

CHAPTER 2.5

FALSE ALARMS

Article I.

In General

ARTICLE I. IN GENERAL

SECTION 2.5-1. DEFINITIONS. The following terms shall have the meanings indicated.

(1) *ALARM*, shall mean a signal (audio or visual, recorded or live) transmitted to or heard or observed by the police department or fire department indicating a predetermined condition. Such alarm is received either:

(a) Via telephone to a designated position on an alarm panel;

(b) Via a private alarm service company relayed to the police or fire department telephone;

(c) Via an automated telephone alarm system, playing a recorded message when received on the police or fire department telephone; or

(d) Via an audible or visual signal heard or observed by, or related to, the police or fire department.

(2) *FALSE ALARM*, shall mean the activation or an alarm by any means which does not represent the designed condition.

(3) *BURGLARY ALARM*, shall mean an alarm designed to indicate a condition of any unlawful entry, forced entry, or attempted forced entry.

(4) *ROBBERY ALARM*, shall mean an alarm designed to indicate a robbery (holdup) is in progress or over with.

(5) *FIRE ALARM*, shall mean an alarm system designed to indicate the presence of fire and/or smoke.

(6) *TELEPHONE ALARM SYSTEM*, shall mean any alarm system which automatically transmits by telephone line a recorded electronic or mechanical signal to a telephone instrument at the police department or fire department. Such system is totally automated and requires no relaying or action by a human.

MELBOURNE VILLAGE CODE

SECTION 2.5-2. DUTY OF OWNER OR LESSEE OF PREMISES.

(1) Owners or lessees of any alarm system shall provide response to the alarm location, when requested, in order to reset or disable the alarm system within one (1) hour of notification. Failure to provide such response shall result in a charge of one hundred dollars (\$100.00) for each such occurrence.

(2) The operator of every place of business which utilizes an alarm system, as defined in this code, shall provide, visible from the exterior of said business and adjacent to the main entrance, a minimum of three (3) current working telephone numbers of persons to be notified in case of emergency or in lieu thereof have on file with police and fire departments three (3) current working telephone numbers of persons to be notified in case of emergency.

(3) All alarm systems having audible or visual signal at the premise shall be so equipped so as to automatically shut off the audible or visual signal after fifteen (15) minutes, except those systems required by law to have a longer operating period, in which case said system shall be so equipped as to automatically shut off the audible or visual signal at the conclusion of said longer required operating time.

SECTION 2.5-3. EQUIPMENT MAINTENANCE.

(1) Each subscriber, at his expense is required to maintain all components of his alarm system in good working order at all times to insure that the sensory mechanism used in connection with such device is adjusted to suppress false indications of holdups or intrusions or fire or smoke conditions so that the device will not be activated by impulse due to short flashes of light, wind, noises, vehicular noise or other forces unrelated to genuine alarms.

(2) No alarm system designed to transmit emergency messages shall be tested or demonstrated without first notifying the police department and fire department.

(3) Fire alarm systems shall be required to have a maintenance contract for testing and inspections in accordance with National Fire Protection Association (NFPA) standards; for example, smoke and/or heat detectors, manual pull stations and water flow alarms (sprinkler systems). Copies of the maintenance contract and test results of the fire alarm system shall be forwarded to the Fire Chief within thirty (30) days from the date of the test.

CHAPTER 2.5

SECTION 2.5-4. ALARM PERMIT REQUIRED.

(1) No person shall install or operate an alarm system serving a premise or a building, or portion thereof, unless an alarm permit has been issued hereunder, and is in force, authorizing the use of such alarms. For any alarm system existing prior to the effective date of this code, an alarm permit application shall be made within sixty (60) days of the effective date hereof.

(2) Any after-the-fact permit issued to persons who initially failed to obtain a permit shall be issued at twice the cost of the permit fee.

SECTION 2.5-5. APPLICATION FOR ALARM PERMIT.

(1) Application for alarm permits shall be made to the Town of Melbourne Village on forms provided by the Town. The application shall be signed by the alarm user and shall provide the following information.

(a) Names, address and telephone number of the alarm user.

(b) Address and telephone number of the alarm user's premises or building to be served by the alarm.

(c) The name, address and telephone number of the person or persons in charge of the premises or building served by the alarm.

(d) The name, address and telephone of the person or entity installing said alarm.

(e) The name, address and telephone number of the person or entity monitoring said alarm.

(f) The name, address and telephone number of the person or entity providing maintenance and repair service to said alarm.

(2) An amended application shall be filed within ten (10) days after any change to the information provided in said application. Upon such amendment, a new alarm permit shall be issued without charge or fee.

MELBOURNE VILLAGE CODE

SECTION 2.5-6. TERM OF PERMIT; FEE; NON-TRANSFERABILITY.

- (1) An alarm permit shall have a term of one (1) year from the date of issuance, said term to begin October 1 and end September 30. Any alarm permit issued after October 1 will be valid through September 30.
- (2) A fifteen-dollar (\$15.00) fee shall be charged to the alarm user by the Town for the initial permit issued hereunder to defray the cost of regulation. No renewal fee shall be charged as long as the renewal application is received before October 1 of each year. If a renewal application is not received before October 1 of each year, a fifteen-dollar (\$15.00) administration fee will be charged.
- (3) Any alarm permit issued pursuant to this article shall not be transferable or assignable and shall cover only one (1) building or premise.

SECTION 2.5-7. ISSUANCE OF ALARM PERMIT. An alarm permit shall be issued to the alarm user by the Town of Melbourne Village within ten (10) days after receipt of said completed application by the Town. An alarm permit shall be denied, if:

- (1) The requested information is not supplied on the application.
- (2) Material information on the application is incorrect.
- (3) Any person or entity listed on the application does not possess any required occupational or regulatory license to conduct the activities required by Section 2.5-4 (1) (d), (e) and (f), unless the person or entity is the alarm user.

SECTION 2.5-8. RESPONSE TO ALARMS, CORRECTIVE ACTIONS, REPORTS REQUIRED AND FEES CHARGED.

- (1) For each response by the police department/fire department to an alarm, the department will cause a report to be filed, classifying the alarm as one of the following:
 - (a) False alarm (including a false alarm due to faulty maintenance) or system test with no notification.

CHAPTER 2.5

(b) Valid alarm for cause designated.

(2) Upon the reception of a second false alarm within nine (9) months, the police department or fire department shall issue a written warning notice to the owner or lessee of the premises involved. The owner or lessee shall file a written report with the police department/fire department within five (5) working days indicating any and all measures taken to reduce false alarms.

(3) There shall be a service fee charged for any occurrence set forth in Section 2.5-7. (1) (a) according to the following schedule:

(a) First response (none in the last nine (9) months): Verbal Warning.

(b) Second response (within nine (9) months): Written Warning.

(c) Third response and up (within nine (9) months): One Hundred Dollar (\$100.00) fee.

(d) There shall be no service fee for a response to a valid alarm.

(4) Upon failure of an owner or lessee of a premises to pay fee specified within ten (10) days, the Police Chief or Fire Chief shall be authorized to disconnect or order the disconnection of the alarm system, and it shall be unlawful to reconnect or fail to disconnect such alarm system unless and until appropriate corrective action has been taken and such connection of an alarm system is authorized by the Police Chief/Fire Chief. No disconnection or deactivation shall be ordered or made as to any premises required by law to have an alarm system in operation. The owner or lessee shall be responsible for all costs incurred in collecting the service fee, including attorney's fees.

(5) If an owner or lessee of a premises disputes or disagrees with the final decision of the Chief of Police or Fire Chief, the owner or lessee may appeal said decision to the Town Commission of the Town of Melbourne Village upon paying a filing fee of ten dollars (\$10.00). No separate notice of publication of said appeal shall be required.

SECTION 2.5-9. TELEPHONE ALARM DEVICES. Telephone alarm devices will be so constructed or installed so as to not seize or otherwise hold or preempt the telephone lines of the police or fire department.

MELBOURNE VILLAGE CODE

SECTION 2.5-10. PENALTIES. It shall be unlawful for any person to violate or fail to comply with any of the provisions of the article, and any violator shall be subject to the penalties provided in the article, including fees for false alarms, disconnection of alarms and costs and attorney's fees to enforce this article.

SECTION 2.4-11. APPLICATION. The provisions of this article shall apply to all premises zoned C (Commercial) and all Commercial premises Zoned R-2 within the Town of Melbourne Village.

Editors note: Ordinance 95-3 dated 28 February 1995 created Chapter 2.5 in the Town Code.