

**AN ORDINANCE AMENDING ARTICLE VI. OF CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SECURITY ALARM SYSTEMS.**

(Safety and Licensing Committee 9-20-06)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article VI of Chapter 12 of the Municipal Code of the City of Appleton, relating security alarm systems, is hereby amended to read as follows:

**ARTICLE VI. SECURITY ALARM SYSTEMS**

**Sec. 12-121. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***Alarm business*** means any person, property owner, firm, partnership or corporation who alters, installs, leases, maintains, repairs, replaces or services an alarm system or which causes any of these activities to take place.

***Alarm user*** means any person, property owner, firm, partnership, corporation or governmental entity whose premise has an alarm system.

***Alarm system*** means a device or system that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to or reasonably expected to summon police or fire services. Alarm system does not include an alarm installed on a vehicle.

***Calendar year*** means the twelve- (12-) month period beginning January 1 and ending December 31.

***Central monitoring station*** means a central location where remote detection devices installed at the premise of an alarm user automatically transmits a signal and the central location is manned twenty-four (24) hours a day by trained operators who monitor, receive, record, verify, validate or report the signal.

***Emergency communications center*** means the communications center, which handles the emergency phone calls and radio communications for the Police and Fire Departments.

***Enhanced call verification*** means an attempt by the alarm business or its representative to contact the alarm site, alarm user and/or keyholder by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an

alarm signal is valid before requesting law enforcement to respond to the alarm signal, in an attempt to avoid an unnecessary alarm dispatch request. For purposes of this ordinance, telephone and/or other electronic verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user or keyholder who can properly identify themselves, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

***False alarm*** means any signal, message or other communication transmitted by an alarm system, person or other device which causes Police or Fire Department response in which it is determined by the City not to be of an existing emergency or unlawful situation.

***Fire Department*** means the City Fire Department, its headquarters and any other location housing publicly-owned equipment serving the Fire Department.

***Keyholder*** means a person or persons who will be responsible for responding to the premise of an alarm activation, who has access to the premise and the alarm system and who has the authority and ability to set or deactivate the system.

***Police Department*** means the City Police Department, its headquarters and any other location housing equipment serving the Police Department.

***Verified response*** means the alarm business or its representative has verified the legitimacy of an alarm at the scene through independent means such as witness verification, live listening devices or live video monitoring.

#### **Sec. 12-122. Purpose of article.**

The purpose of this article is to reduce the number of false alarms by eliminating those which are preventable or avoidable and to establish control of the various types of alarm systems that would require police response at the location of an event reported by a signal which is transmitted by telephone or radio or which is otherwise relayed to the emergency communications center by a signal activated by an automated alarm device, including such devices already in use within the city.

#### **Sec. 12-123. Alarm permits.**

(a) ***Requirement.*** An alarm business shall not alter, install, lease, maintain, repair, replace or service any alarm system in the city of Appleton without first obtaining an alarm permit. An alarm user who uses an alarm system without the assistance of an alarm business must also obtain an alarm permit. If an alarm user who uses an alarm system without the assistance of an alarm business transfers the possession of the premise, the property owner obtaining possession of the property shall obtain an alarm permit or shall contract with a licensed alarm business for services within thirty (30) days of obtaining possession of the property if they continue to use the alarm system. Alarm permits are not required for fire alarms. Alarm permits are not transferable.

(b) ***Application.*** An alarm business or alarm user desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk.

(c) ***Fee and duration.*** An alarm permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for the alarm permit shall be on file with the City Clerk's Office.

**Sec. 12-124. Duties of the alarm business.**

(a) An alarm business shall use enhanced call verification or verified response prior to requesting a response by emergency services. Enhanced call verification or verified response shall not be used for hold-up, duress, panic or fire alarms.

(b) Any alarm equipment installed by an alarm business after the effective date of this ordinance shall meet the ANSI/SIA CP-01 standards.

(c) A central alarm monitoring station used by an alarm business shall meet the Underwriters Laboratory (UL) or Factory Mutual (FM) standards.

(d) An alarm business shall keep current records of client information including, but not limited to, names of alarm users, keyholders, addresses, phone numbers and other contact information to be used for enhanced call verification and keyholder notification. The alarm business shall provide this information to the central monitoring station.

(e) An alarm business shall provide written and oral instructions explaining the proper use and operation of the alarm system to each of its alarm users. In addition, an alarm business shall take reasonable steps to educate all alarm users in order to minimize the number of false alarms.

(f) An alarm business or representative shall be responsible for notifying a keyholder for the premise when a request is made for response by the Police Department.

(g) If an alarm user uses an alarm system without the assistance of an alarm business, the alarm user is subject to the same duties as an alarm business.

**Sec. 12-125. Exceptions to article.**

None of the provisions of this article shall prevent the City from providing special alarm monitoring services as may be required because of medical reasons or communicative disorders.

**Sec. 12-126. Prohibited devices.**

No person shall use or cause to permit to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police

Department, Fire Department or emergency communications center and then reproduces any prerecorded message to report any unlawful act, fire or other emergency.

**Sec. 12-127. False alarm fee.**

(a) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.

(b) If the Police Department responds to a false alarm, the alarm user shall pay the City a fee according to the following schedule of fees for any false alarm occurring in a calendar year:

(1)	First two (2) false alarms	No charge
(2)	Third, fourth and fifth false alarms	\$75.00
(3)	Sixth, seventh and eighth false alarms	\$150.00
(4)	Ninth, tenth, and eleventh false alarms	\$300.00
(5)	Twelfth and subsequent false alarms	\$600.00

(c) Discontinuance of response.

(1) If the Police Department is cancelled by the emergency communications center while responding to an alarm, the alarm user may still be assessed a fee for a false alarm.

(2) In cases where the alarm user has twelve (12) or more false alarms within a six- (6-) month period the Police Department may suspend response after the Chief of Police or designee sends written notification to the alarm user. In order to lift the suspension, the alarm user shall submit written confirmation to the Chief of Police or designee that the alarm system has been inspected and repaired, if necessary, and/or additional measures have been taken to reduce the number of false alarms at that location. If the Chief of Police or designee determines that the actions taken are likely to prevent the occurrence of additional false alarms, the Police Department shall lift the suspension.

(d) Exceptions and appeals.

(1) A fee shall not be charged if any of the following apply:

a. The alarm was activated by criminal activity or a legitimate emergency.

- b. The alarm was activated after a power outage that lasted more than four (4) hours.
  - c. The alarm was activated after the premise was damaged by weather conditions.
  - d. The Fire Department has assessed a fee for a false fire alarm.
  - e. The Police Department was cancelled prior to arriving at the premise and documentation is provided that enhanced call verification or verified response was properly utilized.
- (2) An alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Police Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

**Sec. 12-128. Violations and penalties.**

Any person, alarm user or alarm business that violates any of the provisions of this section may be subject to a forfeiture of no more than one hundred twenty-five dollars for the first offense and no more than five hundred dollars for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2007.

Dated: \_\_\_\_\_

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Timothy M. Hanna, Mayor

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Cynthia I. Hesse, City Clerk