

ORDINANCE NO. 2023-~~003~~ADM

AN ORDINANCE AMENDING ORDINANCE 95-047-PS AND ORDINANCE NO. 96-029-PS WHICH ARE CODIFIED AS ARTICLE IV OF CHAPTER 34 OF THE CODE ORDINANCES OF THE CITY OF TRUSSVILLE, ALABAMA, ACCOUNTING FOR THE FALSE ALARM RESPONSES BY THE TRUSSVILLE FIRE DEPARTMENT AND AMENDING THE FEES IMPOSED FOR A FALSE ALARM.

WHEREAS, since the adoption of the above-referenced ordinances, the number of fire alarms throughout the City of Trussville, Alabama, ("City") has increased, and the City created a full-time, non-volunteer fire department; and

WHEREAS, the Trussville Police Department, by and through its chief of police, was solely responsible for the enforcement of the alarm ordinances referenced above; and

WHEREAS, the Trussville Fire Department ("TFD") responds to every call with its full-time force within the corporate limits as well as when requested to do so through mutual aid agreements; and

WHEREAS, responding to false fire alarms creates a burden on TFD and its resources and personnel that causes additional costs that should be deferred after false alarms; and

WHEREAS, in order to permit TFD, by and through its fire chief, to enforce the false alarm provision as well as assist in offsetting some of the costs incurred for false alarms that frequently happen, the City Council finds it is in the best interest of the health, safety, and welfare of its citizens to amend the ordinance as stated below.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Trussville, Alabama, that Ordinance 95-047-PS and Ordinance No. 96-029-PS which are codified as Article IV of Chapter 34 of the Code of Ordinances of the City of Trussville, Alabama, be and is hereby amended to state the following:

I. Amended Language.

Sec. 34-71. Definitions.

The following definitions shall be applicable for the purposes of this article:

Alarm company: Any individual, partnership, or corporation who for compensation sells, leases, installs, maintains or monitors alarm systems.

Alarm equipment supplier: Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices which transmit alarms upon receipt of a stimulus from a detection apparatus or a manually operated system.

Alarm user: Any person on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles.

Alarm system: An assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which police and/or fire department are normally expected to respond. Also included are those systems which employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.

Direct line: A telephone line leading directly into the communications center of the police department and/or fire department that is for use only to signal alarm equipment monitored by the police department and/or fire department.

False alarms: Any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

- (1) Criminal activity or forcible unauthorized entry.
- (2) Earthquake causing structural damage.
- (3) Tornado or wind causing structural damage.
- (4) Flooding of protected premises.
- (5) Lightning causing physical damage to protected premises.
- (6) Fire causing physical damage to protected premises.
- (7) Alarm device maintenance, provided the department is notified prior to activation of alarm.

Fire Chief: The chief of the City of Trussville Fire Department or his or her authorized representative or designee.

Local alarms: An alarm system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

Person: Any individual, partnership, corporation, association, institution, board, or society, but such term does not include the city, or other publicly funded school or organization.

Police chief: The chief of the police department of the city, or his authorized representative.

Public trunkline: A telephone line leading into the communications center of the police department and/or fire department that is for the purpose of handling emergency and administrative calls on a person-to-person basis.

Signaling device: An electrically operated device which automatically sends visual and/or audible signals to be registered by indicators at a monitor panel at the receiving terminal or central station.

Sec. 34-72. Permitted devices.

(a) No person shall use or cause or permit to be used, an alarm system utilizing any device that automatically selects a public trunkline of the police department of the city and then reproduce a prerecorded message or other signal to report any robbery, burglary, fire, or other emergency.

(b) With the exception of local alarms, only signaling devices shall be permitted to be installed in the city for the purpose of reporting any robbery, burglary, fire, or other emergency to the police department of the city.

Sec. 34-73. User permit required.

(a) No alarm user shall install, operate, or maintain an alarm system in the city without first obtaining a permit as required by this article.

(b) Any alarm user who operates and alarm system without first obtaining authorization as required by this section, or who, after having authorization revoked, continues to operate his alarm system, shall be in violation of this article.

(a) Any alarm company who sells, installs, maintains, or monitors an alarm system located within the city must possess a current business license with the city. Any alarm company failing to maintain a proper business license shall be in violation of this article.

(b) The alarm company shall maintain a current list of names and telephone numbers of persons to contact who can operate the alarm system, open the premises and who is authorized to deal with ~~police authorities the police department or fire department~~. This information shall be made available to the police ~~or fire~~ department upon ~~their either department's~~ request.

Sec. 34-75. Application for permit.

(a) Applications for permits for the operation of an alarm system shall be filed with the city clerk along with an application fee of \$20.00. Alarm permits shall remain valid until such time as ownership of the business or residence changes, notwithstanding any revocation as provided by this article. The alarm user applying for issuance of the authorization permit required shall state on the application form his name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local, burglar, robbery, fire etc.) the alarm equipment supplier selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system.

(b) The alarm user shall notify the alarm company of any changes in the name, residence, address or phone number of the person or persons to be contacted who is authorized to deal with police authorities and who can open the premises in which the system is installed.

(c) The alarm user's application for new alarm system permits must be accompanied by a certificate or letter of inspection by an alarm equipment supplier licensed by the city, certifying that the alarm system has and is in proper operating condition, and that personnel operating the system have been instructed in the proper use and operation of the equipment. Systems which have been installed and in operation prior to adoption of this ordinance shall be exempt from the alarm company inspection or certification section of this article.

(d) The information contained in the alarm user application required by this section and other correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the police chief or city employees specifically assigned the responsibility for handling and processing alarm user applications or emergency notification of the designated persons. The information contained within the alarm users application is not public record and shall not be disseminated to anyone other than law enforcement personnel or authorized city employees. The city clerk shall approve such application if the city clerk finds that:

- (1) The alarm user has completed the alarm user application correctly and has complied with the provisions of this article.
- (2) The alarm equipment supplier installing the device has a current city business license and maintains an adequate service organization to repair, maintain and otherwise service the system sold, leased, or installed by him.
- (3) The city clerk is authorized to rely on information gathered by the police department in determining whether the foregoing requirements are met.

Sec. 34-76. Transfer of alarm permit.

Alarm permits are valid for the original applicant only and are not subject to transfer. Upon sale of a residence or transfer of ownership of any business the new owner shall apply for a new permit as provided in section 34-75. Operation of an alarm system without a valid permit issued to the current alarm user is a violation of section 34-73 of this article.

(c) Each alarm user shall be responsible for training and retraining as needed, all employees, family members and persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(d) Emergency response to alarms may be canceled by the alarm company reporting the alarm, if they determine the alarm was false and advise the police department dispatcher prior to arrival of patrol units at the alarm scene. Alarms responded to as a result of improper identification by personnel to the alarm company, or alarm cancellations received after police arrival shall be deemed false, unless investigation by the responding officer(s) determine the personnel are illegally on the premises.

(c) The alarm company reporting the alarm shall advise the police department dispatcher as soon as possible if a keyholder will be responding and if so the name, and estimated time of arrival of the responding party.

(d) Officers responding to an alarm will not be required to check the premises without a designated keyholder, when user installed or maintained barriers exist, and in the opinion of the officer circumvention of such barriers may subject the officer to unnecessary risk.

Sec. 34-78. Testing of equipment.

(a) No alarm system designed to transmit alarm conditions directly to the police department shall be tested or demonstrated without first obtaining permission from the police department. Permission is not required to test or demonstrate alarm devices not transmitting alarm conditions directly to the police department, unless the alarm conditions are to be relayed to the police department.

(b) Failure to notify the police and fire department prior to testing an alarm system shall constitute a false alarm.

Sec. 34-79. Service fees applicable for false alarms.

(a) After the third false alarm within a consecutive 12-month period, a notice shall be issued by the chief of police or the fire chief to the alarm user identified in the permit application, and in the event-of subsequent false alarms, the following service fees will be imposed:

4th false alarm	\$50.00	\$100.00
5th false alarm	\$75.00	\$150.00
6th false alarm	\$100.00	\$200.00
7th false alarm	\$125.00	\$250.00
8th false alarm	\$150.00	\$300.00
9th false alarm	\$175.00	\$350.00
10th false alarm <u>or subsequent false alarms</u>	\$200.00	\$400.00

~~The maximum service fee for any single alarm shall not exceed \$200.00.~~

(b) Alarm users having more than ten false alarms during a 12-month period will be billed at the maximum rate, in addition to revocation of the alarm permit as provided in section 34-80 of this article. These amounts shall be cumulative and charged for each false alarm that occurs within a 12-month period.

(b) The chief of police or the fire chief may revoke any permit issued pursuant to the provisions of this article if he determines that:

- (1) The alarm system was installed, maintained, or operated in violation of this article, or of any term or condition of said permit.
- (2) Service fees imposed by section 34-79 of this article have remained unpaid for more than 30 days after its due date.
- (3) Anytime an alarm is intentionally activated by an alarm user or any of its officers, agents, employees or family, for the purpose of testing the response time of the police department or the fire department.

(c) The notice of revocation may be rescinded by the chief of police or fire chief prior to its effective date, if during said ten-day period the alarm user presents evidence satisfactory to the chief of police or fire chief that all conditions of noncompliance have been remedied and all service fees imposed under this article have been paid in full. In the event of such rescission, the chief of police or the Fire Chief shall notify the alarm user, in writing, that the notice of revocation has been rescinded and that the affected permit remains in effect in accordance with its terms and conditions.

(d) Upon notice of alarm permit revocation, the user may appeal such revocation to the city council by the user filing in writing within ten days of the notice of revocation.

(e) An alarm system user whose permit has been revoked due to ten or more false alarms is not precluded under this section from applying for a new permit pursuant to section 34-75 of this article, provided, however, that before a new permit is issued, the city clerk shall have a report from the chief of police or fire chief as hereinafter defined and in addition, all service fees due must be paid and the system corrected from any deficiencies. Before the city clerk shall issue a new permit, the police chief or fire chief shall make reasonable efforts to determine that the alarm user's system has been properly serviced and its deficiencies corrected. The police chief or fire chief shall notify the city clerk that, in his opinion the alarm system meets all requirements and the system has been corrected from its previous deficiencies and upon all service fees being paid, the city clerk shall then issue a new permit in accordance with section 34-75 of this article.

Sec. 34-81. Reinstatement of alarm permits.

Alarm permits may be reinstated after the effective date of revocation in the following manner:

- (a) For revocations due to delinquent service fees, the service fees must be paid in full.
- (b) For revocations due to ten or more false alarms the user must provide documentation from the alarm company that the problem with the system has been corrected. In situations where the alarms were due to human error rather than physical problems with the alarm system the user shall provide documentation that employee's or household members have been properly instructed in the use of the alarm system and the problem has been alleviated. All outstanding service fees must be paid.
- (c) The mayor upon review of the proper appeal may give written order of reinstatement as provided in section 34-80 of this article.

Sec. 34-82. Penalties.

If a court or competent jurisdiction declares any article, section, paragraph, clause, or sentence invalid or unconstitutional, the remainder of the Ordinance shall not otherwise be affected and continue in full force and affect.

Section 2. Amended and Restated.

This ordinance is intended to amend and fully restate the current ordinance. In the event of a conflict, this amended ordinance shall control.

Section 3. Preemption.

Nothing contained herein shall be deemed to supersede or override state or federal law.

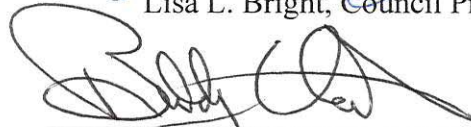
Section 4. Effective date.

This Ordinance shall become effective upon its passage, adoption, and publication as required by law.

ADOPTED AND APPROVED THIS THE 23RD DAY OF MARCH 2023




Lisa L. Bright, Council President



Buddy Choat, Mayor
City of Trussville

Attest:


Dan Weinrib, City Clerk


CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Dan Weinrib, City Clerk of the City of Trussville, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Trussville, Alabama, on the 23rd day of March 2023.

The above and foregoing ordinance was published on the 24th day of March 2023 by posting copies thereof in three public places within the City of Trussville, one of which was at Trussville City Hall.

Witness my hand and seal of office this 24th day of March 2023.


Dan Weinrib, City Clerk