

## STARKE COUNTY COMMISSIONERS ORDINANCE 2019-08 ALARM SYSTEMS REGULATION ORDINANCE

THE BOARD OF COMMISSIONERS OF STARKE COUNTY (the "Commissioners"), after consultation with the Starke County Sheriff, and after investigations into the ordinances and practices currently in effect in other counties in the State of Indiana, have determined that false alarms are incurring a significant cost and burden on law enforcement, first responders and fire departments in Starke County; and therefore have desire to reduce the number and frequency of false police and fire alarms originating in residence and businesses in the County; and have determined that the registration and control of alarm systems allows for more safe, prompt and reliable dispatch of emergency personnel by advocating minimum standards for the use of alarm systems in the County and by facilitating the creation of a database of registered alarm systems in the County for use by public safety agencies;

NOW THEREFORE, BE IT ORDAINED as follows:

### I. DEFINITIONS

(A) **Alarm System** means a device or system that transmits or relays a signal off the premises intended to summon the public safety services of a community. Alarm System does not include:

- (1) an alarm installed on a motor vehicle unless the vehicle is permanently located at a site; nor
- (2) an alarm designed to alert only the inhabitants of a premises; nor
- (3) a local alarm.

However, Alarm System does include but is not limited to the following:

- (1) Automatic Dialing Device (an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation.);
- (2) Alarm systems monitored and reported by alarm monitoring companies; or
- (3) Special trunkline systems.

(B) **Alarm Notification** means a notification intended to summon a pre-selected public safety agency or agencies, which is designed either to be initiated purposely by a person or by an alarm system that responds automatically to some predetermined sensor or action.

(C) **Alarm Site** means a single premise or location served by an alarm system or systems.

(D) **Call for Assistance** means any person-to-person request for the response of emergency services to a site. A Call for Assistance is normally communicated verbally by telephone, but could be communicated in person, or by any other person-to-person communication.

(E) **Executive** means the Chief Administrator of a public safety agency. For example, the Chief of a police department or fire department.

(F) **False Alarm Notification** means an alarm notification to a pre-selected public safety agency, when the responding emergency personnel finds no evidence of an emergency situation, e.g. no evidence of a criminal offense or attempted criminal offense, fire, or medical emergency, including such situations caused by a mechanical malfunction, failure, improper installation, or maintenance negligence. Excluded from this definition are:

- (1) alarms occurring during electrical storms, tornado, or other extraordinary weather related or natural events; or,
- (2) the intermittent disruption of the alarm system or telephone circuits beyond the control of the alarm company and/or alarm users; or,
- (3) electrical power disruption or failure; or
- (4) vandalism or physical abuse; or,
- (5) alarms caused by a failure of the equipment at the public safety communications center.

(G) **Local Alarm** means an alarm system that emits an indicator at an alarm site that is audible or visible from the exterior of the structure. All audible and visible indicators shall not operate for more than fifteen (15) minutes per occurrence.

(H) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(I) **Special Trunkline** means a telephone line leading into the communications center of a public safety agency that is for the primary purpose of receiving emergency messages that originate from automatic protection devices and transmitted directly or through an alarm monitoring company.

## ARTICLE II - ALARM SYSTEMS

### SECTION 1. PURPOSE

(A) The Purpose of this section of this ordinance is to encourage security alarm system users, alarm businesses (sales, installation, customer service and/or monitoring), fire/hazardous



materials leakage sensing notification systems and home medical emergency panic alarms to maintain operational reliability and the proper use of alarm systems in the limiting of unnecessary service responses to alarms. It is also to provide minimum standards and regulations applicable to burglary, holdup, fire, panic, and emergency medical alarm systems; establish fees and provide for punishment of violations of provisions as defined in this ordinance.

(B) This ordinance governs all types of alarms systems designed to summon the response of emergency services, requires registration, establishes fees, provides for penalties for violations, and establishes a system of administration.

## SECTION 2. REGISTRATION REQUIRED; FEE; FALSE STATEMENTS.

(A) Owners of Alarm Systems shall register with the Starke County 911 Director. Registration shall be accompanied by a one-time \$40.00 non-refundable fee. The 911 Director shall issue a registration receipt which shall be required to be posted at the alarm site and accessible for review by any responsible public safety agency.

(C) The Registration Form shall be designed by the Starke County 911 Director and must contain the following minimal information:

(1) The name, address and telephone numbers of the person responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;

(2) The type of alarm system located at the alarm site, i.e. burglary, robbery, personal hostage, panic, medical emergency, fire or hazardous materials detection.

(3) The type of trigger for the alarm system (except robbery), i.e. person activation, smoke sensing, heat sensing, etc. Because of the security involved in most robbery in progress type alarm systems, persons operating this type of alarm system are exempt from completing this type of requirement in the registration form.

(4) The name and 24 hour telephone number of the installing and maintaining alarm company or maintenance technician.

(5) The business name (if any), address, driving directions, business hours (if any), and day or business telephone number of the alarm site.

(6) The names and telephone numbers of at least two persons responsible to respond to the alarm site upon alarm notification after normal business hours.

(7) The date of installation of the alarm system.

(D) A registration may be denied by the 911 Director if the Director finds that:

(1) The applicant for the Registration does not comply with the standards and/or regulations adopted pursuant to this ordinance.

(2) The alarm system or proposed system does not comply with the standards and/or regulations adopted pursuant to this ordinance.

(3) The applicant, his employee or agent had knowingly made any false, misleading or fraudulent statement of material fact in the application for registration.

(4) The applicant has had a previous registration revoked for just cause within the past year unless the applicant can show a material change in circumstances since the date of the revocations.

If a registration is denied, the reasons for denial shall be set forth in writing and provided to the applicant. If the basis for denial can be corrected, the writing shall so state, and shall explain how these corrections may be made and set a reasonable time limit for making such corrections. The notice of denial shall inform the applicant that he or she may appeal the denial as set forth in the procedure for appeal.

(E) An alarm registration cannot be transferred to another person.

(F) The person cited in (C)(1) above shall inform the Director of any change that alters any information listed on the registration within ten business days of the change. Such notification shall be made in writing. No fee shall be assessed for such changes.

(G) All fees owed must be paid before the 911 Director can issue a receipt.

(H) The following are exempt from the payment of any registration fees; however, this does not exclude the requirement for registration:

(1) An alarm installed upon premises occupied by the United States, the State of Indiana, or any of their units, boards, or or political subdivision thereof (including public schools).

(2) An alarm installed upon premises owned and/or maintained by an educational institution.

(3) An alarm installed within a structure used strictly as a private dwelling.

(I) Any person with an alarm on the effective date of this ordinance must apply for registration within 60 days after the effective date.

### SECTION 3. PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE



(A) The Starke County Sheriff may prescribe reasonable minimum standards and regulations for the construction and maintenance of all alarm systems installed within the County. These standards and regulations must meet or exceed any standards and/or regulations established by the County or the State of Indiana. All devices must meet or exceed such standards and regulations before any alarm system is registered pursuant to this ordinance.

(B) A person in control of an alarm system shall:

(1) maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications, and

(2) respond or cause his representative to appear at the systems location within a reasonable period of time when notified by the appropriate public safety agency to do so to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide safety and security to the premises, and

(3) not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report, or for the purpose of testing (cf. Section 9), and

(4) so display the alarm registration receipt so that it is capable of view from public access if the site is a business or present the alarm registration receipt if asked to do so by a representative of a Starke County Public Safety Agency if a private dwelling, and

(5) maintain for review upon request by a representative of a Starke County Public Safety Agency a log detailing all alarm activations, tests and maintenance. It shall be the duty of a person in control of an alarm system to maintain such a log and summon maintenance personnel when so ordered to do so by a representative of a Starke County Public Safety Agency.

(C) Any cost, charge or change coming upon an alarm systems owner due to a change in emergency telephone numbers or re-location of public safety communications centers, or the adoption of standards and regulations by the 911 Advisory Committee, shall be the responsibility of the alarm system owner. The County of Starke will not bear in obligation or responsibility.

#### SECTION 4. AUDIBLE ALARM REQUIREMENTS

All alarm systems that emit an audible signal which is intended to be or can be heard by persons outside the protected building, structure, or facility, shall conform to the following requirements:

(A) Every person maintaining an audible alarm shall provide the 911 Director with the names and telephone numbers of the persons to be notified of an emergency when the alarm system has been actuated, and who may reset or silence the audible alarm signal, and/or gain access or secure the premises during any hour of the day or night. It is the responsibility of every

person maintaining an alarm system to assure that the names and telephone numbers recorded with the 911 Director are kept current.

(B) No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within fifteen minutes after it is activated.

(C) With respect to systems in existence prior to the adoption of this ordinance, the owner thereof shall have 90 days from the effective date of this ordinance to effect the necessary modifications to comply with the foregoing requirement, except that, in cases where a specified alarm causes recurring difficulty, the 911 Director may require that the modifications be made within 15 days or registration revoked, or the 911 Director has granted an extension.

#### SECTION 5. ALARM REPORTING

Communicate alarm notifications to the appropriate public safety agency in a manner and form determined and approved by the Starke County Sheriff.

#### SECTION 6. ALARM DISPATCH RECORDS

(A) The public safety personnel responding to an alarm notification shall record the following information:

- (1) The date and time that the alarm notification was made and the date and time of arrival.
- (2) The identification of the alarm site.
- (3) Name of the alarm site's representative on premises, if any.
- (4) The cause of the alarm notification.

(B) Leave Written Notice in the hands of the alarm site's representative on premises or, if there is no representative on premises, such notice shall be mailed to the business address of the alarm side, (cf. Section 8. below) that the public safety agency has responded to an alarm. The notice must include the following information:

- (1) The date and time of response.
- (2) the identification number of the most senior personnel on the scene,
- (3) The Cause of the alarm notification, and
- (4) A statement urging the proper maintenance and operation of the alarm system.

#### SECTION 7. SYSTEM PERFORMANCE REVIEWS; SUSPENSION OR REVOCATION.

If there is reason to believe that an alarm system is not being used or maintained in manner that insures proper operation and suppresses false alarms, the Executive may require a conference with the Alarm Site Administrator and the party responsible for the maintenance of the alarm system to review the alarm history. Any registration issued under this ordinance may be suspended or revoked by the 911 Director for violation of any provision of this ordinance or standard set pursuant to the authority of this ordinance.



(A) In the case of suspension or revocation, the 911 Director shall serve the registrant with a written order of suspension or revocation which shall state the reasons for such suspension or revocation. The order shall be effective immediately, if personally served, or 72 hours after the same has been deposited in the course of transmission in the United States Postal Service.

(B) Immediately upon such order becoming effective, the registrant shall discontinue the use of any alarm system requiring a registration under this ordinance.

(C) Where an appeal has been filed in writing, the order of the suspension or revocation shall be stayed, pending a final determination of the appeal.

#### SECTION 8. FALSE ALARM NOTIFICATIONS; OTHER PENALTIES.

(A) The person in control of an alarm system shall be subject to warning and fines depending on the number of false alarm notifications emitted from an alarm system within a year period based upon the following schedule:

<u>Number of False Alarm Notifications</u>	<u>Action Taken</u>
1-2	Written Notice
3	Warning Letter
4-5	Fine not to exceed \$25
6+	Fine not to exceed \$500

(B) Any person who operates a newly installed system will not be subject to (A) above for 30 days following completion provided that the alarm system is properly registered.

(C) Any person who causes an alarm notification from a site that is not registered shall be subject to a fine not to exceed \$100 per notification.

#### SECTION 9. TESTS

Proper notification of tests must be made to appropriate public safety agency. A person who operates an alarm system and who wishes to test the alarm system, must notify the proper public safety agency prior to testing on a non-emergency telephone number or in writing.

#### SECTION 10. APPEAL

(A) A person may appeal written notice, warning letters, registration denials, and registration requirement to the Starke County Sheriff. Such appeal must be made in writing and within ten business days of receipt of any written notice, warning letter, document revoking registration, or installation of system. Such appeal shall be directed to the Sheriff of Starke County who shall notify the Starke County 911 Director who shall also make proper notification to any involved Starke County public safety agency and/or involved persons. Failure to file a letter of appeal within the said thirty (30) days shall constitute a waiver of appellant's right to review.

(B) The filing of a request for appeal shall stay all action until the Advisory Committee can convene in public meeting to decide upon the matter. If a request for appeal is not made within the time frames described above then all notices and warnings stand. The Committee may, as it deems fit, appoint an investigator who shall be a member of a Starke County public safety agency to review the alarm history and alarm system of a site and who may make recommendation for action to the Advisory Committee. The person in control of an alarm site and the Executive of the agency responsible for any notice or warning shall be duly invited in writing to any public meeting convened by the Advisory Committee to decide and/or discuss penalty to or appeal from the alarm site. The Advisory Committee shall decide all matters based upon preponderance of the evidence presented at public meeting and the Advisory Committee must render a decision within 30 days after the initial meeting commencing the appeal.

## SECTION II. PROTECTION OF FINANCIAL INSTITUTIONS; SPECIAL TRUNKLINES AND MONITORING FEE; LIABILITY OF COUNTY LIMITED.

(A) A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) or any person may install, with the permission of the Executive of a public safety communications center, a special trunkline directly to the public safety communications center for the purpose of reporting burglaries and robberies and other emergencies. If such an arrangement is made, all other requirements of this Article must be met. The financial institution shall execute a letter of agreement with the Communications Center permitting installation of the all necessary equipment to allow proper monitoring. The installation must be accomplished at the institution's expense.

(B) The financial institution and any alarm site which maintains a special trunkline direct to a public safety communications center shall pay an annual fee for monitoring of \$100. The Executive of the appropriate public safety agency which would respond to the alarm notification shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the Executive finds that the alarm system continually fails to operate properly or be operated properly, he may terminate the privilege of direct alarm notification in the applicable communications center and require prompt removal of the equipment at the expense of the alarm site.

(C) The alarm site, at its expense, shall make arrangements to provide service of the alarm system at the request of the alarm site or the involved Executive on a 24 hour basis, all days of the year. In no event shall a Starke County public safety agency, the County of Starke or any political subdivision thereof become liable for charges for repairs or maintenance.

(D) The alarm site may cancel its agreement with the communications center at any time by giving written notice through the applicable Executive, and at its own expense remove its equipment from the communications center.

(E) The Executive of the Communications Center may require any change, modernization, or consolidation of alarm signaling equipment that he deems advisable. In no event shall any public safety agency become liable for charges for these changes.



(F) Instead of direct signaling, a financial institution may report burglaries and robberies by transmission through an alarm monitoring company.

(G) The County shall take every reasonable precaution to assure that alarm signals received are given appropriate attention and are acted upon with dispatch. Nevertheless, the County shall not be liable for any defects in operation of any alarm devices, signal lines, telephone lines, telephone systems, nor any failure or neglect to respond appropriately upon receipt of an alarm from such a source, nor for the failure or neglect of any person with a proper registration issued pursuant to this ordinance, in the connection with the installation and operation of equipment, the transmission of alarm signals or the delaying of such signals. In the event the County finds it necessary to disconnect a defective automatic protective device or signalling device, the County shall incur no liability by such action.

### Article III. Term

This ordinance and the fees set forth herein are perpetual until amended or terminated by subsequent action of the Board of Commissioners of Starke County.

### Article IV. Effective Date

This Ordinance shall take effect on June 1, 2019 or after publication as required by law, whichever date is later.

Presented to the Board of Commissioners of Starke County, Indiana, for first reading on March 18, 2019, for Second Reading on Apr. 15, 2019 and and, was passed, adopted and approved on the third reading the 6 day of MAY, 2019, by the following vote:

### BOARD OF COMMISSIONERS OF STARKE COUNTY

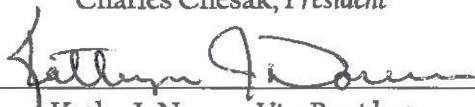
VOTE

Yes



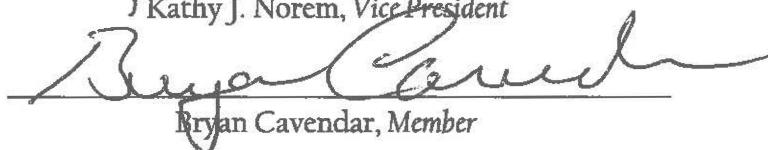
Charles Chesak, President

Yes



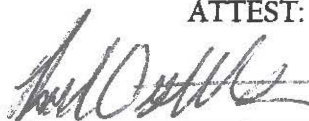
Kathy J. Norem, Vice President

Yes



Bryan Cavendar, Member

ATTEST:



Rachel Osterreich, Auditor  
Of Starke County Indiana