

ALARM SYSTEMS (P-1-2014)

WHEREAS, there are businesses and residences in the Town of Swayzee that utilize alarm systems, that require special response from the Swayzee Police Department. The agencies in question respond to protect and preserve the health, safety, and welfare of the occupants and/or properties of said businesses and residences as well.

WHEREAS, town council finds that said alarms frequently produce false and/or accidentally set alarms requiring Law Enforcement Agencies to provide responses when no situation of no emergency nature has actually developed.

WHEREAS, the concern over requiring the dispatch of county law enforcement agencies demands reasonable regulation of alarms in said businesses, residences, and/or automobiles, to protect the health and well-being of the citizens of the town.

WHEREAS, the town council desires to minimize and control the potential adverse effects of dispatching law enforcement agency units to non-emergency situations often during and to the exclusion of services rendered during actual emergencies which could reduce the welfare of the citizenry and inhibit law enforcement agencies from rendering aid to others in time of need.

WHEREAS, it is not the intent of the town council to suppress the right of all persons to provide for their increased security by owning, operating, installing, or having installed an alarm, but to enact a content neutral ordinance which addresses the secondary effects of said alarms such as repeated false and/or accidental alarms.

WHEREAS, it is the intent of the town council to provide law enforcement agencies a means by which responsibility for false alarms is born by those responsible for said alarms within the Town of Swayzee.

WHEREAS, the voluntary registration of alarm systems with the Swayzee Police Department allows them to handle the event in a more expedient and efficient manner resulting in less cost to the town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF SWAYZEE, INDIANA as follows:

ARTICLE 1

This ordinance shall be titled "Alarm Systems" and may be cited as such.

ARTICLE 2 PURPOSE

To establish required fees, encourage registration of alarm systems, and to provide penalties for violations of said ordinance and to encourage security alarm users and alarm businesses (sales, installations, customer service and/or monitoring) to maintain responses to alarms by the town law enforcement agency.

ARTICLE 3 DEFINITIONS

“ALARM AGENT” - any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on or in any building structure, facility, or grounds any alarm system.

“ALARM BUSINESS” – any individual partnership, corporation, or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, altering, replaces, moves, or installs any alarm system or caused any of the above mentioned.

“ALARM SYSTEM” – any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility, or grounds or for alerting others on the commission of an unlawful act within a building, structure, facility, or grounds, which when activated causes notification to be made directly or indirectly to law enforcement agencies.

For the purpose of this article, the following shall be considered exempt:

- (1) An alarm installed on a motor vehicle
- (2) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

“ALARM NOTIFICATIONS” – a notification intended to summons a law enforcement agency, which is designed either to be initiated purposely by a person or by an alarm system that responds to an unlawful entry, attempted entry, or any other unauthorized intrusion.

“ALARM SITE”- a single premises or location serviced by an alarm system.

“PANIC ALARM” – any device that is designed or intended to be manually activated by a person, whether in a business, residence, or automobile, who has encountered an actual or perceived emergency situation.

“AUTOMATIC DIALING DEVICE” – any device that is designed or intended to automatically dial, via telephone lines, any law enforcement agency and report an emergency such as a burglary or hold up.

“REMOTE ALARM REPORTER” – any device that is designed or intended to provide an audible response in the event of a burglary/holdup, to a remote site.

“FALSE ALARM NOTIFICATION” – any alarm notification, whether direct or indirect, to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted offense.

ARTICLE 4 REGISTRATION

Registration shall be on the form provided by the Swayzee Police Department and registration shall remain on file with the agency only.

There is no fee required in the issuance of an alarm registration.

Any alarm system registration issued pursuant to this article shall be valid for a term of two years commencing the date of the issuance.

An alarm system registration issued pursuant to this article shall be personal to the registration holder for a specific location and is not transferable.

ARTICLE 5 **PROHIBITED ACTIVITY & FINES**

It shall be unlawful for a person who owns or controls property on which an alarm system is installed to issue, cause to be issued, or allow the issuance of more than two false alarms in a calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within 30 days after installation of the alarm.

Fines will be established as follows plus Court Costs:

	<u>REGISTERED</u>	<u>NON-REGISTERED</u>
1. First two non-exempt false alarms	Written Warning	Written Warning
2. Third non-exempt false alarm	\$15	\$25
3. Fourth	\$30	\$50
4. Fifth	\$60	\$80
5. Sixth	\$90	\$125
6. Seventh or greater non-exempt false alarms	\$150	\$250

In addition to the penalties provided for in this section, any act or any person, firm or corporation who continuously, knowingly or intentionally violates any provisions of this ordinance is hereby declared to be a nuisance and all remedies applicable to a nuisance, both public and private, including but not limited to, injunctions and damages are hereby preserved.

ARTICLE 6 **ENFORCEMENT**

It shall be the duty of the Swayzee Police Department to enforce this ordinance. Any person violating any provisions of this ordinance shall be subject to fines and costs as specified within this ordinance.

Violators of this ordinance shall be served a written notice of the violation (Complaint and Summons) either in person or by any other manner reasonably calculated to result in actual notice, including certified mail.

ARTICLE 7 **COLLECTION OF FINES**

All fees and violation fines collected from this ordinance shall be deposited in the local law enforcement continuing education fund established under IC 5-2-8-2.