

ORDINANCE NO. 981

AN ORDINANCE OF THE CITY OF EDWARDSVILLE, KANSAS ESTABLISHING NUISANCE ALARM SYSTEMS AS A PUBLIC OFFENSE IN THE CITY OF EDWARDSVILLE, KANSAS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

WHEREAS, false alarms cause a public nuisance expending valuable public safety resources; and,

WHEREAS, the City establishes fees and penalties for various public nuisance violations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDWARDSVILLE, KS

Section 1. The following regulations are hereby adopted governing nuisance alarm systems, registration of alarm systems, false alarm fees, and other processes related to alarm monitoring in the City of Edwardsville, Kansas.

SECTION 1. NUISANCE ALARM SYSTEMS PROHIBITED. It shall be unlawful for any person or business to own, lease or otherwise utilize for the purpose of providing security to person or property, any burglary, robbery, fire or panic alarm system deemed to be a nuisance. Nuisance alarm systems shall be defined as follows:

- (a) **False alarms.** Any alarm which elicits a response from the police and/or fire departments more than three times in a calendar year when no emergency exists is defined as a nuisance alarm. Exempt from this definition are newly installed alarms which shall receive a grace period of 30 days or four false alarms, whichever occurs first; alarm signals caused by extraordinary conditions of nature or other extraordinary circumstances beyond control of the owner, operator, or contractor; and alarm systems owned or operated by any governmental political unit.
- (b) **Direct telephone alarms.** Any alarm which is programmed to automatically dial any telephone number, listed or unlisted, directly into any city department for the purpose of transmitting a voice recording of any emergency message.
- (c) **Disturbing alarms.** Any alarm which emits an audible or visible signal which is not automatically discontinued within 15 minutes of activation.
- (d) **Unregistered alarm systems.** Any alarm system which is not registered with the City.

It shall further be unlawful for any person to transmit an alarm of any kind knowing that such alarm is false or that no emergency exists.

SECTION 2. REGISTRATION OF ALARM SYSTEMS. No person shall operate an alarm system without registering with the City each such alarm system on forms established by and provided by the Alarm Coordinator. The annual fee for each such registration shall be set forth in Appendix A, Fee Schedule, Article A4.000, of the City Code.

SECTION 3. DISTURBING ALARMS TO BE DISCONNECTED OR MODIFIED. It shall be unlawful for any person or business to fail to disconnect or modify any disturbing alarm as defined in Section 1 within 72 hours of mailing of written notice from the police department or Alarm Coordinator that such a condition exists. When no responsible party can be located, the police department may take necessary steps to safely silence any such alarm. Costs associated with such action will be assessed to the person or business, and the City accepts no liability for damages to property or persons as a consequence of its efforts.

SECTION 4. NOTIFICATION OF NUISANCE ALARMS. Upon receiving the third false alarm in a calendar year, the city shall notify the responsible party by first class mail of such occurrences and that additional false alarms shall require the payment of fees as per Section 6 of this article. Such written notification shall be assumed to have been delivered three days after mailing.

SECTION 5. RESPONSIBLE PARTY. The responsible party shall be the resident for a residential alarm system and the business owner or manager for a business alarm system, regardless of whether such system is owned, leased, rented or otherwise controlled.

SECTION 6. FALSE ALARMS; FEES REQUIRED. Any alarm system which has recorded more than three (3) false alarms within a calendar year shall be subject to the fees set forth below and amending Appendix A – Fee Schedule:

Alarm Registration Fee	\$0.00
Failure to Register or Update Registration	\$50.00
Late Payment Fee (per month)	\$20.00
1st False Alarm (within any 12 months period)	\$0.00
2nd False Alarm	\$0.00
3rd False Alarm	\$0.00
4th False Alarm	\$50.00
5th False Alarm	\$50.00
6th False Alarm	\$100.00
7th False Alarm	\$100.00
8th False Alarm	\$200.00
9th False Alarm	\$200.00
10th False Alarm	\$300.00
11th False Alarm	\$300.00
12th False Alarm	\$300.00
13th False Alarm and subsequent false alarm	\$300.00

The payment of the fee provided for shall be submitted to the city within 10 days of receiving notice that such fee is due. The police or fire chief may waive all or part of such fees if the

responsible party participates in approved education designed to reduce the occurrence of false alarms.

SECTION 7. APPEALS. An alarm system user who desires to appeal a fee imposed by section 6 shall submit a written request for a hearing to the chief of police, who shall notify the City Manager. The City Manager shall then direct the alarm appeals committee consisting of three members selected by the City Manager to meet and consider the appeal.

SECTION 8. DESIGNATION OF ALARM COORDINATOR; DUTIES. There is hereby established the position of alarm coordinator in both the police and fire departments. The alarm coordinator shall:

- (a) Maintain records necessary to carry out the terms of this article; such records shall be confidential.
- (b) Make notifications as outlined in Section 4.
- (c) Establish, distribute, and enforce such rules and regulations as may be necessary for implementation of this article, and make same available upon request, and
- (d) Determine which alarms constitute false alarms as defined in Section 1, or as defined by International Fire Code.

SECTION 9. NON-RESPONSE TO ALARMS. Nothing herein shall imply or otherwise convey the impression that there is a duty to respond to any alarm system utilized to convey messages of whatever character to the police or fire departments of the city.

SECTION 10. PENALTY. Any person who shall violate any of the provisions of this article shall, upon conviction, be punished in accordance with Section 1.01.009 of the Code of Ordinances.

SECTION 11. NON-RESPONSE TO CERTAIN ALARMS. The alarm coordinator shall have authority to declare an alarm system to be a problem system. Upon issuance of such declaration, police and fire department may not respond to burglary, robbery and/or medical, fire, or panic alarm signals from such problem systems, at which time further application of the fee schedule of Appendix A, Article A4.000, shall cease but the user will be responsible for all fees incurred up to that time. At such time as the responsible party takes corrective action acceptable to the alarm coordinators, the police and/or fire departments may resume response to the alarm system.

SECTION 12. ENHANCED CALL VERIFICATION. All alarm monitoring company central stations will make every practical effort to contact the alarm site by means of telephone or other electronic means to determine the validity of an alarm signal before requesting dispatches from the Wyandotte County Communication Center. For the purposes of this ordinance, telephone verification shall require, as a minimum that a second call attempt be made to a different number if the first call fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting dispatch. Panic and hold up alarms will not be subject to enhanced call verification.

Section 2. Appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers shall be made in accordance with Section 1.01.008 of the Code of the City of Edwardsville.

Section 3. Repealing all other ordinances or parts of ordinances in conflict with the provisions of this ordinance.

Section 4. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 13th DAY OF MARCH, 2017.

John McTaggart, Mayor

ATTEST:

Zachary Daniel, City Clerk

APPROVED AS TO FORM:

David K. Duckers, City Attorney