

ORDINANCE NO. 63-96By: John H. Offenberg

An Ordinance to adopt Chapter 643 of the Codified Ordinances of the City of Bexley to regulate certain aspects of the operation of alarm systems and to assess service charges for the reporting of false alarms to the City.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Chapter 643 of the General Offenses Code is hereby enacted as follows:

CHAPTER 643
Alarm Systems

643.01	Definitions.	643.04	Duty of Alarm Holder.
643.02	Exemptions.	643.99	Penalties.
643.03	False Alarm Service Charges.		

643.01 DEFINITIONS.

As used in this chapter:

- (a) "Alarm Holder" means any person, organization, or company who or which owns or is in control of a building, property, or part thereof located in the City, in which an alarm system is installed and maintained.
- (b) "Alarm System" means any assembly of equipment and devices which signals, so as to be seen or heard outside the protected building or space, the presence of robbery, burglary, vandalism, unauthorized intrusion, fire or medical emergency.
- (c) "False Alarm" means any alarm signal or message initiated and transmitted either automatically or manually through an alarm system to the City soliciting an emergency response by police ~~or fire department~~ personnel, when, upon visual inspection by the responding safety personnel, there is no evidence that theft, criminal damaging or endangering, criminal mischief, criminal trespass, vandalism, unauthorized intrusion, or an attempt to commit any of the foregoing, ~~fire or medical emergency~~ occurred and was the cause of the alarm. In making such determination, public safety personnel may consider the lack of physical damage, absence of electrical power interruption, or atmospheric conditions which may have disturbed windows or doors. A false alarm does not include an alarm signal caused by hurricanes, tornadoes, or other catastrophic acts of God not reasonably subject to control by alarm manufacturer, installer, or alarm holder.
- (d) "Year" means a calendar year running from January 1 to December 31.

643.02 EXEMPTIONS.

The provisions of this chapter are not applicable to local alarm systems or audible alarms affixed to automobile, boats, boat trailers, recreational vehicles or other motor vehicles.

643.03 FALSE ALARM SERVICE CHARGES.

(a) False alarms are declared to be a public nuisance and a danger that are avoidable, and by reason of the activity and responses intended to be generated, present a threat to the safety, health and welfare of the citizens of the City. The alarm holder shall reimburse the City for costs incurred by the City by reason of a false alarm, based upon the following schedule of service charges:

<u>Number of False Alarms Per Year</u>	<u>Service Charge Per Occurrence</u>
1-3	\$ 0.00
4-7	25.00
8-12	50.00
13-more	100.00

(b) Subject to subsection (c), this section imposes strict liability for all false alarms; and upon determination that an alarm is a false alarm, such determination of fact shall be conclusive, and the absence of fault or intent shall not be a defense to the service charges assessed by this section.

(c) If the alarm holder demonstrates that the alarm was caused by (i) an event not reasonably foreseeable or circumstances not reasonably within the control of the alarm holder or his agents and which could not have been prevented by the proper adjustment or pre-setting of the alarm system's sensor threshold or (ii) a response to a reasonably perceived, but mistaken, emergency, the alarm will be designated a non-chargeable false alarm. No service charge shall be assessed for a non-chargeable false alarm, and a non-chargeable false alarm shall not be counted as a false alarm in calculating service charges under this section. Such evidence shall be presented to the Mayor or his designee, within 14 days of the false alarm. If such evidence is not submitted in a timely manner, the alarm shall conclusively be deemed a chargeable false alarm.

(d) No alarm holder shall fail to pay the services charges assessed by this section within 30 days of the issuance of a statement for such charges by the City to the alarm holder at the address to which public safety personnel responded.

643.04 DUTY OF ALARM HOLDER.

(a) It shall be the sole responsibility of the alarm holder to select proper equipment and qualified installers to assure proper installation of any alarm system, and properly service and maintain the alarm system at all times. No claim of defective installation or age of the alarm system shall be a defense for a false alarm service charge pursuant to Section 643.03.

(b) No alarm holder or alarm system owner or alarm system lessee shall fail to promptly respond to a request by public safety personnel to disconnect or reset an alarm.

(c) No liability will be imposed upon public safety personnel or the City as a result of rendering an alarm system inoperable, nor shall there be any liability for loss or damage to the premises, contents, or business interruption that may occur as a direct result or proximate cause of such action.

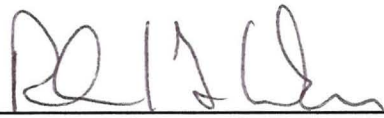
643.99 PENALTIES.

(a) Any person who fails to pay in a timely manner a service charge assessed pursuant to Section 643.03 is guilty of a minor misdemeanor in addition to being liable for payment of any such service charge.

(b) Any person, including but not limited to the alarm holder, who fails to disconnect or reset an alarm upon receiving a request to do so from public safety personnel pursuant to Section 643.04(b), is guilty of a minor misdemeanor for the first offense in any year. Whoever violates Section 643.04(b) more than once in any year is guilty of a misdemeanor of the fourth degree for each such violation.

Section 2. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: October 8, 1996

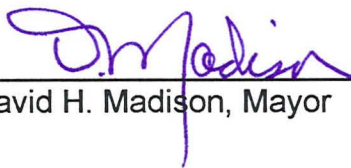


President of Council

Attest: 

Clerk of Council

Approved: 10/8, 1996



David H. Madison, Mayor

September 10, 1996 1st reading
September 24, 1996 2nd reading