

CHAPTER 120: BURGLAR, ROBBERY AND FIRE ALARM SYSTEMS

SECTION

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BURGLARY AND ROBBERY ALARM SYSTEMS

120.01 DEFINITIONS

(a) A regulated burglar alarm system, for the purpose of this ordinance, shall be defined as any burglar alarm system which uses an external signaling device to summon the police either directly or indirectly. An external signaling device is any bell, siren, horn, flashing light, automatic dialer or other device intended to summon a police response either directly or indirectly by signaling an alert outside of a building. Every burglar alarm system equipped with any external signaling device shall be deemed to be a regulated burglar alarm system and must have a permit.

- (b) Alarm system means any device used for the detection of an unauthorized entry or attempted entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Richmond Police Department.
- (c) Permit holder means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.
- (d) For the purpose of this article, an alarm system shall not include
- (1) An alarm installed on a motor vehicle.
 - (2) An alarm system designated so that no notification is given to the police until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have visually checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designated to give notice.
 - (3) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (e) Response shall be defined as an alarm which precipitates a police officer arrival at the alarm site.
- (f) A false alarm shall be defined as an event in which a police response was the result of an external alarm and no intrusion or evidence of attempted entry was evident. (No exceptions.)
- (g) Alarm Business means any individual, partnership, corporation or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds. (Ord. 47-1985)

120.02 PERMIT REQUIRED

It shall be unlawful for a person in control of property to operate, cause to be operated, or permit the operation of an alarm system on that property unless a current permit has been obtained from the City Clerk, or his designee. Failure to secure a permit within 72 hours of installation will constitute violation of this ordinance. (Ord. 47-1985) (Ord. 10-2000)

120.03 PERMIT APPLICATION

Application for a permit for the operation of an alarm system shall be made by a person or legal entity having control over the property on which the alarm system is to be installed and operated. Such applications shall be made in writing to the City Controller or his designee on a form designated by the City for that purpose. The application shall include the following information:

- (a) The name, address and telephone number of each person in control of the property, and who is responsible for the operation, maintenance, and use of the alarm system.
- (b) The street address of the property on which the alarm system is to be installed and operated.
- (c) Any business name used for the premises on which the alarm system is to be installed and operated.
- (d) The name of the person or alarm system business who will install or monitor the alarm system, and the installation date, as applicable.
- (e) The name and telephone number of two (2) persons or of an alarm system business which are able to and have agreed:
 - (1) To receive notification at any time;
 - (2) To come to the alarm site within thirty (30) minutes after receiving a request from the Richmond Police Department to do so; and
 - (3) To grant access to the alarm site and to deactivate the system if such becomes necessary.
- (f) The name and model of the alarm system components used.
- (g) The information in (c) as well as a statement that contact information is available from dispatch shall be displayed on the permit itself. (Ord. 39-2001)

120.04 ISSUANCE OF ALARM SYSTEM PERMIT

- (a) The City Clerk shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application therefore in accordance with this section, unless the City Clerk finds that any statement made in the application was incomplete or false. Should the property in which an alarm system is located change ownership, or should the entity in control of the

property change, a new application for a permit must be made. Such permits are not transferable.

(b) The fee for an alarm system permit will be ten dollars (\$10.00) for the first term of the permit. Such permit may be renewed upon expiration upon a payment of ten (\$10.00) dollars for a new term.

(c) Immediately after receipt of the application for a permit and payment of the permit fee, the City Clerk shall forward the application to the Police Department. The Police Department shall protect all information on such application as confidential information; provided, however, nothing in this ordinance shall prohibit the use of such information for legitimate law enforcement purposes and for the enforcement of this ordinance.

(d) A permit issued pursuant to this chapter shall be valid for two (2) years from the date of issuance.

(e) A permit issued pursuant to this chapter shall be personal to the permit holder and is not transferable.

(f) A person or legal entity having control of an alarm system at the time this ordinance becomes effective shall have ninety (90) days to obtain a permit as set out herein. (Ord. 47-1985) (Ord. 10-2000)

(g) All permits must be prominently displayed at a location near the entrance to the facility utilizing an alarm system and in such a manner that they can be viewed by law enforcement without having to enter the premises. (Ord. 39-2001)

120.05 TESTING EQUIPMENT

Any permit holder or alarm business may test its alarm system with the Richmond Police Department provided that the permit holder or alarm business has notified the Police Department dispatcher in advance at least thirty (30) minutes prior to conducting the test and has received the approval of the Police Department to conduct such test prior to the test being performed. Such testing shall be subject to the sole discretion of the Police Department. The Richmond Police Department shall log all requests for alarm testing and all alarm tests conducted. (Ord. 47-1985)

120.06 CHANGE IN INFORMATION

The permit holder shall promptly notify the City Clerk or his designee in writing of any change in the information contained in the permit application. (Ord. 47-1985) (Ord. 10-2000)

120.07 LOG OF ALARM ACTIVITY

It shall be the duty of the alarm permit holder and alarm business to record, to the best extent possible a log, the date and time of each alarm activity, the cause and nature of each alarm, and the dates and nature of any service, installation or maintenance of the alarm system and its components. Such information shall be made available to the Richmond Police Department upon its request. (Ord. 47-1985)

120.08 IDENTIFICATION CARDS REQUIRED

Every agent of an alarm business shall carry on his person at all times, while engaged in the alarm business, an identification card which shall be displayed to any law enforcement officer upon request. In addition, the employees of commercial alarm businesses shall file photograph, fingerprint, and identification records with the Richmond Police Department. (Ord. 47-1985)

120.09 CONSUMER PROTECTION

It shall be the obligation of businesses selling alarm systems and doing business with the City of Richmond to inform customers at the point of sale that local ordinance requires anyone in control of an alarm system, as defined by this ordinance, to obtain a permit for such alarm. (Ord. 47-1985)

120.10 PROHIBITED ACTIVITY

It shall be unlawful for a person who controls property on which an alarm system is installed to issue, cause to be issued, allow or permit the issuance of false alarms. (Ord. 47-1985)

120.11 NOTICE OF VIOLATIONS

Whenever a police officer of the city, or a person so authorized by the Board of Public Works and Safety, shall find that the owner or operator of any alarm system has committed any of the acts which have been declared unlawful by any provision of this chapter, the officer shall give notice to the person of the violation in the manner directed in this ordinance. (Ord. 47-1985)

120.12 SERVICE OF NOTICE AND CONTENTS

- (a) A police officer shall notify the owner or operator of an alarm system, or his representative, of any violation subject to this ordinance by presenting such person found in possession of in charge of the alarm system with a written notice. If the officer shall not find any such person in possession of in charge of the premises, or if the person is a child or incapable of receiving the notice, the officer shall notify such owner or operator thereof by posting or attaching a

written notice of the violation in a conspicuous place upon the premises and such person shall be bound thereby.

(b) All notice of violations, as required to be served by this section shall be executed by the police officer or other authorized person, in quadruplicate. One copy shall be served upon the violator, one copy shall be filed by the officer with the Police Records Division and one copy shall be filed in the office of the City Attorney, which copy shall also be for the use of the officer. The latter two (2) copies shall be filed in the respective office by the officer at his earliest opportunity before or when he goes off duty for the particular day on which such notice was served on the violator. In the event an alarm is operated by an alarm business one (1) copy of the notice of violation shall be served on the person who controls the property on which the alarm system is installed and a copy shall also be served upon the alarm business.

(c) All notices provided for in this section shall be numbered and shall contain the following information.

- (1) The specific violation with which the violator is charged
- (2) The name and address of the person who controls property on which the alarm system is installed
- (3) The location of the violation
- (4) The signature of the officer
- (5) The badge number, if any, of the officer
- (6) The date of the violation

(d) The copy of the notice served upon the violator or his representative, or the owner of the premises, shall also state that the violator respond, in writing, at the office of the City Attorney, within ten (10) days of the date of the violation appearing upon the notice; and the violator so appearing shall have the privileges accorded by law. However, if the period of ten (10) days shall expire upon a Sunday or a legal holiday, then the period of time in which the violator must appear shall be extended twenty-four (24) additional hours. Contents of the response shall contain an explanation of any known reason for the cause of the false alarm and the remedial action taken. (Ord. 47-1985)

120.13 PENALTY

- (a) Operating an alarm system without a permit

It shall be a violation to operate, in the City of Richmond, an alarm system without permit. Upon such citation, the fine shall be one hundred (\$100.00) dollars. (Ord. 47-1985)

- (b) False alarms

(1) Any permit holder that receives four (4) or more citations for false alarms within a calendar year shall be assessed a fine of Fifty Dollars (\$50.00) for the fourth (4th) and each subsequent citation. Any permit holder that receives seven (7) or more citations for false alarms within a calendar year shall be assessed a fine of One Hundred Dollars (\$100.00) for the seventh (7th) and each subsequent citation. This shall not preclude revocation of the alarm permit as provided herein.

(2) Any fine not paid within fourteen (14) days of the date shown on the Notice of Violation and Fine required under section 120.16(b) shall be increased by a late fee of twenty-five dollars (\$25.00).

(3) Failure to pay a fine within thirty (30) days of the date shown on the Notice of Violation and Fine required under section 120.16(b) shall result in an enforcement action being filed in Wayne County Court.

(4) The provisions of this Section shall not apply for the first three (3) months after an alarm system is initially installed. No false alarm violations received during these first three (3) months shall result in a fine, nor shall they be taken into consideration when tabulating the number of false alarms received in any given period.

(5) An alarm triggered by electrical thunderstorms or inclement weather shall not be considered a false alarm. (Ord. 10-2000)

120.14 EFFECT OF FAILURE TO APPEAR

All alarm system components in use with any regulated alarm system must be of an approved type to obtain a permit. (All component types will be approved when the ordinance first becomes effective). Alarm system components found to be responsible for an excessive number of false alarms may be restricted or prohibited on new permits and restricted or prohibited from further use with existing permits by written notice to the affected permit holders. The permit holder shall have 30 days to make necessary changes and submit a revised permit application form using only acceptable alarm system components. If the permit holder fails to respond the permit shall be revoked by

notice sent by registered mail. The permit holder of any regulated alarm system which causes a false alarm while using any prohibited alarm system components shall be fined \$100.00. (Ord. 47-1985)

120.15 FEE AND VIOLATION PROCEEDS

All sums generated by reason of the terms of this ordinance shall be deposited in the general fund of the City of Richmond, Indiana. The offending permit holder shall be responsible for the payment of any penalties assessed. (Ord. 47-1985)

120.16 PROCEDURE FOR NOTIFICATION OF FINE, REVOCATION OF ALARM PERMIT, AND REINSTATEMENT OF ALARM PERMIT

In the event three (3) or more citations for false alarms are issued to any permit holder within a calendar year, the following procedure shall be used for assessing a fine and determining whether the alarm permit for such offending system should be revoked.

(a) Upon the third (3rd) citation, the Department of Law shall deliver to the permit holder by first class mail a notice that the permit holder will be subject a fine of fifty dollars (\$50.00) upon the occurrence of each subsequent (4th or more) false alarm within said twelve (12) month period.

(b) Upon the fourth (4th) and each subsequent citation within a calendar year, the Department of Law shall deliver to the permit holder by first class mail a Notice Violation and Fine. Said notice shall contain the following:

(1) The number of violations for which the permit holder has received a citation during the current calendar year.

(2) The fine being assessed and time frame within which said fine must be paid.

(3) Notice that upon the seventh (7th) citation within the current calendar year the permit holder shall be fined One Hundred Dollars (\$100.00) for the seventh (7th) and each subsequent citation, and may be subject to revocation of the alarm system permit.

(4) A copy of Chapter 120 of the Richmond Code.

(c) Upon the seventh (7th) or any subsequent citation within a calendar year, the Department of Law may deliver to the permit holder by personal service or certified mail a Notice of Intent to Revoke Alarm System Permit to the alarm permit holder. When such notice is sent, the Department of Law shall also schedule a hearing before the Richmond Board of Public Works and Safety to determine whether the permit for that alarm system should be revoked. Notice of the hearing date shall be given to the permit holder, along with information

that the permit holder may appear at the permit revocation hearing with counsel and witnesses and may present evidence on the permit holder's behalf.

(d) The Board of Public Works and Safety shall conduct a hearing no less than twenty-one (21) days after notice is sent to the permit holder. The Board of Public Works and Safety shall hold such permit revocation hearing, under oath, and shall consider the evidence presented before it. If the Board finds, by a preponderance of the evidence, that seven (7) or more false alarms have resulted from an alarm system within any calendar year, the permit for that system may be revoked. Notice of the revocation shall be delivered to the system holder by personal service or certified mail and the revocation becomes effective immediately upon such delivery. (Ord. 47-1985)

(e) An alarm holder whose permit has been revoked may petition the Board of Public Works and Safety for reinstatement of the alarm permit upon a showing that the alarm system has been inspected, repaired and tested. If the Board finds satisfactory evidence that the alarm system has been adequately inspected, repaired, and tested, the Board may reinstate the alarm permit upon the submission of a twenty-five dollar (\$25.00) reinstatement fee by the alarm holder. (Ord. 47-1985) (Ord. 10-2000)

120.17 OTHER PROVISIONS

(a) Any alarm system must be equipped to automatically disconnect or turn itself off within fifteen (15) minutes after it has been activated.

(b) Any alarm system which features an automatic telephone dialing device may only be connected to an approved telephone number and must automatically release the telephone line upon completion of the call. (Ord. 47-1985)

120.18 SEVERABILITY

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. (Ord. 47-1985)

120.19 EFFECTIVE DATE

This Ordinance shall be in full force and effect sixty (60) days after passage by the Common Council. (Ord. 47-1985)

FIRE ALARM SYSTEMS

120.20 NO MORE THAN THREE FALSE ALARMS IN 12 MONTHS

No person shall allow, cause or fail to prevent the transmission by automatic fire detection system used by him or any system serving a premises occupied and controlled by him of more than three false alarm signals within any twelve month period. An alarm triggered by electrical thunderstorms or other incimate weather shall not be considered a false alarm.

120.21 FIRE DEPARTMENT TO KEEP RECORDS

The Administrative Office of the Richmond Fire Department or the Fire Prevention Chief shall keep current records of all violations.

120.22 PENALTY

The fourth and each subsequent false fire alarm within a calendar year shall result in a fine of One Hundred Dollars (\$100.00). The provisions of this Section shall not apply for the first three (3) months after an alarm system is initially installed. No false alarm violations received during these first three(3) months shall result in a fine, nor shall they be taken into consideration when tabulating the number of false alarms received in any given period. (Ord. 10-2000)