

## CHAPTER 48

### **SERVICE FEE FOR FALSE ALARMS**

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**48.01 SHORT TITLE.** This Chapter shall be known as “False Alarms” and may be cited and referred to as “this ordinance”. (*Ord. 558 5/9/05*)

**48.02 PURPOSE AND SCOPE.** The purpose of this ordinance is to assess a civil penalty for false alarms received by the Police Department or Fire Department which require a police officer to report to the scene or a response from the Fire Department to the scene. False alarms are an increasing problem, in part due to errors by the owners or operators of the system or failure on the part of the operators of the system to shut the alarm down before entering the premises. It is hereby declared that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of (1) the traffic danger inherent in the emergency response of police vehicles, (2) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred, and (3) the cost in money and manpower to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of citizens to enact the following provisions governing alarm systems. Alarms caused by power surges or electrical storms shall not be included in the false alarm category.

**48.03 DEFINITION.** “False alarm”, for the purpose of this ordinance, means the activation of an alarm system, which results in a response by the West Burlington Police Department or West Burlington Fire Department where an emergency does not exist and for which no evidence or indication of criminal activity, or other hazard is discovered. False alarms shall include negligently or accidentally activated signals; signals, which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature which are normal for that area. “False Alarm: does not include an alarm signal caused by extraordinarily violent conditions of nature, which cannot be reasonably anticipated by the alarm user.

**48.04 PENALTY.** The owner or lessor of the alarm system shall forfeit a civil penalty of fifty dollars (\$50.00) for each false alarm to the Police Department or Fire Department in excess of two such alarms received in a twelve-month period of time; provided,

however, no such fee or civil penalty shall be assessed in the event it can be shown that the false alarm was caused by a surge in electricity caused by a power outage.

1. For each false alarm, after two, to which emergency personnel respond, the alarm user shall be issued a notice of violation with a penalty of:

First false alarm	No charge
Second false alarm	No charge
Third false alarm within a 365 day period	\$50.00
Fourth and subsequent false alarms within a 365 day period	\$100.00

2. If any fine is not paid within thirty (30) days of receipt of notice, an additional notice of a municipal infraction will be filed against the alarm user for non-payment.
3. The City may use all available legal remedies to collect delinquent service fees and late penalties

**48.05 EXCEPTIONS** - During the repair of an alarm system the owner may in writing ask for a waiver of the penalty and release the Police Department and Fire Department from responding until the alarm system is repaired. Upon repair of the alarm system the owner must again notify in writing the Police Department and Fire Department that the alarm system is in working order and all alarms should be responded to as an emergency situation. It is also be the responsibility of the owner to notify the It is also be the responsibility of the owner to notify the Des Moines County Communication Center of a malfunctioning alarm system.

**48.06 RIGHT TO HEARING AND APPEAL.**

1. An alarm user shall have the right to a hearing to contest the imposition of any penalty under this Article. A request for a hearing must be received no later than five (5) days prior to the due date of the fine.
2. The alarm user must file a written request for a hearing with the City Administrator. The request for a hearing shall include the alarm user’s name, address, telephone number, and a statement of the reasons for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City’s determination of a false alarm and the imposition of an administrative service fee shall be considered final if the alarm user fails to request a hearing within the time period set forth above.
3. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user’s address.
4. The City Administrator or his/her designated representative shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented.

5. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of proving the existence of an emergency shall be upon the alarm user.

**48.07 NOTIFICATION.** Upon receipt of first false alarm the Police Department or the Fire Department or the designee of either department shall notify the owner of the alarm system that a fee shall be charged in the case of a third and subsequent false alarms in a twelve month period.

Upon receipt of a third false alarm within a twelve-month period, the Police Department or the Fire Department or the designee of either department shall notify the owner of the alarm as shown by the records of the department that the owner shall have thirty (30) days within which to forfeit the required amount. Such amount shall be paid to the Clerk and a receipt shall be given. Failure of any person to comply with the requirements of this Article shall constitute a municipal infraction.

**48.08 DELIBERATE FALSE ALARMS.** No person shall cause any alarm to be transmitted to the West Burlington Police Department or Fire Department knowing the same to be false or without basis in fact. A violation of this section shall be a municipal infraction.

**48.09 VIOLATION PENALTY.** Unless otherwise provided in this Article, the failure of any person to comply with the requirements of this Article shall constitute a municipal infraction.

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