms, or a Police Officer with the City of Prichard, in the case of false burglar alarms or other such alarms meant to summon or alert the Prichard Police Department or an alarm systems designed to register a signal which is so audible, visible, or in other ways perceptible outside of a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located, shall issue a Municipal Offense Ticket to the user of such alarms system, provided, however, said fire or police official may issue a Municipal Offense Ticket on the first offense where, in the determination of the said official, the false alarm poses a real and present threat to the safety of the public.
- D. Any person receiving Municipal Offense Ticket for a violation of this ordinance, except as otherwise provided below, shall upon conviction shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, unless otherwise provided by State Law, or by imprisonment in jail or community service for a period not exceeding six (6) months, or by such fine and imprisonment and/or community service at the discretion of the Judge, unless otherwise prohibited by State Law. Each day that a violation punishable in this Ordinance is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- E. Any subsequent violations of this section within the same calendar year of the issuance of the first Municipal Offense Ticket shall be considered a separate violation of this section and shall result in a second Municipal Offense Ticket being issued. In such event, the fine for such violation of this ordinance shall not be less than \$250.00.
- F. Any person or firm failing to respond to the premises of a false alarm as prohibited in Section 5 (D) hereof shall, upon conviction, be fined not less than \$250.00.

SECTION 5. RESPONSE TO FALSE ALARMS: ISSUANCE OF WARNINGS AND CITATIONS.

- A. Whenever an alarm system is activated with the City's jurisdiction, thereby

requiring a response to the premises, the fire or police official, as the case may be, on the scene shall inspect the premises. investigate the cause of the alarm, and determine whether or not the response was in fact required.

- B. If the fire or police official, as the case may be, determines the alarm to have been false, the said official shall prepare a false alarm report and a written warning to be issued to the alarm user by certified mail or by hand delivery.
- C. If the Fire Department, in the case of a fire alarm, or the Police Department, in the case of a burglary alarm or such alarm designed to alert the police or an alarm systems designed to register a signal which is so audible, visible, . or in other ways perceptible outside of a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located, determines that the alarm is false, the said official may, if a safety threat exist, require the alarm user to obtain written certification from a licensed alarm company that the company has inspected the system and that any defects of design, installation or operation of the alarm system, which are identifiable as the cause of the false alarm, have been corrected.
- D. The issuance of a warning to the alarm user is not intended to create any rights of the alarm user. The City of Prichard has the authority to issue a Municipal Offense Ticket or other citation rather than a warning after the first false alarm response to the premises. The issuance of a warning is merely a courtesy offered by the City of Prichard to induce the alarm user to take corrective actions to prevent future false alarms.
- E. The fire official shall have the right to inspect any alarm system upon request, to determine whether the alarm system is in proper working order and in compliance with this ordinance.
- F. If the Fire Department or Police Department responds to the same premises more than once during any twenty-four (24) hour period, only one false alarm shall be charged against the alarm user, unless evidence exists that the alarm user is purposely harassing the Fire or Police Department, as the case may be, with false alarm calls; in such circumstances each false alarm call shall be a separate violation of this ordinance.

SECTION 6. PERMIT/REGISTRATION REQUIRED; EXPIRATION; FEES.

- A. Every fire or medical alarm installation company shall:
1. Obtain an installation permit, fee \$50.00, from the Fire Department of the City of Prichard for all alarm systems required by the Fire Code of the City of Prichard.
 2. Supply the Fire Department with evidence of a City of Prichard Business License.
 3. Supply the Fire Department with evidence of Insurance in the comprehensive amount of \$500,000.00 per occurrence.
 4. Every required alarm system must have installation plans approved by the Fire Department. Plans and specifications for automatic or manual fire alarm systems indicating the location and number of all sending stations including automatic detection devices and signals with specifications of the type, construction, and operation of the system shall be submitted for approval prior to installation of equipment or wiring. Plans shall include location of the annunciator panel with appropriate zoning nomenclature.

SECTION 7. ADEQUATE INSTRUCTIONS; COPIES OF REGULATIONS.

- A. Every alarm business selling, leasing, or furnishing to any user of an alarm system which is installed on the premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to allow the user to operate the alarm system properly, and to obtain proper service at any time.
- B. The Fire Department shall have copies of this ordinance available for review at the central station on Turner Road, upon request.

SECTION 8. REQUIRE EQUIPMENT/INFORMATION.

- A. Any newly acquired fire alarm system, or any existing fire alarm system which requires updating or modification following the date of the passage of this ordinance, shall be required to:
1. Be installed in accordance with the National Fire Protection Association standards currently adopted as the Fire Code of the

City of Prichard.

2. Have an automatic audible alarm system cutoff within 15 minutes of activation for those systems using an audible alarm.
3. Provide emergency access to the protected facility pursuant to one of the three following methods:
 - (i) User must provide the central station or answering service the names and telephone number of at least three persons who can respond to the premises where the alarm occurred within thirty (30) minutes of being notified at any time with the keys to the premises and the alarm system. This list of names and addresses shall be kept current at all times. The same information shall be supplied to the Fire Department upon request. Any user of a system other than a Fire Department Central Alarm Station must supply the same information to the Fire Department upon request.
 - (ii) If the alarm company agrees, it must have one of its representatives respond to the premises where the alarm occurred at any time, with the keys to the premises and alarm system. Under this alternative, it is still ultimately the owner of the alarm system responsibility to have keys available within thirty (30) minutes after attempted notification by the Prichard Fire Department. Failure to do so shall be a violation of this ordinance.
 - (iii) The user shall install on the outside of the premises a lock box that only the Fire Department has a key to, which has also been approved by the Fire Department. This box must contain the keys to the premises and the alarms system. If the owner chooses this option and the Prichard Fire Department responds to an alarm, then the Prichard Fire Department will immediately notify the alarm owner and advise him of entry and apparent cause of alarm, such as fire or false alarm. In the event of a false alarm, the Fire Department will leave the building secured and the owner will be responsible to reset all alarms as soon as possible.
4. All audible alarm systems shall have a \$ sign or notice posted on or near the audible device with the name and telephone number of the person or persons responsible for service and maintenance of the system. The notice shall be conspicuously posted and readable from

ground level.

5. Tools and keys required to reset the alarm system shall be maintained on premises.
6. Any alarm system with a zone display panel must have a diagram posted near the alarm panel describing the location of the zones.
7. Every newly installed required alarm system shall be approved by the Fire Department and the installer shall furnish the Fire Department a Fire Alarm System Certification as described in the Fire Code of the City of Prichard (NFPA 72).

SECTION 9. RESPONSE TO ALARMS.

- A. Whenever an alarm is activated in the City of Prichard thereby requiring an emergency response to the location by the Fire or Police Department, as the case may be, the personnel of the department responding at the scene of the activated alarms system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm pursuant to the terms of this ordinance.
- B. If the Fire or Police Department personnel, as the case may be, at the scene of the activated alarm system determines the alarm to have been false, said personnel shall make (i) a written report of the false alarm, and (ii) a warning which shall be sent by certified mail or hand delivered to the alarm user pursuant to the terms of this ordinance, advising the alarm user of the (i) the occurrence of a false alarm, (ii) the date of such alarm, and (iii) the time and location of the alarm.
- C. The Fire Official or duly authorized designee shall have the right to inspect any fire alarm system on the premises to which a response has been made at the time of the activation of the fire alarm or he may cause an inspection of such system to be made at any reasonable time thereafter, by appointment, with the owner of the property. The Fire Official shall notify the fire alarm user and any alarm company involved so that a representative may be present at the time of the inspection.

SECTION 10. NOTIFICATION OF ALARMS.

- A. Alarm signals initiated by manual fire alarm boxes, automatic fire detectors, waterflow from the automatic sprinkler system, actuation of other

extinguishing, fire or medical emergency alerting systems shall be treated as fire alarms for the purposes of this ordinance.

B. Any monitored, proprietary or central fire alarm system shall:

1. Within ninety (90) seconds retransmit such an alarm signal to the City of Prichard's central dispatch through approved non-E911 telephone lines so the proper emergency equipment may be dispatched.
2. Notify the alarm user, by a method listed in subsection (A) of this section, in the quickest possible manner.

C. Trouble signals:

1. Monitored alarms:

- (i) Monitoring companies shall immediately dispatch a runner to investigate trouble signals and notify the owner of the status of the situation.
- (ii) The equipment owner shall contact an alarm service or maintenance company and have the trouble with the alarm system cleared within 72 hours.

2. Unmonitored alarms:

- (i) Owner shall immediately investigate cause of the trouble signal, and shall have an alarm system maintenance company repair the system, as soon as possible, but in no event shall the repair take longer than 72 hours.

3. Trouble signals shall not be treated as an alarm requiring emergency response by the Prichard Fire or Police Department, pursuant to the terms of this ordinance.

SECTION 11. GRACE PERIOD - NEW INSTALLATIONS.

The provisions of this article shall not apply to any new installation or modification of alarms systems for the first 30 days following completion of the installation or system modification. Users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which false alarms generated by such system shall be deemed non false alarms. This grace period shall cease 30 days after the installation or modification of an alarm system.

ARTICLE III. SEVERABILITY.

If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

ARTICLE IV. REPEALER.

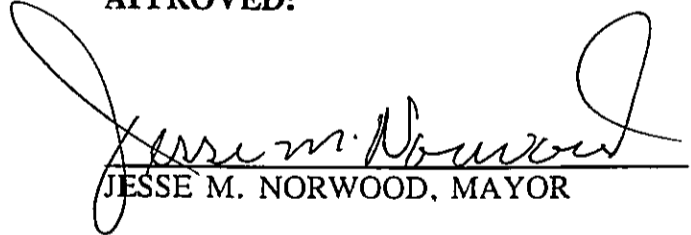
All ordinance or parts of ordinances of the City of Prichard in conflict with the provisions of this Ordinance, insofar as they conflict, are hereby repealed.

ARTICLE V. EFFECT OF ORDINANCE.

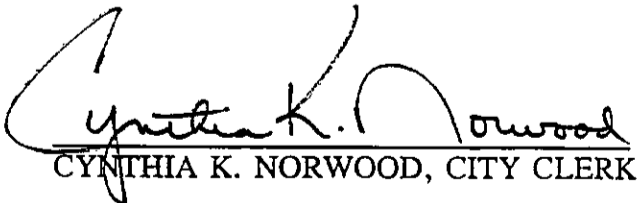
This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance applies to property within the city limits and police jurisdiction of the City of Prichard and shall be in full force and effect therein as permitted by law.

ADOPTED THIS 30th day of August, 1994.

APPROVED:


JESSE M. NORWOOD, MAYOR

ATTESTED:


CYNTHIA K. NORWOOD, CITY CLERK