

AN ORDINANCE

Yolanda Adrean

BY COUNCILMEMBER YOLANDA ADREAN

AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CURRENTLY ENTITLED "ALARM SYSTEMS" TO REDUCE THE CIVIL PENALTY FOR THE OPERATION OF AN ALARM SYSTEM FOLLOWING A FAILURE TO RENEW A PREVIOUSLY ISSUED ALARM PERMIT; TO CREATE A FOURTEEN (14) DAY GRACE PERIOD WHEREIN AN ALARM USER MAY AVOID THE OBLIGATION TO PAY THE NEW FAILURE TO RENEW CIVIL PENALTY IF THE ALARM USER RENEWS THEIR ALARM PERMIT WITHIN THAT 14 DAY PERIOD; TO CREATE A SUNSET PROVISION WHEREBY THE ORDINANCE AUTHORIZING THE 14 DAY GRACE PERIOD SHALL BE IN EFFECT THROUGH JUNE 30, 2016, AND SHALL THEREAFTER EXPIRE AND HAVE NO FURTHER EFFECT; TO WAIVE CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the regulatory structure governing alarm systems and false alarms is currently found in the City of Atlanta Code of Ordinances at Chapter 70, Article II (herein, the False Alarm Ordinance); and

WHEREAS, the City of Atlanta desires to amend the existing regulations pertaining to alarm systems, by increasing compliance therewith and thus, continuing to reduce the number of false alarms within the City of Atlanta; as well as ensuring more efficient enforcement thereof; and

WHEREAS, in accordance with the False Alarm Ordinance, no Alarm System may be used unless an Alarm User first obtains an alarm permit authorizing the operation thereof, City of Atlanta Code § 70-28(a); and

WHEREAS, after the initial issuance of an alarm permit, alarm permits must be renewed annually by the anniversary of the date of initial issuance, City of Atlanta Code § 70-28(b); and

WHEREAS, there is no fee imposed for either the initial issuance or the renewal of an alarm permit; and

WHEREAS, currently, the operation of an alarm system following a failure to renew a previously issued alarm permit shall result in the assessment of a \$150.00 civil penalty for the operation of an alarm system without a permit; and

WHEREAS, this is the same amount assessed against an alarm user found to be operating an alarm system after having never initially registered their alarm system; and

WHEREAS, it is the desire of the City of Atlanta that the civil penalty for the failure to renew an alarm permit be reduced from \$150.00 to \$100.00, as an alarm user who has previously registered their alarm system is likely to have inadvertently operated their alarm system without a permit following the expiration thereof; and


WHEREAS, it is the desire of the City of Atlanta that from the effective date of this legislation through the end of Fiscal Year 2016, alarm users shall not be required to pay this new “failure to renew” \$100.00 civil penalty if within 14 days of notice thereof, the alarm user renews their alarm permit.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Chapter 70, Article II, Section 70-28, (Alarm Permits), be amended such that it shall read as follows:

Sec. 70-28. – Alarm Permits.

- (a) *Permit required.* Effective August 15, 2013, no alarm system shall be used unless the alarm user first obtains a permit for such alarm system from the City of Atlanta. There will be no charge for the permit. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate emergency dispatch.
- (b) *Registration/Renewal.*
 - (1) Each alarm user has the duty to obtain and complete a permit application on a form provided by the City of Atlanta.
 - (2) After the initial issuance of a permit under this article, application for renewal shall be made annually by the anniversary of the date of initial issuance.
 - (3) **Alarm permits issued pursuant to this Article shall automatically expire on the day following the anniversary date of initial issuance.**
 - (4) **The operation of a previously permitted alarm system following the expiration of an alarm permit and the failure of the alarm user to renew their alarm permit by the date required, shall be a violation of this Article and shall be enforced through the assessment of a civil penalty in the amount of \$100.00.**
 - (5) **Temporary Grace Period: a civil penalty assessed in accordance with Section 70-28(b)(4) shall not be payable if,**




within 14 days of the notice of the civil penalty, the alarm user renews their alarm permit. On July 1, 2016, this subsection (70-28(b)(5)), and the temporary grace period provided for therein, shall expire in its entirety and shall have no further effect. Following the expiration of Section 70-28(b)(5), civil penalties assessed in accordance with Section 70-28(b)(4) shall be payable consistent with the remaining provisions of this Article.

- (c) *Non-transferability; new registration required.* Alarm permits are not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register for an alarm permit within 30 days of obtaining possession of the property.
- (d) *Reporting updated information.* When information required on the alarm permit application changes, the alarm user shall provide correct information to the City of Atlanta within 30 days of the change.
- (e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Section 2: That Chapter 70, Article II, Section 70-33, (Enforcement of Provisions), be amended such that it shall read as follows:

Sec. 70-33 – Enforcement of Provisions.

- (a) *Civil penalty.* Any violation of any of the provisions of this Article shall be civil in nature and shall not constitute a criminal infraction.
- (b) *Payment.* Civil penalties shall be paid within 30 days from the date of the invoice. All civil penalties collected shall be deposited into the City of Atlanta General Fund.
- (c) *Late fee.* The failure of an alarm user to make payment of any civil penalties assessed under this Article within 30 days from the date of the notice shall result in the imposition of a 50 percent late fee except that the penalty and late fee combined shall not exceed \$1,000.00.
- (d) *Excessive false alarms.* It is hereby found and determined that two or more false alarms annually is excessive, constitutes a public nuisance, and shall be a violation of this Article. Civil penalties for false alarms within any 365-day period (rolling year) shall be assessed against an alarm user as follows:
 - (1) For the first false alarm, a warning shall be given, but no civil penalty shall be imposed.

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- (2) For the second false alarm, the person or entity shall be charged a \$50.00 civil penalty.
 - (3) For the third false alarm, the person or entity shall be charged a \$100.00 civil penalty.
 - (4) For the fourth false alarm, the person or entity shall be charged a \$200.00 civil penalty.
 - (5) For the fifth and sixth false alarms, the person or entity shall be charged a \$200.00 civil penalty.
 - (6) For all successive false alarms, the person or entity shall be charged a \$500.00 civil penalty.
- (e) *Other civil penalties.* **Except as otherwise specifically provided in this Article,** A violation of any other provision ~~thereof of this Article~~, including, but not limited to the provision of this Article prohibiting the operation of an alarm system without a permit issued by the City of Atlanta, shall be enforced through the assessment of civil penalty(ies) in the amount of \$150.00. However, no civil penalty shall be assessed for a violation of the provision of this Article prohibiting the operation of an alarm system without a permit before February 1, 2014.
- (f) *Failure to pay civil penalties/late fees.* Following the imposition of any late fees pursuant to this section, the City of Atlanta reserves the right to forward any alarm user's outstanding penalties and late fees to a collection agency should an alarm user fail to make payment within 90 days from the date of the notice of the late fee. Collection fees may be added by the collection agency to the balance owed to the extent allowed by law.

Section 3: The amendments in this ordinance shall become effective immediately upon adoption.

Section 4: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

AAR

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 16, 2015
MAR 25, 2015