

AN ORDINANCE ADOPTING AN ALARM CODE FOR THE WOLF CREEK FIRE PROTECTION DISTRICT

WHEREAS, the Wolf Creek Fire Protection District ("District") was formed effective in April, 2021, and

WHEREAS, when the District operated as an association, it noted a number of calls for false alarms due to malfunctioning alarm systems, causing a wasted level of response time for first responders, in addition to use of the District's fire apparatus, taking it away from other potential responses, at a cost to the District which could be avoided if alarm systems were properly maintained by owners, and

WHEREAS, the Board of Directors has reviewed the number of calls that its predecessor association received for false alarms, and estimated the approximate cost per call to respond to an alarm which is false, and believes it is in the best interest of the taxpayers and the staff of the District to encourage owners of alarm systems to maintain their systems so as to avoid "false alarms" as defined in Section 2(h) of this Ordinance, and

WHEREAS, the District states that the charges set forth in Section 3 hereof are essentially user-fees to be charged to the owner of an alarm system which the District has made a response, in which alarm system was activated intentionally, inadvertence, negligence or unintentional act, which in deed was not actually an alarm.

NOT THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE WOLF CREEK FIRE PROTECTION DISTRICT AS FOLLOWS:

SECTION 1.

This Ordinance shall be known and cited as the "Alarm Systems Ordinance."

SECTION 2. DEFINITIONS

- (a) *"Alarm System"* means any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.
- (b) *"Alarm user"* means a person who uses an alarm system to protect any building, structure, facility or premises.
- (c) *"Audible alarm"* means an alarm system equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

- (d) *"Automatic dialing device"* means an alarm system which automatically dials a specific telephone number and transmits an emergency message by recording over regular telephone lines when actuated.
- (e) *"Fire Chief"* means the Fire Chief or his or her delegate of the Wolf Creek Fire Protection District.
- (f) *"District"* means the Wolf Creek Fire Protection District.
- (g) *"Direct signal alarm system"* means an alarm system which provides for a special telephone line that is directly connected to a police department and has an outlet at the department which emits a sound or transmits a signal, or both, when actuated.
- (h) *"False alarm"* means an activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which District personnel respond, including activation caused by malfunction of the alarm system, except that the following circumstances shall not be considered false alarms:
 - (1) When the Fire Chief determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by a telephone company, provided that such incidents are promptly reported by the company which caused them.
 - (2) When an alarm is caused by an attempted and unauthorized or illegal entry of which there is visible evidence.
 - (3) When an alarm is intentionally caused by a person at the premises acting under a reasonable belief that a need for calling emergency or police personnel.
 - (4) When an alarm is followed by notice to the District cancelling the alarm by giving proper information, prior to the arrival of emergency personnel at the source of the alarm.
 - (5) When the alarm is caused by an act of God, such as earthquake, flood, windstorm, thunder or lightning.

SECTION 3. CHARGES FOR FALSE ALARMS

- (a) All false alarms to which the District responds shall result in the following service charges by the District to the alarm user:
 - (1) For the first false alarm in a calendar year there shall be no charge, but a written warning shall be issued by the District.

- (2) A twenty-five dollar (\$25.00) service charge for the second false alarm at a premises in a calendar year.
 - (3) A fifty dollar (\$50.00) service charge for the third false alarm at a premises in a calendar year.
 - (4) A two hundred fifty dollar (\$250.00) service charge for the fourth and any subsequent false alarm at a premises in a calendar year.
- (b) Upon determination by the District that a false alarm has occurred, the District shall send a notice to the alarm user notifying the alarm user of the determination and directing the payment within ten (10) days of any service charge that may be due.
 - (c) The District shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in section 1(h) above.
 - (d) Refusal to pay such a service charges within ten (10) days of such notice shall constitute a violation of this section.

SECTION 4. AUDIBLE ALARMS

- (a) No person shall install or use an audible alarm without having installed a fifteen-minute timer.
- (b) On or after January 1, 2022, any alarm user having an audible alarm shall be required to have and responsible for equipping such an alarm with a fifteen-minute timer.

SECTION 5. VALIDITY AND SEVERABILITY

If any section, sub-section, provision, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance, and the wolf Creek Fire Protection District hereby declares that it would have passed the same, even though such portion so held to be unconstitutional or invalid had not been included therein, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. VIOLATION, PENALTIES

Any person, corporation, partnership or other legal entity who shall fail to pay the service charges for false alarms or who otherwise violates any provision of this Ordinance, shall be guilty of a Class A misdemeanor pursuant to RSMo 321.220 and be punished as provided by law. Each day that a violation exists or continues to exist shall be deemed a separate offense.

SECTION 7.

This Ordinance be in full force and effect from and after its passage by the Board of Directors.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

WOLF CREEK FIRE PROTECTION DISTRICT

KEN NASH, Chairperson/President

ATTEST:

COLIN ROGERS, Secretary
(SEAL)

APPROVED:

KEN NASH, Chairperson/President/Director

COLIN ROGERS, Director/Secretary

CHARLES FARR III, Director