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ORDINANCE NO. O-05-82

AN ORDINANCE AMENDING REQUIREMENTS FOR REGISTRATION AND NON-FEE PERMITTING FOR USERS OF ALARM SYSTEMS; PROVIDING A PROCESS FOR THE REVOCATION OF PERMITS; PROVIDING A PROCESS FOR THE DEACTIVATION OF ALARMS UNDER CERTAIN CIRCUMSTANCES; REGULATING THE INSTALLATION OF ALARM SYSTEMS; PROVIDING PENALTIES FOR FALSE ALARMS; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway, Arkansas, has determined that a problem exists within the City of Conway with the erroneous and mistaken use of burglar alarms and those that are not installed and maintained properly, and that this problem has resulted in increased service calls by the Conway Police Department and is creating a hazard to the members of the department and to the general public. It is the city's council's purpose to control this misuse.

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

SECTION ONE: ALARM SYSTEM PERMIT.

(a) Any property owner or lessee of property in the city having on his premises an alarm system shall apply to the police department for a permit to have such a device on his premises within sixty (60) days of the passage of this section. No such alarm system may be installed on the premises of the owner or lessee after the effective date of this chapter prior to the licensing authority having issued a permit to such owner or lessee. Operating an alarm without a permit shall constitute a Class A Misdemeanor, and the violator fined in accordance with the range of fines allowed for such a misdemeanor.

(b) No permit fee will be charged.

(c) "Alarm system" means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the City of Conway of a burglary, robbery, or other criminal offense requiring urgent attention, and to which police are expected to respond. Alarm systems include those through which police personnel are notified indirectly by way of third persons who

monitor the alarm systems and who report such signals to the police department and those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building, structure, or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the police department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by utility companies to protect equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by same person or entity.

(d) Revenue generated by this chapter shall be used to cover operating costs, equipment, and supplies required for implementation and operation of this chapter.

(e) The fine for repeat violations of the requirement to obtain a permit to operate an alarm system shall be double that for an initial violation, not to exceed the maximum amount authorized by law for Class A Misdemeanors.

SECTION TWO. FALSE ALARM

False alarm:

(1) Any unintentional activation of any alarm system caused by a flaw or the design, installation or maintenance of the system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to control of the alarm user.

(2) Intentional misuse. Any intentional activation of an alarm system when no burglary, holdup or other emergency is in progress.

(3) False alarms. False alarms do not include alarm signals caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- (a) Criminal activity or unauthorized entry;
- (b) Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor;
- (c) Electrical service interruption verified in writing to the city by local power company;
- (d) Communication to the police department before a unit is dispatched to investigate, clearly indicating that the alarm has resulted from authorized entry, authorized system test, or other non-criminal cause;
- (e) An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense is in progress.

SECTION THREE. INSTALLATION AND RESPONSE.

(a) No alarm system shall be placed in service after installation in any dwelling, business or place within the City of Conway until such time as an application is approved and a permit issued. The police chief shall have the right, either personally or through a designated representative, to verify the type and installation of any alarm system being installed. Any alarm business or company which installs an alarm system in a dwelling, business or place within the City of Conway which has not been granted a permit shall be fined the sum of \$100.00.

(b) The alarm application shall require the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system and the knowledge and ability to make said system secure in case of activation. It shall also detail the name, address and telephone number of any person, firm or corporation responsible for servicing the alarm system. Updates shall be made as necessary. Upon approval and issuance of the alarm permit, a copy shall be sent to the Conway Police Department prior to activation of the alarm.

(c) **Verified Response:** Prior to reporting an alarm to the Conway Police Department, the Monitoring Company or its representative will attempt to contact the Alarm Site or an individual on the Contact List by telephonic or other electronic means, to determine whether an alarm signal is valid before requesting an emergency police dispatch in an attempt to avoid an

unnecessary Alarm Dispatch request. If Alarm dispatch is necessary, the police department shall respond to the alarm and notify the person or persons listed in subsection (b) hereof. Said person shall immediately go to the place where the alarm is sounding to meet the police department personnel to secure said building and to reset the alarm.

(d) The Conway Police Department shall develop an appropriate system to track false alarms and make notifications.

(e) Should any person responsible for any alarm system, when notified of its activation, refuse to respond pursuant to subsection (c) hereof, the police units on the scene shall check the property thoroughly and secure the location as much as possible. The Conway Police Department shall not be required to make any further responses to that building, dwelling or place until such time as said alarm system has been properly checked and reset.

(f) If an alarm is activated and the building has been broken into, and the owner or his designee cannot be located or will not come out, an off-duty police officer shall be notified and the building guarded until the next business day or until someone from management shall respond whichever comes first. The minimum rate shall be two (2) hours overtime. The Police Department shall bill the violator and the money collected shall reimburse the appropriate overtime account.

SECTION FOUR. FALSE ALARMS; ERRORS, MISTAKES, OR MALFUNCTIONS; PENALTY.

(a) No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place when no emergency exists which results in the response of the Conway Police Department.

(b) Any person, firm, corporation, partnership or other entity not in compliance with this section shall be guilty of a violation. The penalty for violations shall be the fines as set out in paragraph (c) of this section if paid on or before the District Court appearance date on the

citation. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of \$25.00 in addition to the fine pursuant to Arkansas Code Annotated §§16-10-305 (a)(5).

(c) The following fines shall be, upon their conviction in District Court, levied upon any person, firm, corporation or other entity owning or operating said dwelling, building or place for violation of subsection (a):

(1) Police alarms. There shall be no charge for one (1) to three (3) false alarms per calendar month, or for a total of six (6) alarms per calendar year. After the third false alarm a written warning shall be given to the person, firm corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed.

(2) Police alarms. On the fourth (4th) or more false alarm in one (1) calendar month or on the seventh (7th) through fifteenth (15th) false alarm in one (1) calendar year, the permittee and/or the person in possession of the property shall be fined at the rate of twenty-five dollars (\$25.00) per incident. For the sixteenth (16th) through thirtieth (30th) incident in one (1) calendar year, the permittee and/or person in possession of the property shall be fined at the rate of fifty dollars (\$50.00) per incident. For thirty-first (31st) and all subsequent false alarm incidents in one (1) calendar year, the permittee and/or person in possession of the property shall be fined at the rate of one hundred dollars (\$100.00) per incident.

SECTION FIVE. FALSE ALARMS; INTENTIONAL; PENALTY.

(a) No personnel shall knowingly or intentionally activate any alarm system when no emergency situation exists.

(b) No person shall knowingly or intentionally test any alarm system without first notifying the Conway Police Department of such test and receiving approval for same.

(c) Any person who violates subsections (a) or (b) shall be fined not less than one hundred fifty dollars (\$150.00) and shall be subject to prosecution under the Arkansas State Law for falsely reporting an incident. (A.C.A. §5-71-210 – Communicating a False Alarm.)

SECTION SIX. FAILURE TO PAY FINES; DEACTIVATION.

Failure to pay fines within thirty (30) days of either (1) the forfeiture of bond or non-appearance in District Court following the issuance of citation, or (2) the expiration of thirty (30) days after a plea of guilty, no contest or conviction for violations of this ordinance shall require alarm deactivation. Provided, a properly perfected appeal to circuit court following a conviction under this ordinance shall stay any deactivation proceedings. Such deactivation order shall be in writing and issued to the owner of the real property involved or to the persons, firm, corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed. Notice of unpaid fine and required deactivation shall be made by registered mail. Failure to deactivate upon receipt of notice shall constitute a separate offense and, upon conviction, result in an additional two hundred dollar (\$200.00) fine for each day the violation continues.

SECTION SEVEN. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

PASSED this 28th day of June, 2005.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett, City Clerk