

**ORDINANCE NO. 12-07**

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY REQUIRING  
REGISTRATION OF BURGLAR, HOLD-UP, AND FIRE ALARM SYSTEMS AND  
ESTABLISHING REIMBURSEMENT FEES FOR REPEATED FALSE ALARM  
CALLS**

**WHEREAS**, there exist in the City many businesses and residences which have installed security alarm systems which, when triggered, alert City law enforcement and/or City fire department officials; and

**WHEREAS**, it is necessary that the appropriate City official respond to each such alarm; and

**WHEREAS**, it has been the experience of the City that the great majority of alarms to which the City's police and fire departments respond are false alarms triggered by events other than unauthorized entry and other emergency situations; and

**WHEREAS**, it has further been the experience of the City that many false alarms originate from the same premises as the result of the owner's failure to properly address the cause of the false alarm; and

**WHEREAS**, each response to a false alarm diverts the City's first response personnel from other more productive duties and, especially in the case of a response by the fire department, generates significant expense to the City; and

**WHEREAS**, the Board of Commissioners for the City of Richmond finds it to be in the public interest that alarm users be encouraged to maintain the operational reliability of its security alarm systems in an effort to reduce or eliminate dispatch requests for false alarms and that alarm users be required to reimburse the City for expenses incurred by it in responding to false alarms arising from an alarm user's failure to properly maintain, repair, or service an alarm system;

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**SECTION I  
Definitions**

As used in this Ordinance, the following terms shall be defined as follows:

- (a) "Alarm coordinator" shall mean a person or persons selected by the Chief of Police to administer, control, and review alarm applications, permits and false alarm notifications.
- (b) "Alarm system" shall mean any mechanical or electrical device sold or installed

which is designed for use for the detection of an unauthorized entry into a building, structure, facility or enclosed area, or for alerting others of unauthorized entry, or any other crime or fire emergency and which emits sound or transmits a signal or message when activated.

- (c) "Alarm user" shall mean the person or entity that owns the premises on which the alarm system is maintained.
- (d) "Automatic dialer" shall mean an electrically operated instrument composed of sensory apparatus and related hardware which when triggered automatically sends a prerecorded voice alarm.
- (e) "Alarm business" shall mean any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, monitoring, servicing, or responding to an alarm system, or which causes any of these activities to take place.
- (f) "Alarm period" shall mean the designated twelve-month period running from January 1 to December 31.
- (g) "Applicant" shall mean any person, firm, corporation, partnership, or other entity using an alarm system which submits the required registration to the City.
- (h) "False alarm" shall mean the activation of an alarm system for any reason other than an unauthorized entry or other actual emergency circumstances necessitating the response of police or fire department personnel. "False alarm" shall not include any event of alarm activation as to which the police department or the fire department, as the case may be, was notified prior to response to the location that the alarm was inadvertent and no emergency exists.
- (i) "Reimbursement fee" shall mean the fee assessed hereunder intended to reimburse the City for expenses incurred by it in responding to a false alarm.

## **SECTION II**

### **Registration of Alarm System**

- (a) Newly Installed Alarm Systems. Before placing an alarm system into operation, every alarm user shall register the alarm system with the City police department by completing the registration form provided by the police department and by making payment of a \$25.00 registration fee. Separate registration shall be required for each structure, and the system shall be re-registered, without the imposition of further fees, at such time as the information provided on the registration form becomes inaccurate or out of date.

The registration form shall include at least the following information:

- (1) Name, address, and telephone number of the applicant (the "applicant")
  - (2) Address of the applicant's property to be serviced by the alarm system
  - (3) Name and address of the person who will be responsible for the proper maintenance and operation of the alarm system and the payment of fees and fines assessed under this Ordinance (the "system operator")
  - (4) The make and type of the alarm system
  - (5) The name, address, and telephone number of the business installing the alarm system
  - (6) The name, address, and telephone number of the alarm business maintaining and/or monitoring the alarm, if any, if different from the business installing the alarm
  - (7) The names, addresses, and telephone numbers of not less than three (3) keyholders, persons, or entities to be contacted in the event of an alarm who have access to the premises for emergencies or when multiple alarms occur within a twenty-four (24) hour period or for resetting or shutting off the alarm should the alarm be false
  - (8) An acknowledgement by the applicant that he/she has read and understood the requirements of this Ordinance
- (b) Existing Alarm Systems. At such time as an existing alarm system has generated a false alarm, the alarm user shall be required, on or before the close of the third business day thereafter, register the alarm system with the City police department in accordance with the requirements of sub-section (a), above.

### **SECTION III**

#### **Response to Alarm; Determination of False Alarm; Reimbursement of False Alarm Expenses**

- (a) Whenever an alarm is activated in the City and responded thereto by City police and/or fire department personnel, a law enforcement officer and/or fire official on the scene of the activated alarm system shall inspect the premises protected by the system and shall determine whether the City's response was due to a false alarm. In making such determination, the investigating official shall presume that the alarm was a false alarm when:
  - (1) In the case of a fire alarm, there is no sign or physical evidence of a fire; provided, however, that the purposeful or accidental activation of a fire alarm by a third party who is neither an employee or agent of the alarm user shall not be deemed to be a false alarm for purposes of this

Ordinance; or

- (2) In the case of other alarm system activation, there is no sign or physical evidence of an unauthorized entry or an attempted unauthorized entry, or no real or perceived threat of a hold-up or robbery.
- (b) If the law enforcement officer and/or fire official at the scene determines that the alarm is false, a false alarm report shall be prepared by the law enforcement officer or firefighter at the scene and forwarded to the alarm coordinator. Such report shall include the date and location of the false alarm, and the circumstances whereby the determination has been made that it was a false alarm. The alarm coordinator shall forward the false alarm report to the alarm user together with a warning that the fourth false alarm within the calendar year at the same location will result in the requirement that the alarm user reimburse the City for its expenses incurred in responding to the false alarm in accordance with the provisions hereinafter set forth. The report shall be mailed to the alarm user by first class mail at the address set forth in the registration form or any update made thereto by the alarm user, and the alarm coordinator shall maintain a record reflecting the date of the mailing. If the false alarm is one for which reimbursement must be made in accordance with the provisions set forth below, a billing statement shall be included with the false alarm report.
- (c) The City shall maintain records for all false alarms. In the event of the fourth or subsequent false alarms within any calendar year at the same location, the alarm user shall make reimbursement to the City as follows:
- (1) In the case of a fire alarm, \$250.00 for the fourth and fifth false alarms, \$500.00 for the sixth and seventh false alarms, and \$1,000.00 for each subsequent false alarm.
  - (2) In the case of other false alarms, \$50.00 for the fourth and fifth false alarms, \$100.00 for the sixth and seventh false alarms, and \$300.00 for each subsequent false alarm.

False alarm reimbursement shall be made within thirty days of the City's billing to the alarm user.

- (d) An alarm user may appeal the assessment of the reimbursement fee to the alarm coordinator by filing a written request for review setting forth the reasons for the appeal within 30 days of the date of the mailing by the alarm coordinator of the false alarm report. The filing of an appeal shall suspend the due date of the reimbursement fee until the Chief of Police or the Chief of the Fire Department, as the case may be, makes a final decision on the appeal. Such decision shall be in writing and mailed by first class mail to the alarm user at the address set forth in the registration form or any update made thereto by the alarm

user. The alarm coordinator shall maintain a record reflecting the date of the mailing, and the false alarm reimbursement shall be made within thirty days of the mailing of such decision.

**SECTION IV  
Penalties**

Any alarm user who shall fail to register an alarm system as required by this Ordinance shall be guilty of a misdemeanor punishable by a fine in an amount not less than \$250.00 nor more than \$500.00, and each day of the violation shall constitute a separate offense. Any alarm user who shall fail to make payment of a reimbursement fee shall be guilty of a misdemeanor punishable by a fine in an amount not less than \$250.00 nor more than \$500.00.

In the case of an alarm user which is a business entity, the person subject to the penalties above set forth shall be the "applicant" or the "system manager" as designated in Section II, above.

**SECTION V  
Effective Date**

This Ordinance shall be effective immediately upon its adoption after second reading by the Board of Commissioners and publication in accordance with the requirements of applicable Kentucky law.

**DATE OF FIRST READING: February 28, 2012**  
**MOTION BY: Commissioner Blythe**  
**SECONDED BY: Commissioner Baird**

**DATE OF SECOND READING: March 13, 2012**  
**MOTION BY: Commissioner Baird**  
**SECONDED BY: Commissioner Blythe**

<b>VOTE</b>	<b>YES</b>	<b>NO</b>
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner Morgan	x	
Commissioner Thomas	x	
Mayor Barnes	x	

  
\_\_\_\_\_  
Mayor Barnes

ATTEST:

  
\_\_\_\_\_  
City Clerk