

Chapter 4-7

BURGLAR AND FIRE ALARM SYSTEMS

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Section 4-7-1 Definitions

For the purposes of this Ordinance the following words and phrases shall be construed to have the meanings set forth unless it is apparent from the context that a different meaning is intended.:

(A) "BURGLAR ALARM SYSTEM" means a method of detecting and signaling the presence, entry or attempted entry of an intruder into protected premises.

(B) "FIRE ALARM SYSTEM" means a method of detecting and signaling the presence of fire, the products of combustion, or heat in a protected premises.

(C) "ALARM SYSTEM" means either a fire, burglar or hold-up alarm system.

(D) "PROTECTED PREMISES" means that part of a building to which protection is afforded by an alarm system.

(E) "ALARM BUSINESS" means the business of selling, leasing, maintaining, inspecting, servicing, repairing, replacing, altering, moving or installing any alarm system.

(F) "ALARM AGENT" means any person employed by an alarm business, either directly or indirectly, whose duties include any of the following: Selling, maintaining, leasing, servicing, inspecting, repairing, altering, replacing, moving or installing on any building, place or premises, any alarm system.

(G) "CENTRAL STATION" means premises, usually maintained by an alarm company, equipped to

receive and display signals from intruder alarm systems.

(H) "AUDIBLE ALARM" means an alarm system, which when actuated, generates an audible sound on the premises. This audible alarm may or may not be combined with a method of transmitting a signal to a remote point.

(I) "SILENT ALARM" means an alarm signal transmitted in such a manner that any intruder into the premises is not aware of the signal.

(J) "FALSE ALARM" means an alarm signal necessitating response by police, fire or other public safety agency where an emergency situation does not exist.

(K) "SUBSCRIBER" means a person who contracts for or receives service or maintenance with respect to an alarm system from an alarm business.

(L) "PERSON" means individual, corporation or organization.

(M) "CITY" means the City of Storm Lake or such officers or employees as may be designated by this Ordinance to have specific duties in relation to this Ordinance.

Section 4-7-2 Alarm Business Permit

No person shall conduct an alarm business in the absence of a currently valid alarm business permit issued pursuant to the provisions of this Ordinance.

Section 4-7-3 Alarm Agent Permit

No person shall conduct himself as an alarm agent in the absence of a currently valid alarm agent permit issued pursuant to the provisions of this Ordinance. A person holding a currently valid alarm business permit is exempt from the requirement for an alarm agent permit.

Section 4-7-4 Alarm Permit

No person shall have or maintain at premises under his control or ownership an alarm system in the absence of a currently valid alarm system permit issued pursuant to the provisions of this Ordinance.

Section 4-7-5 Exemptions

No person needs to be licensed as an alarm business or as an alarm agent to install, maintain, service, inspect, repair, alter, move or replace any alarm system at premises under his control or ownership, or if he is the regular employee of the person controlling or owning the premises. No alarm system permit is required if an alarm signal is transmitted only to the residence of the person in control of or owning the premises or the residence of someone in his regular employment or if the alarm signal is not audible on the exterior of the protected premises.

Section 4-7-6 Application Fees

(A) Applications: Applications for alarm business permits or alarm agent permits shall be filed with the Chief of Police on forms provided for that purpose. Applications for alarm permits shall be filed with the Chief of Police in the case of burglar alarm systems and the Fire Chief in the case of fire alarm systems. An application fee may only be such an amount as to fairly compensate the City for the cost of processing the application and issuing the license.

(B) Fees: Each application for an alarm business permit shall be accompanied by receipt for a non-refundable permit fee, in the amount set by Council Resolution, from the City Treasury.

Each application for an alarm agent permit shall be accompanied by a receipt for a non-refundable permit fee, in the amount set by Council Resolution, from the City Treasury.

No fee will be charged for an alarm system permit.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-7 Application Contents

Applications for alarm business permits and alarm agent permits shall be on a form prescribed by the Chief of Police. The applicant shall supply such information as shall be reasonably necessary to evaluate and act upon the permit application. An application for an alarm system permit shall be on a form prescribed by the Police Chief or the Fire Chief and shall specify the name, address and telephone number of the persons who will render service or repairs during any hour of the day or night.

Section 4-7-8 Permit Procedure

(A) Alarm business and alarm agent permits. After reviewing an application for an alarm business or alarm agent permit, the Police Chief shall have reasonable time to investigate the application and the background of the applicant to the extent deemed necessary. Thereafter, the permit shall be issued unless the Police Chief finds that (1) the applicant has submitted an application that contains a misstatement or omission of any material fact, or (2) that some matter or activity in the background of the applicant reasonably related to the activities to be engaged in is such that a reasonable person would conclude that there would be an undue risk to the public health or safety if the permit were granted, or (3) the applicant has been convicted of a felony or is not of good moral character. If the permit is denied, the reasons for denial shall be set forth in writing and provided to the applicant or his/her designee.

(B) Alarm system permits. All alarm systems in operation at the time of passage of this Ordinance and all alarm systems installed following passage shall have a permit. Those conducting alarm businesses shall be responsible for procuring and processing applications for their subscribers and promptly transmitting such completed applications to the Police Chief if a burglar system and the Fire Chief if a fire alarm system. Where the alarm system is in operation prior to the effective date of this Ordinance and is not serviced by an alarm business, the person, owning, using or possessing such system shall be responsible for obtaining the permit and shall make direct application to the Police Chief or Fire Chief.

Section 4-7-9 Permit Renewal

Alarm business and alarm agent permits issued pursuant to this Ordinance shall expire annually on December 31. All applications for renewal of such permits shall be filed with the Police Chief on forms provided for that purpose.

A fee, in the amount set by Council Resolution, shall be paid to the City Clerk for renewal of an alarm business permit and a fee, in the amount set by Council Resolution, shall be paid to the City Clerk for renewal of an alarm agent permit. A renewal shall be granted unless a suspension or revocation has occurred or unless grounds for a suspension or revocation exists, in which case renewal may be denied. If renewal is denied, notice of the denial shall be given as provided in Section 4-7-10. A denial of a renewal permit may be appealed as provided in Sections 4-7-12 and 4-7-13.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-10 Revocation And Suspension Of Permits

A permit granted under this Ordinance may be suspended or revoked by the Police Chief if he shall find that the business operations of the permittee are being, or have been, conducted in violation of State Statute or in violation of any provisions of this Ordinance, or that a misstatement or an omission of material fact has been made by the permittee, or that there exists any other grounds for revocation which are specified in this Ordinance. For the purpose of this Section the holder of an alarm business permit shall be responsible for the conduct of its officers, agents or employees. An alarm system permit may be revoked where such device actuates excessive false alarms and thereby constitutes a public nuisance.

A permit, however, may not be revoked or suspended, except as noted in Section 4-7- 17 relating to intentionally caused fire alarms, until a hearing has been held before the Police Chief. Written notice of the time and place of hearing shall be served upon the permittee at least seven (7) days prior to the date set for such hearing if such notice is personally served. Such notice shall contain a brief statement of the grounds to be relied on for revoking or suspending such permit. Notice shall be given either by personal delivery to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon the application for the permit. If notice is given by mail as herein provided, it shall be deemed given at least seven (7) days prior to the date set for such hearing. Any person aggrieved by the action of the Police Chief may appeal to the City Council within the time and manner provided in this Ordinance. In the case of the revocation or suspension of a fire alarm system permit, the Fire Chief shall have the authority and duties enumerated for the Police Chief.

Section 4-7-11 Notice Of Decisions

Within ten (10) days after reaching a determination (a) with reference to an application for a permit, or (b) after a hearing concerning suspension or revocation of a permit, the Police Chief, or the Fire Chief in the case of a fire alarm system permit, shall serve a written copy of his decision on the applicant or permittee either by personal service or by mailing a copy of his decision, postage prepaid, to the applicant or permittee at the address set forth in writing or otherwise specified in writing by the applicant or permittee. If served by mail, the decision shall be deemed to be served upon its deposit in the United States mail. The copy of the decision shall apprise the applicant or permittee of his right to appeal and of the time limitations and procedures specified in this Ordinance.

Section 4-7-12 Right To Appeal

An applicant or permittee aggrieved by the decision of the Police Chief or the Fire Chief shall have the right to appeal to the City Council. Notice of appeal must be filed with the City Clerk within fifteen (15) days after service of the decision. The notice of appeal shall briefly state the basis for such appeal.

Section 4-7-13 Procedure On Appeal

Upon receipt of the notice of appeal with the required fee, the City Clerk shall place the matter on the agenda of the next regularly scheduled meeting of the City Council. The City Council shall set the matter for hearing at least fourteen (14) days, but not more than twenty-eight (28) days, in the future. The City Clerk shall thereupon give the appealing party written notice of the time and place of the hearing. If the appealing party deems additional time is necessary to prepare his presentation to the Council the hearing shall be continued by the Council to a later date, not to exceed thirty (30) days beyond the date previously set.

At the time and place set for hearing upon the appeal from the decision of the Police Chief or the Fire Chief, the City Council shall give the appealing party a reasonable opportunity to be heard in order to show cause why the determination by the Police Chief or the Fire Chief should not be upheld. In cases where a permit has been denied, the burden of proof to show that the action taken by the Police Chief or the Fire Chief was arbitrary, capricious, or in excess of the authority of that Chief, shall be upon the appealing party. In cases where a permit has been suspended or revoked, or a permit renewal denied, the burden of proof shall be upon the City to establish that appropriate grounds existed for such action. The determination of the City Council shall be final and conclusive.

Section 4-7-14 Posting And Presentation Of Permits

An alarm business permit shall be posted at all times at the premises from which the alarm business is conducted. A person acting as an alarm agent shall carry his alarm agent permit on his person at all times while he is so engaged and shall display said permit to any police officer or fireman upon request.

Section 4-7-15 Alarm System Standards

The Police Chief may propose regulations prescribing minimum standards for the construction, maintenance and operation of burglar alarm systems and requiring inspection and approval of all such systems. The Fire Chief may have the same authority in relation to fire alarm systems. Such standards shall have the full force and effect of law upon adoption by resolution by the City Council after a public hearing. No permit shall be issued for any device that does not comply with said regulations as finally adopted. Copies of these standards shall be furnished to all licensed alarm businesses and shall be available for inspection in the office of the Police Chief or Fire Chief.

Section 4-7-16 False Alarms

A report on a form provided by the Police Chief or the Fire Chief shall be filed with the Police Department or Fire Department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to that department and such additional information as may be

reasonably required by the Chief of that department shall be supplied with regard thereto. The report shall be made by the alarm system permittee in all other instances.

If any false alarm occurs as a result of any defect of the alarm equipment, including the method of sounding or transmitting the alarm signal or from any defect in installation of the equipment, including the method of sounding or transmitting the alarm signal, the report of the false alarm shall include a statement as to the action taken to remedy this false alarm cause.

The Police Chief and the Fire Chief are given authority to determine if an excessive number of false alarms results from the operation of any alarm system. When such a determination is made, the Police Chief or the Fire Chief shall inform the subscriber or the proprietor, owner or operator of that alarm system that an excessive number of false alarms have occurred. If in the opinion of the Police Chief or the Fire Chief, excessive numbers of false alarms continue to occur, the Chief has the authority to suspend or revoke the license. Such a suspension or revocation shall then follow the procedures in Section 4-7-10, 4-7-12 and 4-7-14 of this Ordinance.

In the event of a false alarm caused intentionally by any alarm business, alarm agent or the owner, operator, proprietor, or employee of a premises where an alarm system is installed, the Police Chief or the Fire Chief may revoke or suspend the permit at once. Such a suspension or revocation shall then follow the procedures in Section 4-7-10, 4-7-11, 4-7-12 and 4-7-13 of this Ordinance.

The subscriber or proprietor utilizing any single alarm shall be liable to the City for the sum, in the amount set by Council Resolution, for each false police alarm activated by any person whether known or not, and the subscriber or proprietor utilizing any single alarm shall also be liable to the City for the sum, in the amount set by Council Resolution, for each false police alarm in excess of four (4) in any twelve (12) month period caused by equipment malfunction. The subscriber or proprietor utilizing a fire alarm system shall be liable to the City for the sum, in the amount set by Council Resolution, for each false fire alarm in excess of one (1) in any twelve (12) month period, whether intentionally activated by any person whether known or not, or due to equipment malfunction. Failure to pay the charge for false alarms within fifty (50) days after notice thereof shall be grounds for revocation of the alarm permit.

(Ord. No. 08-95-96, Amended, 02/05/96)

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 4-7-17 Service Available

Each alarm business shall have licensed employees and supplies and equipment so located as to be able to respond to a request for repair or adjustment of any alarm system that such an alarm business sold, maintained or inspected within four (4) hours of the request for this service. They shall respond within four (4) hours of the request except that if a request occurs within the hours that the protected premise is open for business or otherwise substantially occupied, repair or adjustment may be made anytime prior to closing of the protected premise.

Section 4-7-18 Responsibility For Alarm Response

Every person who has on premises under his control or ownership an alarm system, audible or silent, shall, upon notification that the alarm system is giving a signal, proceed immediately to the premises and render all necessary service. Provided, however, that the owner or person in control of the premises may enter into an agreement with an alarm business or a licensed private detective agency or watch service to respond in his stead.

Section 4-7-19 Alarm Devices Terminating Point

A burglar or fire alarm may only terminate at the Buena Vista County Communication Center and shall be subject to the rules and regulations governing such center established by the Buena Vista County Communications Commission, the Buena Vista County Board of Supervisors, or the Buena Vista County Sheriff.

Section 4-7-20 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.