

ORDINANCE 2020-24

AN ORDINANCE AMENDING CHAPTER 11.03 – ALARM SYSTEMS

WHEREAS, Chapter 11.03 of the Lafayette Municipal Code governs the registration of alarm businesses and establishes a fine schedule for false alarms;

WHEREAS, the Police Department and Controller’s Office have reviewed the existing ordinance and are recommending an increase in the annual registration fee from \$150.00 to \$300.00;

WHEREAS, the existing ordinance provides that all appeals of notice of violations and payment of fines must be done within two weeks;

WHEREAS, the Police Department has received feedback from several local businesses that the two week window is not sufficient time to receive, review and process either a corrective action plan or payment of the fine and is recommending increasing the time period to forty-five (45) days;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE AS FOLLOWS:

1. Section 11.03.010 is hereby amended to update the definition of “False Alarm” and as amended shall read as follows:

11.03.010 - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Alarm agent" means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, moving or installing on or in any building, structure or facility, any alarm system.

"Alarm business" means any individual, partnership, corporation or other entity who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility.

"Alarm system" means any device used for the detection of an unauthorized entry or attempted entry into a building, structure or facility;

alarm for fire, smoke, excess heat or explosion; or for alerting others of 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 the Police Department or Fire Department. For the purposes of this chapter, an alarm system shall not include:

1. An alarm installed on a motor vehicle;
2. An alarm designed and operated so that no notification is given to the Police Department or Fire Department until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have checked the alarm site and determined that the alarm was the possible or probable result of criminal activity or fire or explosion of the kind for which the alarm system was designed to give notice. The alarm shall be equipped to disconnect any exterior sounding alarm automatically within ten minutes of activation;
3. An alarm installed upon premises occupied by the United States, the state of Indiana, or any political subdivision thereof.

"False alarm" means an alarm eliciting a police or fire response when the situation does not warrant such a response. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, provider or maintainer.

2. Section 11.03.020 is hereby deleted in its entirety.

3. Section 11.03.030 is hereby amended to increase the annual registration fee from \$150.00 to \$300.00 and as amended shall read as follows:

11.03.030 - Registration of alarm business—Agents to carry identification cards.

A. Prior to doing business within the city, an alarm system business shall register with the Controller's office, or their designee, on a form designated by the city for that purpose. On the form the business shall set forth:

1. The full name and address of the alarm system business;

2. The full name, business address and home address of the manager;
 3. A telephone number at which the Police Department and Fire Department can notify personnel of the business of a need for assistance at any time;
 4. The name, address and date of birth of all alarm agents employed by the alarm system business.
- B. An alarm system business doing business shall have thirty (30) days to register as required above, with a fee of three hundred dollars (\$300.00) per year.
- C. An alarm system business shall promptly notify the Controller in writing of any change in the information contained in the registration form.
- D. Every alarm agent shall carry on their person at all times while engaged in the alarm system business an identification card, which shall be displayed to any Police Officer or Fire Department officer upon request.

4. Section 11.03.040 shall not be amended and shall continue to read as follows:

11.03.040 - Prohibited acts.

- A. It is a prohibited act punishable by fine as provided in this chapter to do any of the following acts:
1. For a person who owns or controls property on which an alarm system is installed to issue, cause to be issued, or permit the issuance of a false alarm;
 2. For a person who owns or controls property to install, maintain, or permit to operate any alarm which automatically dials into any police or Fire Department public or emergency telephone line when an alarm is activated;
 3. For a person participating in the ownership or management of an alarm system business to do any business within the city without registering as required by this chapter.
- B. Each separate occurrence, under subsection (A)(1) of this section, and each separate day, under subsections (A)(2) and (A)(3) of this section shall constitute a separate and distinct violation.

5. Section 11.03.050 is hereby amended to increase the time from fourteen to forty-five days and as amended shall read as follows:

11.03.050 - Notice of violation.

A. The Police Chief, Fire Chief or their designee may issue a notice of violation. Upon the issuance of the first three violations per calendar year of Section 11.03.040(A)(1) only for any specific property, any fine will be excused upon the violator submitting a written report to the Police Chief or Fire Chief, or their designee, on the cause of the alarm within forty-five days of service of notice of violation. Such report must show that steps have been taken to correct the problem and that the problem has not, or reasonably will not occur again in the future.

B. The notice of violation shall state the name of the violator, the location of the violation, the date and time of the violation, the section of this chapter which was violated, the penalties for the violation, and the violator's right to an appeal under any section hereof, if applicable.

C. A notice of violation shall be served upon the violator at the violator's last known address. Service shall be complete upon the mailing (regardless of the receipt of the notice) or posting of the notice upon the property where the alarm is located.

6. Section 11.03.060 is hereby amended to increase the time from two weeks to forty-five days and as amended shall read as follows:

11.03.060 - Hearing on excuse.

Any person noticed for a violation of Section 11.03.040(A)(1) may petition the Board of Public Works and Safety for a hearing to show that for some reason beyond the violator's control, the false alarm was activated. The petition for a hearing must state specifically the reasons beyond the violator's control for the activation of the alarm. The violator must also furnish the Board with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within forty-five days of service of the notice of violation. After the hearing, the Board of Public Works and Safety, in its sole discretion, will determine whether the false alarm was activated for reasons beyond the control of the violator. If the Board does determine that it was beyond the control of the violator, the violation will be excused and no fine will be imposed.

7. Section 11.03.070 is hereby deleted in its entirety.

8. Section 11.03.990 is hereby amended to increase the time from two weeks to forty-five days, provide fines and late fees over 6 months past due cannot be waived and to allow any funds

collected under this Chapter to be deposited into the Police Continuing Education Fund and as amended shall read as follows:

11.03.990 - Penalty.

A. The fine imposed for violation of any section of this chapter will be twenty-five dollars (\$25.00) for the first three violations, fifty dollars (\$50.00) for the next three succeeding violations, one hundred dollars (\$100.00) for the next three succeeding violations, and two hundred dollars (\$200.00) for all subsequent violations. The fine structure is based on the number of violations per calendar year. The fines apply provided the fine is paid within forty-five days of service of the notice of violation. Otherwise, the amount of the fine is doubled. Any fines over 6 months past due will not be eligible for a waiver.

B. The fine imposed will be due and payable to the City Clerk's office, or designated vendor, within forty-five days of the citation date. In the event that a hearing on excuse was held, the fine will be due within two weeks of the date that the decision was made.

C. All funds received from all alarm business registration fee and fines issued under this Chapter shall be deposited into the Police Continuing Education Fund.

9. This Ordinance shall take full force and effect upon adoption, signature by the Mayor and publication as may be required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this _____ day of _____, 2020.

NANCY NARGI, President

ATTEST:

CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this ____ day
of _____, 2020.

CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this ____ day of _____, 2020.

TONY ROSWARSKI, Mayor

ATTEST:

CINDY MURRAY, City Clerk

Sponsored by: Ed Chosnek, Corporation Counsel