

***SECTION 770**
ALARM SYSTEMS
(AMENDED 8/26/86; 7/27/99)

770.01 STATEMENT OF POLICY

The City of Tonka Bay deems it necessary to provide for the regulations of alarm systems which are designed to signal the presence of a hazard requiring urgent attention to which public safety personnel are expected to respond, in order to protect the public health, safety and welfare.

The City Council finds that the regulation of alarms is necessary in order to reduce the increasing frequency of false alarms in the City. The great number of and increasing frequency of these false alarms requires intensive, time-consuming efforts by the Public Safety Department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the City to promote the general health, welfare and safety of the community. In consideration for the necessity on the part of the City to provide numerous public safety services to all segments of the community, without an undue concentration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the permit process described below.

770.02 DEFINITIONS

As used herein, unless otherwise indicated, the following terms are defined as follows:

Subd. a. "Alarm System" shall mean an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard. For the purposes of this ordinance, the alarm, when triggered, must be directly connected to a central monitoring agency which then notifies the police and/or fire departments of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which public safety personnel are expected to respond.

Subd. b. "Alarm User" shall mean the person, firm, partnership, association, corporation, company or organization of any kind on whose premises an alarm system is maintained. "Alarm User" shall include persons occupying dwelling units for residential purposes. "Alarm User" shall not include persons maintaining alarm systems in automobiles.

Subd. c. "False Alarms" shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. It does not include activation of the alarm by utility company power outages (except as set forth below) or by climatic conditions such as tornadoes, lightning, earthquakes, other violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner. Effective

August 1, 1987, false alarms resulting from power outages shall be treated as other false alarms and counted as false alarms for permit purposes.

Subd. d. "Person" shall mean any individual, partnership, corporation, association, cooperative or other entity.

770.03 PERMITS AND EXEMPTIONS

Subd. a. Permits

Every alarm user who, within a twelve-month period, incurs more than two (2) false police alarms, shall be required to obtain an alarm user permit.

Subd. b. Review of Permit

The Chief of Police shall review the issuance of all false police alarm permits.

Subd. c. Process for Issuance of Permit

Upon receipt and determination of the third false police alarm report, or the second false fire alarm report at an address within a twelve-month period, the Chief of Police, after review, shall notify the City Clerk who shall then assess the alarm user for an alarm user's permit. The assessment invoice shall be sent by certified mail. The alarm user must submit the required permit fee to the City Clerk within ten (10) working days after receipt of the assessment invoice in order to continue to use his alarm system. Any subsequent false police or fire alarms at that address within a period of twelve months from the date of issuance of the permit shall automatically revoke the permit, the process must then be repeated and a new permit obtained; except that after six months or more have elapsed since the issuance of the permit, a single false police alarm shall not revoke the permit.

Subd. d. Duration of Permit

All permits, unless otherwise revoked, will expire twelve months from date of issue.

Subd. e. Exemptions

The provisions of this chapter are not applicable to audible alarms affixed to automobiles.

770.04 REQUIREMENTS AND DUTIES

Subd. a. False Alarm Reports

The Chief of Police may at his discretion, require a false alarm report to be filed by the alarm user with the Public Safety Department, within a time period to be specified by the Chief of Police. If the Chief of Police determines that a false alarm has occurred at an address, the alarm user at that address may submit a written report to the Chief of Police to explain the cause of the alarm activation. If

the Chief of Police determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.

Subd. b. "False Alarms" will be excused if they are the result of an effort or order to upgrade, install, test or maintain an alarm system and if the Public Safety Department is given notice in advance of said upgrade, installation, test and maintenance.

770.05 PROHIBITIONS

Subd. a. Alarm Systems Utilizing Taping or Prerecorded Messages

No person shall install, monitor, or use and possess an operative alarm which utilizes tapes or prerecorded messages which deliver a telephone alarm message to the police or fire department.

770.06 PERMIT FEES

Subd. a. The City Council shall set the permit fee by resolution, which may be modified from time to time.

Subd. b. After expiration of an alarm user's permit, no subsequent permit shall be required until such time as the alarm user incurs more than two (2) false police alarms within a twelve-month period.

770.07 REVOCATION AND SUSPENSION OF PERMIT

Subd. a. Basis for revocation or suspension

The Public Safety Department may suspend or revoke any alarm user permit issued pursuant to this ordinance if the Public Safety Department finds that any of the following occur:

1. That any provision or condition of this ordinance has been violated by an alarm user or his agents;
2. That an alarm system has actuated an excessive number of false alarms;
3. That the alarm user has knowingly made false statements in or regarding his application for an alarm user's permit;
4. That the alarm user has failed to correct or remove, within a reasonable period, violations of this ordinance after receipt of notice to do so;
5. That the continued effectiveness of the alarm user permit, constitutes a substantial threat to the public peace, health, safety or welfare.

Subd. b. Violations Investigation and Enforcement

All alleged violations defined above shall be investigated by the Public Safety Department. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the Chief of Police prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the Chief of Police may appeal that decision to the City Council.

770.08 **CRIMINAL PENALTIES**

Subd. a. Any alarm user who continues to use an alarm system after receiving notice of revocation or suspension by the Public Safety Department shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than seven hundred dollars (\$700.00) and by imprisonment not to exceed ninety (90) days.

Subd. b. Any person required by this ordinance to obtain an alarm user's permit who knowingly fails to do so shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than seven hundred dollars (\$700.00) and by imprisonment not to exceed ninety (90) days.

ALARM SYSTEMS - FIRE

770.09 **STATEMENT OF PURPOSE**

The City of Tonka Bay deems it necessary to provide for the regulations of fire alarm systems which are designed to signal the presence of a hazard requiring urgent attention to which public safety personnel are expected to respond in order to protect the public health, safety and welfare.

The City Council finds that the regulation of alarms is necessary in order to reduce the increasing frequency of false fire alarms in the City. The great number of and increasing frequency of these false alarms require intensive, time-consuming efforts by the Excelsior Fire Department and thereby distract from and reduce the level of services available to the rest of the community. This diminishes the ability of the City to promote the general health, welfare and safety of the community. As the City must provide numerous fire safety services to all segments of the community without an undue consideration of certain public services that would work to the detriment of members of the general public, it is hereby decided that the fire alarm systems shall be regulated through the permit process described below.

770.10 **DEFINITIONS**

As used herein, unless otherwise indicated, the following terms are defined as follows:

Subd. a. "Alarm System" shall mean an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the

presence of a hazard. For the purposes of this Chapter, the alarm, when triggered, must be directly connected to a central monitoring agency which then notifies the fire department of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which fire personnel are expected to respond.

Subd. b. "Alarm User" shall mean the person, firm, partnership, association, corporation, company or organization of any kind on whose premises an alarm system is maintained. "Alarm user" shall include persons occupying dwelling units for residential purposes.

Subd. c. "False Alarms" shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. It does not include activation of the alarm by utility company power outages (except as set forth below) or by climatic conditions such as tornadoes, lightning, earthquakes, other violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

Subd. d. "Person" shall mean any individual, partnership, corporation, association, cooperative, or other entity.

770.11 PERMITS

Subd. a. Permit required.

Every alarm user who, during the course of a twelve month period, incurs more than one false fire alarm shall be required to obtain an alarm user's permit. The City Council shall set the permit fee by resolution, which may be modified from time to time.

Subd. b. Review of permit.

The Fire Chief shall review the issuance of all alarm permits.

Subd. c. Process for Issuance of Permit.

Upon receipt and determination of the second false fire alarm report at an address within a twelve month period, the Fire Chief, after review, shall notify the City Clerk, who shall then assess the alarm user for an alarm user's permit. The assessment invoice shall be sent by certified mail or delivered and accepted personally. The alarm user must submit the required permit fee to the City Clerk within ten (10) working days after receipt of the assessment invoice in order to continue to use his/her alarm system. Any subsequent false fire alarm at that address within a period of twelve (12) months from the date of issuance of the permit shall automatically revoke the permit and the process must then be repeated and a new permit obtained.

Subd. d. Duration of Permit

All permits, unless otherwise revoked, will expire twelve (12) months from date of issue.

770.12 FALSE ALARMS, REPORTS REQUIRED

Subd. a. False Alarm Reports

The Fire Chief may, at his discretion, require a false alarm report to be filed by the alarm user with the Fire Department within a time period to be specified by the Fire Chief. If the Fire Chief determines that a false alarm has occurred at an address, the alarm user at that address may submit a written report to the Fire Chief to explain the cause of the alarm activation. If the Fire Chief determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.

Subd. b. False Alarms Excused

False alarms will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the Fire Department is given notice in advance of said upgrade, installation, test and maintenance.

770.13 PROHIBITED CONDITIONS, SYSTEMS UTILIZING TAPED OR PRERECORDED MESSAGES

No person shall install, monitor, or use and possess an operative alarm which utilizes taped or prerecorded messages which deliver a telephone alarm message to the Fire Department.

770.14 SUSPENSION OR REVOCATION OF PERMIT

Subd. a. Basis for Revocation or Suspension

The Fire Department may suspend or revoke any alarm user's permit issued pursuant to this Chapter if the Fire Department finds that any of the following occur:

1. That any provision or condition of this Chapter has been violated by an alarm user or his agents;
2. That an alarm system has actuated an excessive number of false alarms (i.e., in excess of four in a 12-month period.)
3. That the alarm user has knowingly made false statements in or regarding his application for an alarm user's permit;
4. That the alarm user has failed to correct or remove, within a reasonable period, violations of this Chapter after receipt of notice to do so;

5. That the continued effectiveness of the alarm user permit constitutes a substantial threat to the public peace, health, safety, or welfare.

Subd. b. Investigation

All alleged violations defined above shall be investigated by the Fire Chief. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the Fire Chief prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the Fire Chief may appeal that decision to the City Council.

770.15 **CRIMINAL PENALTIES**

Subd. a. Any alarm user who continues to use an alarm system after receiving notice of revocation or suspension by the Fire Department shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than seven hundred dollars (\$700.00) and by imprisonment not to exceed ninety (90) days.

Subd. b. Any person required by this Chapter to obtain an alarm user's permit who knowingly fails to do so shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than seven hundred dollars (\$700.00) and by imprisonment not to exceed ninety (90) days.

770.16 **SEPARABILITY**

Every section, provision, or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part of any ordinance shall be held invalid, it shall not affect any other section, provision or part thereof.