

REV.

DEKALB COUNTY

ITEM
NO.

BOARD OF COMMISSIONERS
BUSINESS AGENDA / MINUTES

MEETING DATE: May 8, 2012

HEARING TYPE
Action

ACTION TYPE
Ordinance

Substitute

SUBJECT: Alarm Ordinance

DEPARTMENT: Police Department

PUBLIC HEARING: NO

ATTACHMENT: YES

INFORMATION CONTACT: Chief O'Brien
Chief of Police

PAGES: 9

PHONE NUMBER: 770-724-7494

PURPOSE:

To enact a new Alarm Ordinance.

NEED/IMPACT:

The attached Alarm Ordinance requires alarm system companies to annually register each monitored alarm system in unincorporated DeKalb County. Owners of non-monitored alarm systems must also register annually with the County. Registration is important because it gives public safety current contact information for alarm customers and allows for rapid contact by public safety officials in the event of an emergency. The Alarm Ordinance also requires alarm system customers/users to be responsible for false alarms by paying increasing assessments for false alarms.

RECOMMENDATION(S):

Adopt the attached Alarm Ordinance and authorize the Chief Executive Officer to execute all necessary documents.

AN ORDINANCE

**AN ORDINANCE
TO AMEND THE CODE OF DEKALB COUNTY, AS REVISED 1988,
CHAPTER 3, ALARM SYSTEMS,
AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare;

WHEREAS, the DeKalb County Police Department responded to approximately 77,000 alarm system calls in 2010, and the DeKalb County Fire Rescue Department responded to approximately 7,000 alarm system calls during the same time period, and alarm system owners and alarm system companies should bear some of the cost for police and fire response to all alarm system calls in the form of an annual registration fee;

WHEREAS, in 2010, approximately 90% of the police alarm system calls and approximately 75% of the fire alarm system calls were false alarms, and alarm system users should be responsible for false alarms by paying increasing assessments for false alarms, which are intended to ensure that all affected persons and companies comply with the provisions of this ordinance; to defray a portion of the cost associated with false alarms, and reduce the number of false alarms in unincorporated DeKalb County; and

WHEREAS, the Governing Authority finds that the existing false alarm ordinance is insufficient to protect the health, safety and general welfare of the County's citizens;

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 3 of the Code of DeKalb County, as Revised 1988, be and is hereby amended as follows:

PART I. ENACTMENT

By amending Chapter 3 to delete Articles I and II in their entirety and to replace them with a new Article I, to read as follows:

Article I. ALARM ORDINANCE

Sec. 3-1. Short title and purpose.

- (a) *Short title.* This ordinance shall be known as the "Alarm Ordinance" and may be cited as such.
- (b) *Purpose and intent.* This article governs the responsible use and operation of alarm systems and implements measures to minimize the financial burden placed on the county by alarm system calls and false alarms. This article is not intended to create new or to expand existing, if any, legal obligations of the county. The registration fees set forth in this article are intended to require alarm system owners and alarm system companies to bear some of the cost of fire and police responses to all alarms system calls. The assessments set forth in this ordinance are intended to ensure compliance with this article to defray a portion of the cost of false alarms, and to help reduce the number of false alarms.

Sec. 3-2. Definitions.

Words or terms not defined in this article but defined in applicable state law or the Code of DeKalb County, as Revised 1988, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Alarm System means any system, device or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or signal to an alarm system company, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a message or signal beyond the protected premises in some other fashion. An alarm system may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected or reports to an alarm system company, or constitutes a non-monitored alarm system, i.e., a system that does not transmit a message or signal to an alarm system company. The term "alarm system" does not include any system, device or mechanism primarily protecting a motor vehicle or constituting an individual medical alert.

Alarm System Company means a company that charges a fee to monitor an alarm system placed, located, or protecting premises in unincorporated DeKalb County, Georgia, including alarm system companies whose offices are physically located outside of DeKalb County's geographical boundaries.

Alarm System Owner means a person or company that owns or operates an alarm system and is not a customer of an alarm system company.

Company means an individual, sole proprietorship or organization, whether the organization is operated by an individual, association, firm, partnership, corporation or other entity.

Customer of an Alarm System Company means a person who pays a fee to an alarm system company to monitor an alarm system placed, located, or protecting premises in unincorporated DeKalb County.

Dispatch means the point in time when police officers, emergency medical service providers, or fire personnel are directed to go to a particular location in response to the activation of an alarm system.

Executive Assistant means the individual or his/her designee occupying the position of executive assistant as defined in section 14 of the Organizational Act of DeKalb County

False Alarm means any activation of an alarm system that elicits a response from the police department, or the fire department when there is no appearance of an actual emergency or threatened criminal activity necessitating a police or fire response. This definition includes, but is not limited to, any alarm system activated as a result of weather, negligence, accident, mechanical failure, electrical failure, or electrical surge. Activation of an alarm system shall not be considered a false alarm if:

- (a) The police department or fire department is notified prior to dispatch to cancel any response;
- (b) The alarm system was intentionally activated based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate police or fire response existed; or
- (c) The alarm system was activated by an attempted illegal entry of which there is some evidence.

Fire Department means the DeKalb County fire rescue department.

Local means within the geographical boundaries of the following counties: Cherokee, Clayton, DeKalb, Fulton, Gwinnett, Henry, Newton, Paulding and Rockdale.

Police Chief means the DeKalb County police chief.

Police Department means the DeKalb County police department.

Sec. 3-3. Registration of alarm system companies.

- (a) *Registration required.* No alarm system company may monitor an alarm system placed, located, or protecting premises in unincorporated DeKalb County unless such alarm system company registers with the police department and, as part of such registration, identifies the name, local address and local telephone number of at least one person who resides or works at a designated local address who shall serve as the authorized agent of the alarm system company. The authorized agent shall be the individual who is authorized by the alarm system company to receive all notices, citations and to pay all

registration fees or fines assessed against the alarm system company pursuant to this article.

- (b) *Reporting Updated Information.* Whenever there is a change in any information recorded in an alarm system company's registration, the alarm system company must, within thirty (30) days of the change, update the registration on file with the police department. Registration information on file remains effective until ten (10) days after receipt of updated information.
- (c) *Address Information.* Every alarm system company shall provide to the police department, in whatever format the police chief may specify, including an electronic and searchable format, a complete listing of all customers of the alarm system company which shall include all addresses located in unincorporated DeKalb County that the alarm system company monitors, and the name and address of the person or company who receives the monitoring bill. Each alarm system company shall update the list in a manner and on a schedule as specified by the police chief.
- (d) *Registration Fee.* Alarm system companies shall be required to pay an annual registration fee in the amount established by official action of the governing authority.

Sec. 3-4. Registration of alarm system owners.

- (a) *Registration required.* No alarm system owner may operate an alarm system within unincorporated DeKalb County unless such alarm system is registered with the police department.
- (b) *Transfer of possession.* Whenever there is any change in ownership of an alarm system and/or premises or property protected by an alarm system, the new owner must, within thirty (30) days of the change, register as an alarm system owner; alarm system registration is not transferable.
- (c) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system owner's registration, the alarm system owner must, within thirty (30) days of the change, update the registration on file with the police department. Registration information on file remains effective until ten (10) days after receipt of updated information.
- (d) *Multiple registrations required.* If more than one alarm system protects a single property, each alarm system must be registered separately. If one alarm system protects more than one structure or property, then the alarm system must be registered multiple times, once as to each structure or property.
- (e) *Registration Fee.* Alarm system owners shall be required to pay an annual registration fee in an amount established by official action of the governing authority.

Sec. 3-5. Duties of an alarm system company and an alarm system owner.

An alarm system company or owner shall:

- (a) Appear, or cause another person to appear, at the location of the alarm system within forty-five (45) minutes of a request from the police department or fire department in order to provide access to the alarm system and/or de-activate a malfunctioning alarm system;
- (b) Limit any externally audible sounds triggered by an alarm system to a duration of no more than fifteen (15) minutes after being activated; and
- (c) Make readily available instructions about how to operate the alarm system. This obligation can be met by indicating on the alarm system how it operates; indicating on the alarm system where written instructions are to be found, provided that such written instructions are kept in the same room or space in which the alarm system is located; making someone available no more than forty-five (45) minutes after notice to answer questions posed by a police officer or fire personnel; or by any other means that may be approved by the police chief.

Sec. 3-6. Violations.

- (a) It shall be a violation of this article if any alarm system owner, customer of an alarm system company, or an alarm system company:
 - (1) Fails to register if required to do so by this article;
 - (2) Fails to pay all applicable registration fees when due;
 - (2) Fails to update any information as required by this article;
 - (3) Activates any alarm system for the purpose of summoning a police officer or fire personnel with actual knowledge that there is no emergency;
 - (4) Uses an auto-dialer or telephonic recording, message, signal or warning to notify the DeKalb County emergency 911 system of any alarm system activation;
 - (5) Connects directly to an alarm display panel located in the communications center of the police department and/or fire department without authorization; or
 - (6) Aids or abets in the commission of an act prohibited by this section.
- (b) The police department is authorized to disable immediately any alarm system, communication or device that is directly connected to an alarm display panel located in the communications center of the police department and/or fire department without authorization.

Sec. 3-7. Jurisdiction and Penalties.

Any alarm system company, customer of an alarm system companies or alarm system owner who does anything prohibited by sections 3-3, 3-4, 3-5 and 3-6, or who fails to do anything required by these sections, upon citation or summons by the police chief, code enforcement officer or other authorized county employee, and judgment or conviction of the violation in a court of competent jurisdiction, which includes the Recorders Court of DeKalb County, shall be subject to appropriate penalties as imposed by the court. If convicted of violating any provision of sections 3-3, 3-4 3-5 and 3-6, the court shall impose a minimum fine of four hundred and ninety-nine dollars (\$499.00) in addition to any other authorized punishment imposed by the court.

Sec. 3-8. False Alarms and assessments.

- (a) An alarm system owner shall not activate or allow a false alarm to be activated through the owner's alarm system.
- (b) A customer of an alarm system company shall not activate or allow a false alarm to be activated through alarm systems placed, located, or protecting premises in unincorporated DeKalb County. Customers of alarm system companies shall be subject to an assessment for multiple false alarms only where the false alarm occurs at the same location within the preceding twelve (12)-month period.
- (c) For a failure to abide by the terms of this section, assessments will be as follows:
 - (1) No assessment for a first false alarm.
 - (2) An assessment of fifty dollars (\$50.00) for a second false alarm.
 - (3) An assessment of one hundred dollars (\$100.00) for a third false alarm.
 - (4) An assessment of two hundred dollars (\$200.00) for a fourth false alarm.
 - (5) An assessment of three hundred dollars (\$300) for a fifth false alarm.
 - (6) An assessment of four hundred dollars (\$400) for a sixth false alarm.
 - (7) An assessment of five hundred dollars (\$500) for a seventh false alarm.
 - (8) An assessment of six hundred dollars (\$600) for an eighth false alarm.
 - (9) An assessment of seven hundred dollars (\$700) for a ninth false alarm.
 - (10) An assessment of eight hundred dollars (\$800) for a tenth false alarm.
 - (11) An assessment of nine hundred dollars (\$900) for each false alarm after the tenth false alarm.

Sec. 3-9. Notification and Appeal Process for Assessments.

- (a) The police chief shall have the authority to issue a notice of assessment, hereinafter referred to as the "notice," to alarm system owners, and/or customers of alarm system companies who do not abide by the requirements of section 3-8 of this article. The notice shall briefly describe the facts forming the basis for the assessment, include the date and address of the incident, the amount of the assessment owed, and advise the person of the right to appeal the notice. The notice shall be sent via United States mail to the alarm system owner or customer of an alarm system company at the address on file as provided by this article.
- (b) If no appeal is filed in the manner required by this article, the assessment shall be paid to the police department. Should the alarm system owner or a customer of an alarm system company desire to appeal a notice, an appeal must be filed with the police chief within fifteen (15) calendar days after the date reflected on the notice. The person or entity filing the appeal, hereinafter referred to as the "appellant," must pay to the police department an appeal bond in an amount equal to the assessment at issue, and a non-refundable appeal filing fee of thirty-five dollars (\$35.00) at or before the appeal will be accepted for processing. The appeal shall be in the form of a letter, and shall identify all of the reasons that appellant believes the notice is improper or invalid. If the police chief agrees with reasons cited by the appellant in the appeal, the notice may be dismissed and no assessment shall be charged.
- (c) If the notice is not dismissed by the police chief, he/she shall enter or docket the appeal and notify the appropriate county representative(s) or witness(es) and the appellant(s), in writing, of the date, time and place where a hearing will be held. The hearing shall be held before the executive assistant within forty-five (45) calendar days of the date the appeal is entered or docketed. The parties may be represented by counsel, may present evidence, and may examine and cross-examine witnesses; the standard of proof shall be by a preponderance of the evidence. A party is permitted no more than fifteen (15) minutes to present that party's case. Presentation of arguments and evidence may be in oral or written form. The executive assistant shall grant or deny the appeal by issuing and mailing a written decision to the police chief and the appellant(s) within thirty (30) calendar days of the date of the hearing.
- (d) The executive assistant shall grant the appeal if he/she finds that issuance of the notice was based on an erroneous finding of material fact, or was arbitrary or capricious. If an appeal is granted, no assessment shall be charged to the appellant(s) and the appeal bond shall be returned to the appellant(s) by United States mail. If the appeal is denied, the appeal bond shall be kept by the county, and deposited into the special services tax district fund for basic and nonbasic police services. Should the executive assistant fail to issue a timely decision, the appeal will be deemed granted and no assessment shall be charged to the appellant(s). The decision of the executive assistant shall be final.

- (e) Nothing in this article shall be construed to prevent or limit the county from pursuing any and all available legal and equitable remedies to collect fines, assessments and enforce the provisions of this article.

Sec. 3-10. Enforcement and Awareness Classes.

The police chief shall develop guidelines and forms, make recommendations and take such other steps as may be necessary to enforce the provisions of this article. The police chief may create and implement awareness classes and may request the assistance of alarm system companies to develop and implement such classes. The classes shall be open to the public and shall provide instruction on how to reduce false alarms.

Sec. 3-11. Disclaimer/Immunities.

- (a) By enacting this article, the county is seeking only to promote the health, safety and general welfare of its citizens and is not waiving any of the immunities provided to it or its officers by state or federal law.
- (b) By enacting this article, no special duty or special relationship is created between the county, including its police officers and fire personnel, and persons who own real or personal property protected by an alarm system, persons who are physically present at or in the vicinity of property protected by an alarm system, or anyone else who may be relying upon or operating an alarm system in any way, including without limitation alarm system owners or alarm system companies. There is no intent to create liability to any person who claims that the enactment, enforcement or violation of this article caused injury or loss of any kind.

Secs. 3-12 – Sec. 3-49. Reserved.

PART II. EFFECTIVE DATE

This ordinance shall become effective one hundred and twenty (120) days after adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this 8 day of May, 2012.



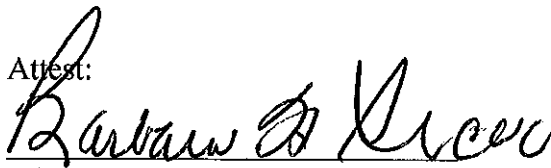
LARRY JOHNSON, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 10 day of May, 2012.



W. BURRELL ELLIS, JR.
Chief Executive Officer
DeKalb County, Georgia

Attest:



BARBARA H. SANDERS, CCC
Clerk, Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

Approved as to Form:



LISA E. CHANG
County Attorney
DeKalb County, Georgia

REV.

DEKALB COUNTY

ITEM
NO.

BOARD OF COMMISSIONERS
BUSINESS AGENDA / MINUTES
MEETING DATE: May 8, 2012

HEARING TYPE
Preliminary

ACTION TYPE
Resolution

SUBJECT: Fee-Setting Resolution for new Alarm Ordinance

DEPARTMENT: Police Department

PUBLIC HEARING: NO

ATTACHMENT: YES

INFORMATION CONTACT: Chief O'Brien
Chief of Police

PAGES: 2

PHONE NUMBER: 770-724-7494

PURPOSE:

To enact a resolution setting appropriate registration fees associated with new Alarm Ordinance.

NEED/IMPACT:

The new Alarm Ordinance requires alarm system companies to annually register each monitored alarm system in unincorporated DeKalb County. Owners of non-monitored alarm systems must also register annually with the County. Registration is important because it gives public safety current contact information for alarm customers and allows for rapid contact by public safety officials in the event of an emergency. The Fee-Setting Resolution sets fees for registration to defray administrative costs and to recoup some of the cost for police and fire response to all alarm system calls.

RECOMMENDATION(S):

Adopt the attached Alarm Ordinance Fee-Setting Resolution and authorize the Chief Executive Officer to execute all necessary documents.

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, TO SET FEES RELATED TO THE ALARM ORDINANCE

WHEREAS, the Governing Authority of DeKalb County is charged with protecting the health, safety and welfare of the citizens of DeKalb County; and

WHEREAS, the Georgia Constitution and state law allow a county to grant permits, and establish reasonable regulations governing police and fire protection; and

WHEREAS, the Governing Authority has enacted an Alarm Ordinance in Chapter 3 of the Code of DeKalb County, as Revised 1988 ("Alarm Ordinance"), requiring registration of alarm system companies and owners, and payment of registration fees; and

WHEREAS, Section 9 of the Organizational Act of DeKalb County, Georgia, authorizes the Governing Authority to set fees for services offered by DeKalb County; and

WHEREAS, registration as set forth in the Alarm Ordinance is important because it gives public safety current contact information for alarm customers and allows for rapid contact by public safety officials in the event of an emergency; and

WHEREAS, the fees set forth in this Resolution recoup from alarm system owners and alarm system companies some of the cost of fire and police responses to all alarm system calls, and of processing registrations;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that the fees for certain services offered by DeKalb County shall be as follows:

1. Simultaneously with initial registration in 2012, and on or before January 1st of each subsequent year, each alarm system company shall pay an annual non-refundable

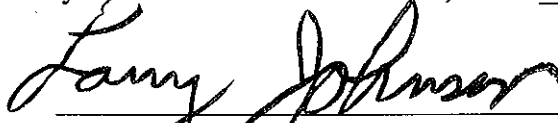
registration fee of five dollars (\$5.00) for each alarm system it monitors in unincorporated DeKalb County.

2. Simultaneously with initial registration in 2012, and thereafter on or before January 1st of each subsequent year, each alarm system owner shall pay an annual non-refundable registration fee of five dollars (\$5.00) for his/her/its alarm system.

BE IT FURTHER RESOLVED, that if any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances shall not be affected.

BE IT FINALLY RESOLVED, that said fees shall become effective on the same date the Alarm Ordinance becomes effective.

ADOPTED by the DeKalb County Board of Commissioners, this 8 day of May, 2012.



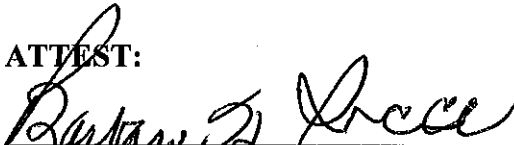
LARRY L. JOHNSON, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 10 day of May, 2012.




W. BURRELL ELLIS, JR.
Chief Executive Officer
DeKalb County, Georgia

ATTEST:



BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners
and Chief Executive Officer

APPROVED AS TO FORM:



LISA E. CHANG
County Attorney