ORDINANCE NO.: 4082

AN ORDINANCE TO AMEND TITLE 20, CHAPTER 2, SECTIONS 20-203 AND 20-204 OF THE COLUMBIA MUNICIPAL CODE RELATIVE TO PRIVATE ALARM SYSTEM PERMITS

BE IT ORDAINED BY THE CITY OF COLUMBIA, as follows:

Section 1: That Title 20, Chapter 2, Sections 20-203 and 20-204, of the Columbia Municipal Code, be amended by deleting the current sections 20-203 and 20-204 and replacing them with the following new Sections 20-203 and 20-204 as follows:

20-203. Permits required. Every person who shall own, operate or lease any alarm system as defined herein within the corporate limits of the City of Columbia, Tennessee, whether existing or to be installed in the future, shall, prior to the use of the alarm system, register the alarm system with the City of Columbia, including:

(1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom.

(2) Whether installed in a residential or commercial premises.

(3) The name, address, business and/or home or cellular telephone number of the owner or lessee of the alarm system.

(4) The names, addresses and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

At the time of registration or renewal, the owner, operator or lessee of the alarm system shall submit a fee of Fifteen Dollars ($15) to the City of Columbia for obtaining a permit for each alarm device in said system if the system is maintained on residential premises, and Thirty Dollars ($30) for each alarm device maintained on commercial premises. Permit fees are due annually and permit holders will be assigned a license number. Annual renewal fees of Fifteen Dollars ($15) for residential users and Thirty Dollars ($30) for commercial users will apply. (1968 Code, section 13-403, amended by Ordinance #3269, December 1998)

20-204 Duties of permit holders.

(1) Each owner, operator or lessee shall be responsible for training employees or agents in the proper operation of the alarm system.

(2) Each owner, operator or lessee of an alarm system shall ensure that the correct address identification is visible from the street or roadway on which the premises are located.

(3) Any audible alarm shall be equipped with an automatic shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

Section 2: That all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, TENNESSEE, THIS THE 10th DAY OF NOVEMBER, 2016.

DEAN DICKEY, MAYOR

ATTEST:

PATTI AMORELLO, CITY RECORDER

LEGAL FORM APPROVED:

C. TIM TISHER, CITY ATTORNEY

APPROVED FOR FIRST CONSIDERATION:

ANTHONY R. MASSEY, CITY MANAGER

Passed on 1st Consideration: 10/13/16

Passed on 2nd Consideration: 11/10/16

CHAPTER 2

ALARM SYSTEMS

SECTION

20-201. Title.
20-202. Definitions.
20-203. Notification and permits required.
20-204. Duties of permit holders.
20-205. Violations.
20-206. Automatic dialing devices.
20-207. Appeals procedure and rights to a hearing.
20-208. Response to false alarm--required reports of corrective action and disconnection.
20-209. Enforcement.
20-210. Disposition of fees.

20-201. Title. This chapter shall be known as the "Alarm Ordinance." (1968 Code, § 13-401)

20-202. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medic-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central

station which are permanently active and terminate within the Communications Center of the Columbia Police Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employee, servants or agents; or any other activation of the alarm system not caused by a fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the fire chief of the Columbia Fire Department or his designated representatives.

(7) "Law enforcement officer" means the chief of police of the Columbia Police Department or his designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof.

(9) "Residential premises" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units. (1968 Code, § 13-402)

20-203. <u>**Notification and permits required**</u>. Every person who shall own, operate or lease any alarm system as defined herein within the corporate limits of the City of Columbia, Tennessee, whether existing or to be installed in the future, shall, within one hundred and twenty (120) days of the effective date of this chapter for existing alarm systems, or prior to the use of new alarm systems, notify the Columbia Police Department, on forms to be provided, of:

(1) The type, make and model of each alarm device and, if the alarm system is monitored, by whom.

(2) Whether installed in a residential or commercial premises.

(3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system.

(4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars ($15.00) to the

City of Columbia Recorder's Office for obtaining a permit for each alarm device in said system, if the system is maintained on residential premises, and thirty dollars ($30.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are due January 1 annually and will be prorated during the year applied for. Annual renewal fees of fifteen dollars ($15.00) for residential users and thirty dollars ($30.00) for commercial users will apply. (1968 Code, § 13-403, amended by Ord. #3269, Dec. 1998)

20-204. Duties of permit holders. (1) Each owner, operator, or lessee shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.

(2) Each owner, operator, or lessee of an alarm system shall insure that the correct address identification is visible from the street or roadway on which the premises are located.

(3) Any audible alarm shall be equipped with an automatic shut off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(4) The current alarm registration sticker provided each permittee shall be displayed near the primary entrance so as to be easily visible from outside the building. (1968 Code, § 13-404)

20-205. Violations. (1) It shall be a violation of this chapter to have a functional alarm system without having obtained a permit required by § 20-303.

(2) Having an alarm activated without a permit shall constitute a violation of this chapter.

(3) It shall be a violation of this chapter when any Columbia Police Department or Fire Department officer responds to a false alarm after the allowable false alarms set out in § 20-302(5) have been exhausted.

(4) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by police or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

(5) It shall be a violation of this chapter for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.

(6) It shall be a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the Police Department Communications Center is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene

before the original call is cancelled. If a responding police or fire service has not arrived on the scene within 20 minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

(7) Any non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars ($50.00) plus (+) court costs. (1968 Code, § 13-405)

20-206. Automatic dialing devices. (1) Within one hundred and twenty (120) days of the effective date of this chapter, it shall be a violation of this chapter for any automatic dialing device to call on the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency police, fire or emergency medical services phone numbers.

(2) Any automatic dialing device shall:

(a) Have a clearly understandable recording.

(b) Be capable of repeating itself a minimum of two times.

(c) Be capable of automatically resetting itself so as to not continuously call police, fire or EMS phone numbers.

(3) Programmed messages on an automatic dialing device must include and are restricted to the following:

(a) The owner's/resident's name and the exact street number and name.

(b) A statement that it is burglar or robber/panic "ALARM ONLY." It shall not say burglary or robbery "in progress."

(c) A statement of the hours the business is open, if the device is used for both burglar and robber/panic alarms.

(d) A statement that a third-party has been notified, and the identity of that third-party, if a third-party is notified by the device. (1968 Code, § 13-406)

20-207. Appeals procedure and rights to a hearing. (1) After a sixth (6th) false burglary alarm, a fourth (4th) false robbery/panic alarm, or a fourth (4th) false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, a properly designated law enforcement officer or fire officer may file a request, in writing, with the board of appeals within fifteen (15) days of the date the request of revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder, in writing, that a request for revocation has been filed with the board of appeals and the date on which it is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars ($50.00). Appeals upheld by the board will result in a refund of the appeals fee.

(2) Pursuant to the administration of this chapter, a board of appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this chapter. Said board shall be appointed by the mayor and approved by the council, and consist of the following:

(a) One (1) member of the police department.

(b) One (1) member of the fire department.

(c) Three (3) private citizens, one (1) member being a representative of the local alarm industry, one (1) a residential alarm user, and one (1) a commercial alarm user.

(3) The city recorder or his/her appointed clerk is hereby designated as secretary of the board of appeals and shall serve as custodian of its records. (1968 Code, § 13-407)

20-208. <u>Response to false alarm–required reports of corrective action and disconnection</u>. (1) The only alarms the Columbia police department, fire department or Emergency Medical Service will respond to are:

(a) Burglary (residential and business).

(b) Robbery/Hold-up (business only).

(c) Fire (residential or business).

(d) Medical (residential and business).

(e) Panic (residential only).

(2) Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any police or fire department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the police communications center back within five minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Columbia police officer or fire officer has already arrived before the second call has been made to the signal 9; to disregard; to cancel. If a member of the Columbia Police Department or Columbia Fire Department has not arrived on the scene within 20 minutes of the original alarm (notification), it will not be a chargeable response or fine of any sort.

(4) After the allowable false alarms set out in § 20-302(5), each person who owns, operates, leases or controls any premise, commercial or residential, having an alarm system, shall be cited to Columbia Municipal Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the police department of the corrective action taken to remedy the problem/situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered

on any premises required by law to have an alarm system in operation. (1968 Code, § 13-408)

20-209. Enforcement. Columbia police and fire department officers are specifically authorized to enforce this chapter. Any Columbia police or fire officer may lawfully issue a citation to an owner, operator or user of a functional alarm system who has not obtained the permit required by § 20-303, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under § 20-302(2). (1968 Code, § 13-409)

20-210. Disposition of fees. All fees collected pursuant to this chapter shall be paid to the City of Columbia general fund.

The provisions of this chapter shall not be applicable to residential or commercial premises which are located outside the municipal limits of the City of Columbia. (1968 Code, § 13-410)