

Ordinance 2004-16  
Passed March 16, 2004

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF POWELL, REVISING SECTION 711: ALARM SYSTEMS.**

WHEREAS, Council has determined that it is desirable to amend Section 711 of the Codified Ordinances of the Municipality of Powell for the purpose of amending specifications as set forth on the attachment hereto.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the attached amendments to Section 711 are hereby made to the Codified Ordinances of the Municipality of Powell as set forth on the attachment hereto which is incorporated herein by reference.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

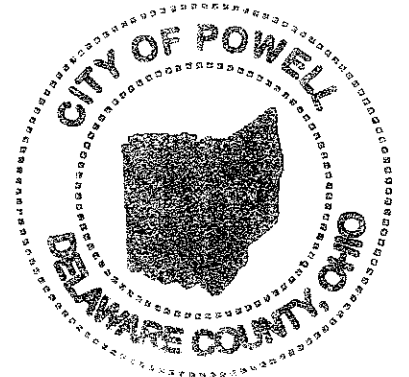
Section 3: That this Ordinance shall take effect at the earliest period allowed by law.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE 2004-16: Y 6 N 0

Dan Wiencek 3/23/04  
Dan Wiencek Date  
Mayor

Dawn Nauman 3/23/04  
Dawn Nauman Date  
Clerk of Council



This ordinance is hereby  
three (3) public places as defined in Ordinance  
2004-07 dated 3/23/04  
3/23/04  
Nauman

### 711.01 DEFINITIONS.

- a) "Alarm system" means any combination or assemblage of equipment of any type whatsoever arranged or designed to provide an audible, electronic, or visible signal indicating the occurrence of an unauthorized or illegal entrance or other activity requiring urgent attention and intended or designed to elicit a response from the Police Department excluding such systems which are installed in automobiles
- b) "Alarm user" means any person, firm, corporation, partnership or other entity in control of or owning any building or structure or any portion thereof which is intended to be protected by an alarm system.
- (c) "False alarm" means an alarm system signal or message intended or designed to elicit an urgent response from the Police Department when a situation requiring such a response from the Police Department does not in fact exist but excluding an alarm signal caused by an unusually violent condition of nature and further excluding activities subject to prosecution pursuant to the provisions of Section 509.07. An alarm which has been activated as a result of a repair or test or other activity of the owner or entity in control of the building or structure shall not be considered a false alarm provided notification of the same is transmitted to the Police Department in writing prior to the response of the Police Department.

### 711.02 ALARM USER LICENSE REQUIRED.

- (a) No individual or other entity shall operate or permit on premises under its control the operation of an alarm system unless an alarm system user license has been obtained in accordance with the provisions of this section.
- (b) Each property address or portion thereof served by separate alarm systems must be separately licensed.

### 711.03 APPLICATION FOR ALARM USER LICENSE.

- (a) Prior to activation of an alarm system, or within ninety days of the adoption of this chapter for systems already activated, an application for alarm user license shall be made to the Police Department on forms provided by the **Police Department**. ~~Department of Public Safety~~. The application shall include as a minimum the name, address and telephone number of the applicant and the name, address and telephone number of the property to be serviced by the alarm systems.
- (b) Each application for alarm user license shall contain as a minimum at least one other name, address, and telephone number of a person to be contacted in case of an emergency where the user is unavailable. In the event the alarm system is designed to be monitored by an alarm monitoring company, the application at a minimum shall contain the company name, address and telephone number and the identity of an individual to contact at such company together with account number and such other information as is necessary to identify the alarm system.
- (c) It shall be the obligation of each applicant for alarm user license to immediately notify the Police Department of any changed information relative to individuals to contact, address and telephone numbers and any changes in utilization of the alarm system monitoring company.
- (d) Each new application for alarm user licenses shall be accompanied by a **one time** fee in the amount of twenty-five dollars (\$25.00) payable to the City of Powell.
- (e) **An alarm user may be charged an additional \$25.00 fee if the registration was not completed prior to an alarm activation.**
- (f) **When the licensee moves locations within the City of Powell, the licensee must notify the Police Department and a new alarm application must be filed. The \$25.00 fee will be waived if the notice of change is made within 30 days of the move.**
- (g) **Alarm licenses cannot be transferred between property owners. When an existing alarm license is no longer in contract by the licensee, the license is void.**

#### 711.04 RENEWAL OF LICENSE.

~~All alarm user licenses shall be initially issued for a period of one year. At least thirty days prior to the expiration of the license, the Director of Public Safety shall cause to be transmitted to the applicant an application for renewal on a form approved by the Director of Public Safety. All applications for renewal shall be transmitted to the service address provided on the original alarm user license.~~

#### 711.05 SYSTEM STANDARDS.

- (a) No alarm user license shall be issued for any alarm system which can be activated by a failure in the electric service from the utility, unless such alarm systems are equipped with a secondary power source which shall provide sufficient electric to operate the system in the event of failure of electric service from the utility.
- (b) No alarm user license shall be issued ~~or renewed~~ for any alarm system which does not have an automatic cut off which discontinues the alarm signal within fifteen minutes after activation, whether the alarm system emits an audio signal or other signal.

#### 711.06 ALARM VALIDITY DETERMINATIONS.

- (a) Whenever an alarm system is activated requiring an emergency response from the Police Department, the Police Officer who so responded shall make an initial determination and inspect the area to determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm was a "false alarm".
- (b) If the inspecting Police Officer determines the signal to be a false alarm, the Police Officer shall make a report of the false alarm and **either leave a copy** or mail a copy of the report to the violator. ~~and transmit the same to the Director of Public Safety and mail a copy of the false alarm report to the alarm user at the address provided.~~
- (c) Within fifteen days of notice of false alarm, the alarm user may request an administrative hearing in writing and present evidence and testimony to determine whether the alarm was in fact a false alarm. The request shall be filed with the **Chief of Police** ~~Director of Public Safety~~ if such a request is made.
- (d) ~~The Director of Public Safety~~ **Chief of Police** shall ~~make a decision~~ determine the appropriateness of the false alarm notice and action to be taken. ~~whether to withhold or disallow the false alarm report made by the Police Department and notify the alarm user in writing at the address stated for the location of the alarm system within ten days of his decision.~~

#### 711.07 FALSE ALARM PROHIBITED.

- (a) Each false alarm shall constitute a separate false alarm when Police response is elicited. Any response to a false alarm to the address by an agency other than the Police Department in response to the alarm shall in like manner be considered a false alarm. Any activation of the alarm is presumed to elicit a response from the Police Department.
- (b) No service fees shall be assessed for the first three false alarms per calendar year for each alarm user or licensee, *except for an unregistered system.*
- (c) Each false alarm for a calendar year in excess of three false alarms shall be assessed against the alarm user at the *following rate:* of twenty-five dollars (\$25.00) per false alarm, *for the fourth, fifty dollars (\$50.00 for the fifth), one hundred dollars (\$100.00) for the sixth, one hundred-fifty dollars (\$150.00) for the seventh and every occasion thereafter within the year.* The licensee shall be notified of such charge by the **Chief of Police** ~~Director of Public Safety~~ in writing at the service address. The alarm user licensee shall pay such fee to the **City of Powell** ~~Director of Public Safety~~ within fourteen days *thirty (30) days* of the assessment.

#### 711.08 REVOCATION OF ALARM USER LICENSE.

- (a) An alarm user license may be revoked by the Chief of Police for any of the following reasons:

- 1) False alarm in excess of eight per calendar year.
  - 2) Failure to remit the service fees outlined above within thirty days of receipt of the invoice.
  - 3) Falsification of any information on an application for alarm user license.
  - 4) Failure to appear at a hearing regarding the possible revocation of alarm user license.
  - 5) Failure to notify the ~~Division of Police~~ **Department** of any changes in license information.
- (b) In any proceeding to revoke the alarm license, a hearing shall be conducted by the **City Manager** ~~Director of Public Safety~~ with notification to the alarm user licensee at least ten days in advance of the hearing. The holder of alarm user license shall have the right to counsel and the right to present evidence and testimony. Notice of hearing shall be mailed to the address provided in the license.

#### **711.09 APPEAL FROM REVOCATION OF ALARM USER LICENSE.**

- (a) An appeal from the decision of the **Chief Of Police** ~~Director of Public Safety~~ regarding the revocation of alarm user license may be made to the ~~Mayor~~ **City Manager** by executing a Notice of Appeal setting forth the order so appealed from, attaching a copy of the order, and filing the same with the **City Manager** ~~Administrator of the Municipality~~ within ten days of the date notice was transmitted to the alarm user licensee that the license was revoked.
- (b) In any appeal from revocation of alarm user license to the **City Manager** ~~Mayor~~, a hearing will be conducted by ~~the Mayor, or the Mayor's designee,~~ with notification of the date and time of the appeal hearing at least ten days in advance of such hearing. The holder of the alarm user license having so appealed shall have the right to present evidence, be represented by counsel, and present testimony relative to the appeal. No later than seven days from the date of the hearing on appeal, ~~the Mayor, or the Mayor's designee,~~ **City Manager** shall issue an order and decision upholding the decision of ~~City Manager~~ Chief of Police or reversing the same. The decision of the ~~Mayor, or the Mayor's designee,~~ **City Manager** shall be final and a copy of the decision shall be transmitted to the licensee by ordinary mail at the address set forth in the license.