

PART II - CODE OF ORDINANCES
Chapter 38 - EMERGENCY SERVICES

ARTICLE II. ALARM SYSTEMS

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Sec. 38-26. 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 system means any device, mechanical or electrical, which is installed or used to warn or signal the police or fire department personnel of danger to persons or property.

False alarm means the activation of an alarm system by mistake, inadvertence, neglect, malfunction, power failure, natural causes, or any other cause when police or fire department personnel assistance is not required.

Fire personnel means one or more employees of the fire department.

Police personnel means one or more sworn officers of the police department.

Response means arrival of the police or fire department personnel at a location as a result of the activation of an alarm system at that location.

Unit of real property means any contiguous lands within the city which are under common ownership or are devoted to a single use, whichever is greater. Common ownership shall include all entities from which the same natural or fictitious persons have ultimate benefit. Contiguous lands shall include those separated by easements, sidewalks, alleys, rights-of-way, and water bodies.

Semiannual period means 180 consecutive days.

(Ord. No. 02-469, § 1, 9-18-2002)

Sec. 38-27. User charge.

- (a) There is imposed a user charge upon every unit of real property which is the site of more than three false alarm responses within any semiannual period.
- (b) The user charge is hereby established at \$50.00 per response by police department personnel and \$50.00 per response by fire department personnel.
- (c) Any response for which a unit of real property is billed under this Article shall not be considered an incident of service nor billed to the property owner under Division 3 of Article III of Chapter 58
- (d) The first three false alarm responses to a unit of real property within a semiannual period are exempt from imposition of the user charge under this section.

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(Ord. No. 02-469, § 1, 9-18-2002)

Sec. 38-28. Registration; turning off alarms.

- (a) The owner or manager of a premises where there is any alarm system installed shall register the alarm system with the permit and licensing division. Existing alarm systems shall be registered no later than March 30, 2010, and new installations shall be registered within 30 days of installation. Application for registration shall be made on a form provided by the city's permit and licensing division and shall disclose all information which may be reasonably necessary for fair administration of this article. It shall be the responsibility of the owner or manager of the premises to update registration information as necessary.
- (b) If any person described in section (a) above, or other authorized person, shall fail to appear and deactivate an alarm system within 30 minutes of notification to do so by the police department or fire department, an additional user charge of \$50.00 for each such occurrence shall be billed and collected as provided hereinafter. This \$50.00 fee shall be doubled to \$100.00 if the owner or manager failed to register the alarm system. The user charge imposed by this subsection shall be in addition to any user charge imposed by section 38-27 herein, and shall not be subject to the threshold requirement of section 38-27(a).

(Ord. No. 02-469, § 1, 9-18-2002; Ord. No. 09-336, § 1, 12-16-2009)

Editor's note—

Ord. No. 09-336, § 2, adopted Dec. 16, 2009, provides that all registration fees collected for FY 2009/10 shall be refunded.

Sec. 38-29. Report to finance department; mailing of invoice to property owner; payment.

The police department and fire department shall jointly identify each property which is the site of more than three false alarm responses within any semiannual period or which is subject to a fee under section 38-28 and shall report the identity of the property and the number of responses to the finance department within 60 days after the false alarm responses have exceeded three in any semiannual period or is subject to a fee under section 38-28. For the purposes of computing false alarm responses, a response by fire department personnel and by police department personnel to the same incident shall be considered two responses. Within 30 days of receiving such report, the finance department shall mail an invoice to the unit of real property as it appears in the most recent tax roll prepared by the county property appraiser and to the occupational license holder for the businesses on the property and to such other persons as the finance department finds it expeditious to mail the invoice. Such invoice shall be paid in full within 30 days of the date on the invoice.

(Ord. No. 02-469, § 1, 9-18-2002)

Sec. 38-30. Failure to pay invoice in full.

If any unit of property shall fail to pay in full an invoice within 30 days as required in this article, a lien is created in favor of the city upon the unit of property in the amount of the invoice plus recordation and foreclosure costs, fees, and expenses, including attorney's fees, and bearing a rate of interest as provided by law. Such liens shall be prior to all of the liens on such lands or premises except the lien of state, county and municipal taxes and shall be on parity with the lien of any such state, county or

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municipal taxes. Such lien, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by state laws for the foreclosure of mortgages on real property.

(Ord. No. 02-469, § 1, 9-18-2002)

Sec. 38-31. Appeal.

Within 30 days of the date of any invoice sent pursuant to this article, the authorized representative of a unit of property may appeal the imposition of the user charge to the appeal board consisting of the following, or their respective designees: the city manager, the chief of police, the fire chief, and the finance director. The appeal board shall consider the correctness of the computation of the invoice and the validity of the determination of the false alarm responses. The ability of a unit of property to pay the user charge is not a basis for adjustment of the invoice. The appeal board's decision upholding, modifying, or reversing the invoice shall constitute final administrative action.

(Ord. No. 02-469, § 1, 9-18-2002)

FOOTNOTE(S):

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Editor's note— Ord. No. 02-469, § 1, adopted Sept. 18, 2002, amended art. II, §§ 38-26—38-30, in their entirety. Said ordinance additionally added § 38-31. Formerly, said article pertained to similar subject matter as adopted by the 1970 Code, as amended. See the Code Comparative Table.