

ORDINANCE 15-12-01

**AN ORDINANCE OF THE CITY OF HELEN, GEORGIA, TO AMEND THE
OFFICIAL CODE OF THE CITY OF HELEN, GEORGIA, BY THE ADDITION
OF A NEW ARTICLE (ARTICLE III) TO CHAPTER 30 -- FIRE PREVENTION
AND PROTECTION, WITH SAID NEW ARTICLE III TO BE ENTITLED:
FALSE ALARMS**

WHEREAS, the City of Helen desires to enact a false alarm ordinance to encourage alarm owners and businesses to improve the operational effectiveness of their systems and reduce false alarms;

WHEREAS, the City Commission has determined it to be appropriate to amend the City Code regarding false alarms to (1) minimize risks to public safety caused by false alarms diverting limited public safety resources away from real emergencies; and (2) promote the public safety by making alarm users in the City directly responsible for preventing false alarms;

NOW THEREFORE, IT IS HEREBY ORDAINED, by the Helen City Commission that Article III: False Alarms is to be added to Chapter 30 of the Helen Municipal Code, with Said Article III, being promulgated and ordained as follows:

**Chapter 30
FIRE PREVENTION AND PROTECTION**

ARTICLE III FALSE ALARMS

Sec. 30-35. Purpose and Intent.

(a) The purpose of this ordinance is to encourage alarm Owners and alarm Businesses to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms. The City of Helen finds that excessive False Alarms unduly burden the City of Helen Police and Fire Departments and waste limited public safety resources.

(b) This Ordinance governs Alarm Systems intended to summon a Public Safety Department and provides for the assessment of fines for excessive False Alarms.

Sec. 30-36. Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meanings given in this section.

Alarm Activation Report means a document issued by the Helen Police Department or Helen Fire Department indicating that the activation was deemed to be the result of a False Alarm.

Alarm Initiating Device means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

Alarm Signal means a detectable signal, whether audible, visual, and/or silent, generated by an Alarms System, to which a Public Safety Department is requested to respond.

Alarm System means any single device or assembly of equipment designed to signal the occurrence of a fire, illegal or unauthorized entry or other activity requiring immediate attention and to which a Public Safety Department will be requested to respond, but does not include alarms installed in motor vehicles, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm User means any person, corporation, partnership, proprietorship, or any other entity owning or leasing an Alarm System, or on whose Premises, whether owned or leased, an Alarm System is maintained for the protection of such Premises.

Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a pre-recorded voice message, when activated, over a telephone line, radio or other communication system, to the Emergency Communications System requesting Public Safety Department dispatch.

Cancellation means the process by which a response is terminated when the alarm Company (used by the Alarm User) notifies the Emergency Communications Center that there is not an existing situation at the alarm site requiring Public Safety Department response after an alarm dispatch request. If cancellation from the alarm company occurs prior to the respective Public Safety Department arriving at the scene, this is not a False Alarm, and no fine will be assessed. The cancellation must come from the Alarm Company and not the property owner.

City means the City of Helen, Georgia.

Enforcement Official means the Fire Chief or the Police Chief, or their respective designated representatives.

False Alarm means the activation of an Alarm System to summon a Public Safety Department which occurs as a result of mechanical or electronic failure, malfunction, improper installation, or the negligence of the Alarm User, his/her employees or agents, unless the request for response was cancelled by the Alarm Company before a Public Safety Department arrives at the alarm location. An alarm is false within the meaning of this ordinance when, upon inspection of premises by a Public Safety Department, evidence indicates that no fire, medical emergency, unauthorized entry, robbery, or other such crime was committed, occurred or attempted in or on the Premises which would have activated a properly functioning alarm System. Notwithstanding the foregoing, a False Alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent conditions of nature, nor does it include other extraordinary

circumstances not reasonably subject to control by the Alarm User. In addition, an alarm activated during an Alarm System testing procedure shall not be considered a False Alarm if the alarm User first notifies and receives permission from the alarm User's Alarm Company, or designee, to test the alarm System, and the City is notified of such a test.

False Fire Alarm means a False Alarm to summon the Fire Department.

False Alarm shall not include the activation of an Alarm System that is not a Monitored System.

Owner means any person who owns the Premises in which an Alarm System is installed or the person or persons who lease, operate, occupy or manage the Premises.

Premises means any building, structure or combination of buildings, including structures which serve as dwelling units such as single-family or multi-family, or any other area within a building, structure or combination thereof which is used for any purpose, wherein an Alarm System is installed.

Public Safety Department(s) means the Police Department and the Fire Department individually or collectively, as the context indicates.

Serve shall mean hand-delivery of written notification by a representative of the City to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within thirty (30) minutes. *Serve* shall mean placing a copy of an Alarm Report affixed to the main entrance door of the Premises.

Sec. 30-37. Duties of the Alarm User/Owner.

An Alarm User or Owner shall be required to:

(a) Maintain the Premises and the alarm System in a method that will reduce or eliminate False Alarms;

(b) Respond or cause a representative to respond to the Alarm System's location within thirty (30) minutes upon notification of the need to deactivate a malfunctioning Alarm System, to provide right of entry to the Premises, or to provide alternative security for the Premises;

(c) Ensure that an Alarm System is not manually activated by the Alarm User or any other person for any reason other than an occurrence of an event that the Alarm System was intended to report.

Sec. 30-38. Inspection, Testing and Maintenance.

(a) The Owner shall ensure that all Alarm Systems are inspected and tested at least once per year.

(b) The Owner shall ensure that all Alarm Systems are regularly maintained such that the system remains in good working order.

Sec. 30-39. Prohibited Acts.

(a) It shall be unlawful to activate an Alarm System for the purpose of summoning a Public Safety Department when no fire, medical emergency, burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the Premises, or otherwise to cause a False Alarm.

(b) It shall be unlawful to install, maintain, or use an audible Alarm System which can sound continually for more than twenty (20) minutes.

Sec. 30-40. Enforcement of Provisions.

(a) *Alarm Activation Report.* The officer or member of the Public Safety Department who responded to said Premises shall serve the Owner or authorized representative with an Alarm Activation Report either in person or by affixing such a report to the main entrance if no Owner or authorized representative is on the scene. The Alarm Activation Report will include the findings of the responding Public Safety Department official as to the validity of the alarm activation.

(b) *Excessive False Alarm to Summon Police Department.* It is hereby found and determined that three (3) or more False Alarms to summon the Police Department within a calendar year is excessive, constitutes a public nuisance, and shall be unlawful. Fines for such False Alarm to summon the Police Department with a calendar year shall be assessed against an Alarm User as follows:

(1)	First and second False Alarm	No Charge
(2)	Third through fifth False Alarm	\$ 50.00
(3)	Sixth False Alarm	\$100.00
(4)	Seventh False Alarm	\$150.00
(5)	Eighth False Alarm	\$250.00
(6)	Ninth False Alarm	\$350.00
(7)	Tenth and over False Alarm	\$500.00

(c) *Excessive False Alarms to Summon the Fire Department*

Fines shall be assessed against an Alarm User when a False Fire Alarm to summon the Fire Department continue. Fines for each False Fire Alarm within a calendar year shall be assessed against an Alarm User as follows:

(i)	First False Fire Alarm	No Charge
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- (ii) Second through ninth False Fire Alarm \$250.00
- (iii) Tenth and over False Fire Alarm \$500.00

- (d) The Police chief and members of the Helen Police Department will be authorized to issue a citation for violation of this article. The Fire Chief and City Manager are authorized to direct the police department to issue citations for violation of this article. Any citation issued for violation of this article shall be within the jurisdiction of the municipal court of the city as a violation of the Helen City Code

Be it further ordained, this ordinance shall become effective on adoption.

This ordinance approved by the Helen City Commission this 15 day of December, 2015.

Dona K. Burke (SEAL)

Dona K. Burke, Mayor

ATTEST:

Marilyn Chastain
Marilyn Chastain, City Clerk

APPROVED AS TO FORM:

Carl Free
Carl Free, City Attorney

Date 12-15-15

Passed First Reading December 1, 2015
Passed Second Reading December 15, 2015
Approved and Adopted December 15, 2015