

ORDINANCE NO. 0-76-16

AN ORDINANCE REGULATING AND CONTROLLING
POLICE ALARM SYSTEMS IN THE CITY OF CONWAY,
ARKANSAS: DECLARING AN EMERGENCY AND FOR
OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY,
ARKANSAS:

SECTION 1: The purposes of this ordinance is to establish standards and controls of the various types of intrusion, hold-ups, and other emergency signals from police alarm devices that require police response, investigation, and safeguarding of property at the location of an event reported by a signal which is transmitted by audible devices, telephone or radio, or which is otherwise relayed to the police by an alarm device or central alarm station requiring investigation or other action by a person acting in response to a signal actuated by an alarm device, including such devices already in use within the City of Conway.

SECTION 2: Definitions.

SECTION A: For the purpose of this ordinance, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a difference is intended.

Alarm Agent means any person who is employed by an alarm business either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, monitoring, altering, replacing, moving, or installing on or in any building, structure, or facility, any alarm system.

Exemption: The provisions of this section do not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm systems in a specific location.

Alarm Business means the business by an individual partnership, corporation or other entity of: selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing

moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced moved or installed any alarm system in or on any building, structure, or facility.

Alarm System means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for altering others or the commission of an unlawful acts within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when acutated. Alarm systems include but are not limited to, direct dial telephone devices, audible, visible or perceptible outside or the protected building structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

Intrusion means any entry into an area or building equipped with one or more pllice alarm devices by a person or an object whose entry actuates a police alarm device.

Malfunction means the written certification from an alarm agent, alarm business or central alarm station, authorized to do business in Conway, Arkansas, that a police alarm device which activated a false alarm due to a fault or negligence on the part of the homeowner or business owner.

Act of God means those areas or events which no man or machine has control over (Example: lighting, thunder, tornadoes, or violent winds).

SECTION 3. Standards, Regulation, Requirements and Duties.

SECTION A. Alarm system standards and regulation.

The Police Chief may prescribe minimum standards and regulations for the construction and maintenance of all alarm systems installed within the City. These standards and regulations shall become effective upon adoption thereof by resolution of the City Council of the City of Conway, All devices shall meet or exceed such

standards and regulations before permits may be issued pursuant to this ordinance. The Police Chief may require inspection or approval of all alarm systems installed with the City.

SECTION B. Audible Alarm Requirements.

Every person maintaining an audible alarm shall furnish the City of Conway or the Chief of Police the names and telephone numbers of all primary person responsible for the police alarm system or systems and at least one alternate name and telephone number of a person who can inactivate the alarm system or systems.

The Lessee or owner of any audible police alarm system will be held responsible for the inactivation of the police alarm system within one-half hour of notification.

SECTION C. Alarm Agents Permits in possession.

Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, selling, leasing, maintaining, or installing alarm systems shall carry on his person at all times while so engaged, a valid alarm agent permit and shall display such permit to any police officer upon request.

SECTION D. Display of Alarm System Permit. Such

permit shall be kept on the premises where the alarm system is located. The Finance Department may issue an appropriate permit identification tag and establish requirements of its posting.

SECTION E. Each alarm system shall be inspected and serviced at least once a year. Records shall be maintained by the owner or lessee of the alarm devise or system of police alarm devices for each system showing dates of inspection and service calls. Records shall be kept for a minimum of two (2) years and be open to any police officer upon his request.

SECTION F. Prohibition of automatic or prerecorded messages of signals directly to the City of Conway. No person shall use or cause to be used any device or telephone attachment that selects a public primary telephone trunkline of the City of Conway, and then reproduces any pre-recorded message without

first obtaining written permission from the City of Conway.

SECTION 4. Application for Licenses and Permits.

Application for licenses and permits shall be made as follows:

SECTION A. All businesses, firms, corporations or other commercial entitles which are in the business of owning, operating, monitoring, maintaining, installing, leasing or selling a police alarm device or devices or system of police alarm device or devices who desire to conduct business in the City of Conway, shall apply to the City Clerk for a business license, on a form to be supplied by the City Clerk. The application shall contain specific provisions relating to the quality, efficiency, and effectiveness of the device or system of devices owned or to be operated, maintained, installed, leased or sold by the business licensee, the procedure involved and any other information the City Clerk shall determine to be reasonably necessary to effectuate the purpose of this ordinance. Such business license shall be issued for a one year period, on a calendar year basis or part thereof, and no license shall extend beyond December 31 of each year. Notwithstanding this provision a person having a business license may conduct business through January 31 of the year following the expiration of his business license.

SECTION B. Any person who is to be an alarm agent in the City of Conway before acting as such alarm agent, must apply for and receive a revocable alarm agent license. The application shall be made to the City Clerk on a form to be supplied by the City Clerk. The application shall contain specific provisions relating to the police alarm device or devices, hold-up alarms, dial alarms or the installations which are to be sold, leased, installed, operated or maintained by the alarm agent, the skill and competency of the application as a alarm agent and such other information as the City Clerk determines to be reasonably necessary to effectuated the purpose of this ordinance. Such license shall be issued for a one year period, on a calendar year or a part thereof and no license shall extend beyond December 31 of each year. Notwithstanding this provision a person having an alarm agent license

may act as such alarm agent through January 31 of the year following the expiration of his license.

SECTION C. Any property owner or lessee of property in the City of Conway, having on his or its premises an alarm device or system of police alarm devices shall apply to the City Clerk on a form to be supplied by the City Clerk for a permit to own, or otherwise have such a device on his or its premises. Application shall contain provisions relating to the device or system of devices installed or to be installed on the premises. Application for permits for police alarm devices existing premises on the effective date of this ordinance must be made to the City Clerk by January 1 (correct date will be announced later). No such device may be installed on the premises of the owner or lessee after the effective date of this ordinance prior to the City Clerk having issued a permit to such owner or lessee. Such permit need not be obtained on an annual basis but shall be obtained each time a device or system is to be installed or modified.

SECTION 5. License Fees. License fees shall be as follows:

Owner or lessee Permits	\$15.00 per year (due) after each calendar year
Alarm Agent.....	\$25.00 per year (due after each calendar year)
Alarm Business	\$125.00 per year (due after each calendar year)

SECTION 6. Denial, Suspension or Revocation of License of Permit.

A license issued under this ordinance may be suspended or revoked by the City Clerk for the violation of any of the provisions of this ordinance or any regulation or regulations promulgated by the City Clerk pursuant to this ordinance and any licensee or identification card issued hereunder shall be surrendered immediately to the City Clerk upon such suspension or revocation. No part of the license fee shall be refunded when a license is suspended or revoked. Any applicant whose application for license or permit has been denied, or any business license, alarm agent, owner or lessee whose license has been suspended or revoked

by the City Clerk may appeal such suspension or revocation in writing to the Mayor within 30 days after the date of the notice of suspension or revocation and may appear before such Mayor at a time and place to be determined by the Mayor, in support of his or its contention that the License should not have been suspended or revoked. The decision of the Mayor is final.

SECTION 7. Records. Every business, firm, corporation, or other commercial entity conducting the business of owning, operating, installing, leasing or selling police alarm devices within the City of Conway, shall maintain complete and accurate records of all installations of alarm systems in the City of Conway and shall produce such records for inspection by the City Clerk upon demand.

SECTION 8. Issuance of Permits. Section A. Issuing Authority.

The issuing authority shall be the City Clerk.

SECTION B: Approving Authority. The approving authority shall be the Chief of Police.

SECTION C. Applications: Forms. Applications for all permits required hereunder shall be filed with the City Clerk and shall be accompanied by the License fee. The fee is established to cover part of the cost of the investigating and processing of the applications and permits and is not refundable.

The Finance Department shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The application for alarm systems shall require the name, address and telephone number of the person who renders service or repairs during any hour of the day or night.

SECTION D. Application, Investigation and Denial.

(1) Alarm business and alarm agent. Every application for an alarm business or alarm agent shall be fingerprinted. The Chief of Police shall conduct an appropriate investigation of the applicant to determine whether said permit shall be issued. The Police Chief may require additional information of applicants which he deems necessary to conduct his investigation. The permit shall be denied by the Police Chief if:

A. The applicant for the alarm business permit or alarm agent permit does not comply with the standards and regulations adopted pursuant to No. III, Section A of this ordinance.

B. The applicant, his employee or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed with any City Agency.

C. That the applicant had a similar type permit previously revoked for a good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

D. If the applicant has within the past ten (10) years been convicted of an felony or any misdemeanor involving moral turbulence or intent to defraud.

SECTION 9. Suspension or Revocation of License or Permits for Malfunction.

Three or more malfunctions of a police alarm system in any given 90 day calendar period of which police response is required can result in a temporary suspension or revocation of license or permit for that particular alarm system. Prior to the suspension or revocation of a license or permit, a meeting will be held at a time and place designated by the Mayor or the Chief of Police between the owner or lessee of a police alarm system, the central alarm company involved or alarm agent involved to show cause why the system should not be placed on suspension or revocation.

Expemption: The provision of this Section will not include any alarm malfunction caused by an Act of God.

The Chief of Police or an Agent for the Chief of Police may require inspection and approval of an alarm system before the suspension or revocation is removed.

Any Alarm Business or Alarm Agent whose license or permit has been suspended or revoked, any appeal such suspension or revocation in writing to the Mayor's office using procedures out-

lined in Section 9 of this Ordinance.

SECTION 10. False Police Alarms Charges.

Any owner or lessee of property having a police alarm device or system of police alarm devices on his or its premises on the effective date of this ordinance and any user of services or equipment furnished by a licensee under this ordinance shall pay to the City of Conway a charge for each and every false burglary or hold-up alarm to which the police respond, in each calendar. The hold-up or burglar alarm to which the police respond which is directly the result of human error or carelessness and is not the result of a hold-up, a burglary, criminal act, other emergencies, malfunctions or an Act of God should be charges as follows:

- (a) First false alarm within a 12 month period - no charges.
- (b) The second false alarm within a 12 month period- no charge, but the owner or lessee of the alarm system shall be notified in writing registered mail that any other violations of the alarm would result in a fine or penalty.
- (c) The third false alarm within a 12 month period -\$25.00
- (d) Fourth thru sixth false alarm within a 12 month period would result in a fifty (\$50.00) dollar fine.
- (e) Seven or more false alarms within a 12 month period would result in a one hundred (\$100.00) fine.
- (f) Any property owner or lessee of property in the City of Conway having on his premises an alarm device or system of Police alarm devices having 12 or more false alarms within a 12 month period may result in the suspension or revocation of licenses by the Chief of Police until said alarm complies with the provisions of this ordinance.

Exemptions: Any business or financial institution that is required by federal law to have an alarm system or system of alarms will not have the system or systems suspended or revoked, but will be subject to the Civic penalties as outlined in Section 10.

Civil Action: The civil penalties assessed pursuant to

Section 10 of this Ordinance shall be recoverable in a civil action brought in the name of the City of Conway and tried in City Court in the manner prescribed by law.

SECTION 11. Special Provision. Exception, Severability, Confidentiality and Alarm Systems.

Section A. None of the provision of this Ordinance shall apply to a police alarm device or devices installed in a motor vehilce, not to employees of a public utility company engaged in the business of providing communciation, services, or facilities.

Section B. If any part or parts of this ordinance or for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordiance.

Section C. The information furnished and secured pursuant to this ordinance shall be confidential in character and shall not be subject to public inspection and shall be kept so the the contents thereof shall not be known except to persons charged with the administration of this ordinance.

Section D. No person shall possess or use an alarm system without first applying for a receiving alarm permit there fore in accordance with the provision of this ordinance. The following are fees exemptions: The United States Government. The State of Arkansas, Counties, The City of Conway, and departments thereof and other governments entitled are exemted from fees required in Section 9 of this ordinance.

Section E. That newly installed alarm systems shall have a thirty (30) day grace period after the system becomes operational before Section 10 of this ordinance is applied.

Section F. If shall be unlawful for any person to intentionally activate any burglary or hold-up alarm for any reason other than to warn of an actual burglary, hold-up, robbery or other emergency .

Section G. It shall be unlawful for any license of a police alarm system, alarm agent, alarm business, owner of a police alarm system or the lessee of a police alarm system or the employees of any of the above to knowingly make any false or misleading or

fraudulent statements concerning the cause of a false alarm.

Section 12. Violation of Ordinance.

Section A. Penalties. Any person violating any of the provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00, or by imprisonment for a period of not to exceed 6 months, or both such fine and imprisonment.

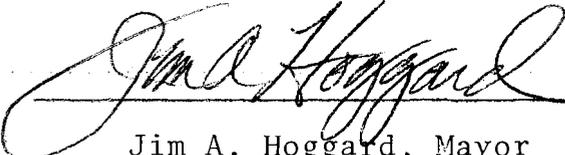
Section 13: Notice.

ENFORCEMENT OF THE ABOVE ORDINANCE SHALL BE THE RESPONSIBILITY OF THE CONWAY POLICE DEPARTMENT AND/OR THE CITY CLERK OF THE CITY OF CONWAY, ARKANSAS.

Section 14: This ordinance being necessary for the public safety and welfare, an emergency is hereby declared to exist and this after its passage and publication.

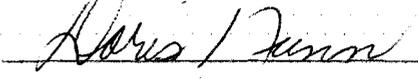
Passed this 24 day of May, 1976.

APPROVED:



Jim A. Hoggard, Mayor

ATTEST;



Doris Nunn, Clerk-Treasurer