

ORDINANCE No.: 19-2017

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO ,
INDIANA , REGULATING ALARM SYSTEMS WITHIN THE CITY**

WHEREAS, a significant number of the owners of industrial, commercial and residential properties located within the City of Valparaiso, Indiana (“City”) own and operate alarm systems; and

WHEREAS, the City’s emergency response personnel including members of its police and fire departments respond to calls from alarm systems within the City; and

WHEREAS, the City’s emergency response personnel have experienced, and continue to experience, problems with false alarm calls within the City; and

WHEREAS, in 2016 members of the City’s police department responded to approximately One Thousand Four Hundred and Sixty (1,460) false alarm calls within the City; and

WHEREAS, members of the City’s fire department responded to approximately Two Hundred Forty-Two (242) false alarm calls within the City in 2016; and

WHEREAS, the high incidence of false alarm calls within the City results in the misuse of the City’s emergency response personnel and public resources and imposes additional costs on the City; and

WHEREAS, when the City’s emergency response personnel are dispatched to respond to a false alarm call within the City, they are unavailable to respond to legitimate emergency situations; and

WHEREAS, the unavailability the City’s emergency response personnel poses a threat to the public health, safety and welfare of the residents of the City; and

WHEREAS, the registration and reasonable regulation of alarm systems in the City will result in a significant reduction in false alarms calls within the City and produce a resultant savings in the use of the City’s emergency response personnel; and

WHEREAS, the Common Council of the City of Valparaiso, Indiana (“Common Council”), is desirous of adopting this Ordinance in order to require registration and establish reasonable regulations governing alarm systems within the City in order to reduce the number of false alarm calls.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT CHAPTER 101 IS HEREBY ADDED TO THE VALPARAISO CODE OF ORDINANCES PROVIDING AS FOLLOWS:

Section 101.01 PURPOSE.

The purpose of this Chapter is to provide for the registration and reasonable regulation of alarm systems within the City of Valparaiso, Indiana, so as to protect the public health, safety and welfare of the residents of the City.

Section 101.02 DEFINITIONS .

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM. An audible or mechanical or electrical signal from a detection system which indicates a disturbance of the detection system or some other activity that summons law enforcement.

ALARM SITE. The location where an Alarm or Alarm System is located.

ALARM SYSTEM. Any assembly of equipment which is designed or functions to provide an audible or mechanical or electrical signal which indicates a disturbance or some other activity that summons law enforcement or the fire department.

For purposes of this Chapter, an Alarm System shall not include:

- (a) An alarm installed on a motor vehicle;
- (b) A smoke detector not connected to an automatic dialing device; or
- (c) An alarm system located in a private residence if the only response upon activation of the alarm system is an external sounding alarm that automatically stops within fifteen (15) minutes after activation.

ALARM USER. Any individual, corporation, partnership or other legal entity in ownership or control of an Alarm System.

AUTOMATIC DIALING DEVICE. Any device connected to an Alarm System which automatically sends a prerecorded message or coded signal to a selected telephone number indicating the need for an emergency response.

EMERGENCY RESPONSE PERSONNEL. An employee or employees of the Valparaiso Police Department or Valparaiso Fire Protection Territory who routinely respond to a summons for assistance when there is a reasonable belief that the need exists.

FALSE ALARM. An Alarm eliciting an emergency response when the situation does not require emergency services. For the purposes of this Chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer or maintainer. If cancellation of the Alarm occurs prior to Emergency Response Personnel's arrival at the Alarm Site, the response shall not be considered a False Alarm.

PERMIT HOLDER. The individual, corporation, partnership or other legal entity to whom an Alarm System Permit is issued.

REGISTRATION PERMIT. The permit issued by the Valparaiso Police Department or its designee upon registration of each Alarm System.

SECTION 101.03 COMPLIANCE/REGISTRATION OF ALARM SYSTEMS REQUIRED .

No Alarm User shall operate an Alarm System within the City unless done in full compliance with the provisions of this Chapter.

No Alarm User within the City shall own or operate an Alarm System after March 31, 2018, without registering each Alarm System with the Valparaiso Police Department or its designee. All Alarm Systems within the City shall be registered with the Valparaiso Police Department or its designee on or before March 31, 2018. In all subsequent years, all Alarm Systems within the City shall be annually registered with the Valparaiso Police Department or its designee before January 31st of each year.

The registration with the Valparaiso Police Department shall be affected by furnishing to the Valparaiso Police Department or its designee a complete and accurate application upon forms prescribed by the Police Department setting forth the following information:

- (a) The name, address and telephone number of each person in possession or control of the property;
- (b) The street address of the property on which the Alarm System is installed and operational;
- (c) Any business name used for the premises on which the Alarm System is installed and operational;
- (d) The name of the person or business who installed the Alarm System.
- (e) The names and telephone numbers of two (2) persons or of an alarm system business which is able to and has agreed to:
 - (1) To receive notification at any time; and
 - (2) To come to the Alarm Site within thirty (30) minute after receiving a request from emergency response personnel to do so; and
 - (3) To grant access to the Alarm Site and to deactivate the Alarm System if such becomes necessary.

The registration application shall be signed by the Alarm User. To the extent permitted by law, all information contained in the application shall be protected as confidential information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and/or for administration or

enforcement of this Chapter by the Valparaiso Police Department or its designee. After the receipt of the application for a Registration Permit and payment of the permit fee, the Valparaiso Police Department or its designee shall record the application data for use by Emergency Response Personnel.

Whenever ownership or responsibility for operation of an Alarm System changes or a new Alarm System is installed within the City, the new Alarm User shall have the responsibility to obtain a new Registration Permit within thirty (30) days of the change in ownership/operation. Previously issued Registration Permits shall automatically expire thirty (30) days following transfer of ownership/operation of an Alarm System. Issuance of a Registration Permit is not evidence that a Alarm System meets the requirements of this Chapter.

Notification to the Alarm User or his agent at the telephone number or address shown on the registration application shall constitute sufficient notice pursuant to any provision of this Chapter. Registration of an Alarm System shall be evidenced by issuance of a Registration Permit.

SECTION 101.04 ALARM SYSTEM PERMIT FEES .

There shall be a Twenty-Five Dollar (\$25.00) registration fee assessed for each Alarm System registered after March 31, 2018. No registration fee shall be paid for all Alarm Systems located within the City and registered with the Valparaiso Police Department or its designee before March 31, 2018. In all subsequent years the above-referenced registration fee shall be waived for all Alarm Systems located within the City and registered with the Valparaiso Police Department or its designee before January 31st of each year. The above-referenced registration fee shall be also waived for all Alarm Users who registered their Alarm Systems within thirty (30) days after the change in ownership/operation of installation of a new Alarm System.

SECTION 101.05 ALARM SYSTEM REGISTRATION PERMITS .

For all registered Alarm Systems, the Valparaiso Police Department or its designee shall issue a Registration Permit stating the date of the System's registration. Each Alarm User shall be responsible for continuously maintaining a copy the Registration Permit for each Alarm System. Each Alarm User shall provide the members of the Valparaiso Police Department with a copy of Registration Permit upon request.

SECTION 101.06 FALSE ALARMS.

It shall be a violation of this Chapter for an Alarm User to permit an Alarm System to emit more than two (2) False Alarms in any one (1) calendar year. Provided, however, this Section shall not apply to a Alarm System which emits a False Alarm within thirty (30) days after the installation of the Alarm System.

An Alarm User shall receive a written warning from the Valparaiso Police Department or its designee following each of the first two (2) False Alarms emitted by the Alarm User's Alarm System during one (1) calendar year. If any Alarm System emits more than two (2) False Alarms in a calendar year, the Alarm User shall receive written notice of the User's violation of this Chapter and be subject to the penalties provided in this Chapter.

All Alarm Users shall be responsible for maintaining their Alarm Systems in good working condition and in accordance with all applicable local, state and federal regulations. It shall be a violation of this Chapter for an Alarm User to fail to maintain their Alarm System in good working condition and in accordance with all applicable local, state and federal regulations.

SECTION 101.07 PENALTIES.

The Police Chief of the Valparaiso Police Department, or his/her designee, shall be responsible for enforcing the provisions of this Chapter. The Valparaiso Police Department may impose the following penalties on and all Alarm Users, individuals or corporate entities found to be in violation of this Chapter:

(a) For submitting any false or materially incomplete information on an application or any other information submitted under this Chapter, a fine of Twenty-Five Dollars (\$25.00), unless the violator has been fined for a previous violation for submitting any other false or materially incomplete on an application or any other information under this Chapter, in which case the fine will be One Hundred Dollars (\$100.00);

(b) For operation of an Alarm System without first obtaining or continuing to have a valid Registration Permit, a fine of Twenty-Five Dollars (\$25.00) for each day the Alarm User is in violation, unless the violator has been fined for a previous violation for operating an Alarm System without obtaining or continuing to have a valid Registration Permit, in which case the fine will be One Hundred Dollars (\$100.00) for each day the Alarm User is in violation. Prior to imposing a fine against an Alarm User for failing to obtain or continuing to have a valid Registration Permit, the Alarm User shall be given ten (10) days in which to obtain a valid Registration Permit;

(c) For failure to maintain an Alarm System in good working condition, a fine of One Hundred Dollars (\$100.00) for each day the Alarm User is in violation, unless the violator has been fined for a previous violation for failing to maintain an Alarm System, in which case the fine will be Two Hundred and Fifty Dollars (\$250.00) for each day the Alarm User is in violation;

(d) For violation of any other provision of this Chapter, a fine of One Hundred Dollars (\$100.00), for each day such violation exists.

(e) The following fines shall be assessed against Alarm Users who exceed two (2) False Alarms in one (1) calendar year:

	<u>Fine Amount</u>
Third false alarm in a calendar year	\$75.00
Fourth false alarm in a calendar year	\$100.00
Fifth false alarm in a calendar year	\$125.00
Sixth and subsequent false alarms in calendar year	\$250.00

In addition to the civil penalties set forth above, the Police Chief, or his/her designee, may request that the City Attorney's Office take legal action including, but not limited, filing a formal lawsuit against an Alarm User or other individual or corporate entity in order to obtain their compliance with the provisions of this Chapter.

If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason by any court of competent jurisdiction, such decision shall not affect any other section, paragraph or provision of this Ordinance.

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana, by a _____ vote of all members present and voting this _____ day of _____, 2018.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2018, at _____ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2018, at _____ o'clock p.m.

Jon Costas, Mayor