



City of Lilburn

in Gwinnett County

State of Georgia

Ordinance

Number:

423-11

Date of Reading and Adoption: December 12, 2011

At the meeting of the Lilburn City Council held at 76 Main Street, Lilburn, Georgia.

**AN ORDINANCE TO ADD ARTICLE IV OF CHAPTER 42 OF
PART II OF THE CODE OF ORDINANCES OF THE CITY OF
LILBURN TO PROVIDE FOR AN ORDINANCE REGARDING
ALARM SYSTEMS INTENDED TO SUMMON LAW
ENFORCEMENT RESPONSE; TO REQUIRE REGISTRATION;
TO ESTABLISH FEES AND PENALTIES FOR VIOLATIONS; TO
PROVIDE FOR AN APPEAL; TO SET AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

WHEREAS evidence has been presented to the Mayor and Council of the City of Lilburn that while alarm systems used for security purposes may serve legitimate interests for residents and business in the City, false alarms causing unnecessary law enforcement response are a drain on resources and personnel within the Lilburn Police Department and costly to the City;

WHEREAS evidence has been presented to the Mayor and Council of the City of Lilburn that false alarms unduly divert law enforcement from responding to actual criminal activity;

WHEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN, GEORGIA, HEREBY ORDAIN THAT ARTICLE IV OF CHAPTER 42 OF PART II OF THE CODE OF ORDINANCES OF THE CITY OF LILBURN SHALL BE CREATED TO ENCOURAGE ALARM USERS AND ALARM COMPANIES TO PROPERLY USE AND MAINTAIN ALARM SYSTEMS AND TO REDUCE OR ELIMINATE FALSE ALARMS AS FOLLOWS:

Sec 42-77. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

- (a) *Alarm Administrator* means a person or persons designated by the police chief to administer, control and review false alarm reduction efforts.

- (b) *Alarm company* means any business, whether operated by an individual, partnership, corporation or other entity, which is licensed to sell, lease, maintain, service, repair, alter, replace, move, install or monitor alarm systems at an alarm site.
- (c) *Alarm dispatch request* means a notification to the police department that an alarm, whether manual or automated, has been activated at an alarm site.
- (d) *Alarm site* means a single fixed location served by an alarm system or systems.
- (e) *Alarm system* means any mechanized and/or electronic device or set of devices intended to detect and signal the need for police at the premises in which such device or set of devices is installed.
- (f) *Alarm user* means, with respect to any premises, any person who owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons and whether it is direct or indirect.
- (g) *Automatic dialer* or *auto-dialer* means any electrical, electronic, mechanical or other device designed or intended to call a pre-designated telephone number in the event of activation of an alarm system.
- (h) *Duress alarm* means a silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening situation or crime in progress requiring law enforcement response.
- (i) *False alarm* means an alarm dispatch request resulting in the responding officer finding no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.
- (j) *Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (k) *Local alarm system* means any alarm system that annunciates an alarm only by an internal or external audio device.
- (l) *Panic* means an audible alarm system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.
- (m) *Person* means an individual, corporation, partnership, association, organization or similar entity.
- (n) *Takeover* means the transaction or process by which an alarm user assumes control of an existing alarm system, which was previously controlled by another alarm user.

Sec. 42-78. Registration

- (a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration issued by the police department. A separate registration is required for each alarm site.
- (b) A tenant of a commercial or residential complex unit equipped with an alarm system shall obtain an alarm registration from the Alarm Administrator before operating or causing the operation of an alarm system in the tenant's commercial or residential unit. The owner or property manager of a commercial or residential complex shall obtain a separate alarm registration for any alarm system operated in offices or common areas of the apartment complex. Each commercial or residential complex unit shall be considered an alarm site if served by a separate alarm system.
- (c) The initial registration application must be submitted to the Alarm Administrator within thirty days after the alarm installation or takeover. An alarm registration cannot be transferred to another person or alarm site.
- (d) Upon receipt of a completed application and applicable fee, the Alarm Administrator shall register the applicant unless the applicant has failed to pay a fine assessed under this article.
- (e) Each alarm registration application shall include the following information:
 - (1) The name, complete address and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees and fines assessed under this article;
 - (2) The classification of the alarm site as either residential (such as house, duplex, condominium, mobile home, etc.), apartment, or commercial (such as retail store, bank, church, school, etc.);
 - (3) The classification of each alarm system (i.e., burglary, holdup, duress, panic or other) at the alarm site;
 - (4) Complete physical address of the alarm site to include any suite, building or apartment number;
 - (5) Any dangerous or special conditions present at the alarm site;
 - (6) Name and address of at least two individuals who are able and have agreed to:

- a. Receive notification of an alarm activation at any time; and
 - b. Respond to the alarm site within 30 minutes; and
 - c. Grant access to the alarm site and deactivate the alarm system if necessary.
- (7) Type of business conducted at the alarm site;
- (8) Signed certification from the alarm user stating:
 - a. The date of installation, conversion or takeover of the alarm system;
 - b. The name, address, phone number and low voltage license number of the alarm company performing the alarm system installation, conversion or takeover and which is responsible for providing repair service to the alarm system;
 - c. The phone number of the alarm company monitoring the alarm system if different from the installing alarm company;
 - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarm, has been left with the applicant;
 - e. That the alarm company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (f) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration or to revoke a registration previously granted.
- (g) An alarm user shall inform the Alarm Administrator of any change that alters any information listed on the alarm registration application within 30 business days of the change.
- (h) All information required for registration under this section shall be contained on a form created by the Alarm Administrator.

Sec. 42-79. Immunity

Registration of an alarm system is not intended to, nor does it, create a contract, duty or obligation, either expressed or implied, of response by a law enforcement agency. Any and all liability and consequential damage resulting from the failure to respond to an alarm dispatch request is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that law enforcement response may be based on factors such as availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and/or staffing levels.

Sec. 42-80. Duties of Alarm User

- (a) An alarm user shall:
 - (1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms; and
 - (2) Respond or cause a representative to respond to the alarm site within 30 minutes when requested by the police department to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises.
- (b) An alarm user shall adjust the alarm system or cause the alarm system to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes for any audible alarm system.
- (c) An alarm user shall have an alarm company inspect the alarm system after two false alarms in a one-year period from the date of registration or renewal. The alarm user must submit written certification from an alarm company stating that the alarm system has been inspected and that repairs or modifications, if necessary, have been made. The Alarm Administrator may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period from the date of registration issuance or renewal, the alarm user must have an alarm company modify the alarm system to be more false alarm resistant and/or to provide additional alarm user training as appropriate.
- (d) An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

Sec. 42-81. Prohibited Acts

- (a) It shall be a violation of this article for a person to:
 - (1) Operate an alarm system during the period in which the alarm system is not registered; or
 - (2) Transmit a false alarm; or
 - (3) Activate, except in the event of an actual emergency, any alarm system for the purpose of summoning a law enforcement response; or
 - (4) Notify the police department directly through the E-911 system of any alarm activation by means of an auto-dialer, or telephonic recording, message, signal or warning; or

- (5) Aid or abet in the commission of an act prohibited in this section.
- (b) Any responsible person violating or failing to comply with any of the provisions of this article may be summoned to Municipal Court for each violation and/or instance of noncompliance and, upon conviction, shall be punished as provided by a fine not to exceed \$500.00 and by imprisonment not to exceed 60 days, or both.

Sec. 42-82. Fees

- (a) The fee for registration as required in Sec. 42-78 shall be \$15.00 and paid to the Alarm Administrator at the time of registration.
- (b) For a police response to any false alarm, the Alarm Administrator shall charge and collect fees from the alarm user as follows:
 - (1) First false alarm in a calendar year: No fee.
 - (2) Second false alarm in a calendar year: \$25.00.
 - (3) Third false alarm in a calendar year: \$50.00.
 - (4) Fourth false alarm or more in a calendar year: \$100.00 for fourth false alarm and \$100.00 per each subsequent false alarm.
- (c) The Alarm Administrator shall notify in writing the alarm user of the amount of the fees assessed after the first, second, and third false alarms. A copy of the fees for false alarms as set forth in this Section shall be included in the first notice. In the event the alarm user is exempted pursuant to Section 42-86, the Chief of Police shall send written notice to such an alarm user notifying such alarm user of the false alarm problem(s) occurring at the alarm site. Notice shall be deemed received if sent via United States mail addressed to the alarm user as provided by Section 42-78 (e)(1) or (e)(4) of this article.
- (d) In the event an alarm user is convicted for transmitting a false alarm pursuant to Section 42-81 (b) of this article, any applicable fees shall be waived in lieu of the criminal penalty assessed.

Sec. 42-83. Appeals

- (a) An alarm user may appeal a fee to the Chief of Police or his designee. An appeal fee of \$25.00 shall accompany the appeal. The appeal fee will be returned to the alarm user if the appeal is successful. The filing of an appeal with the alarm administrator stays the assessment of a fee until the Chief of Police or his designee can make a decision on the appeal.

- (b) Appeals must be submitted to the Chief of Police within 15 days of the date on which notice of a fee is sent.
- (c) If the appeal is denied, the alarm administrator shall send written notice to the appellant of the action.
- (d) The decision of the Chief of Police or his designee will be the final decision of the City regarding the assessment of a fee.

Sec. 42-84. Duties of Alarm Administrator

- (a) The Alarm Administrator shall:
 - (1) Designate the manner, form and telephone numbers for the communication of alarm dispatch requests; and
 - (2) Establish a procedure to accept cancellation of alarm dispatch requests.
- (b) The Alarm Administrator shall establish procedures for recording and maintaining information on alarm dispatch requests, and procedures for notifying alarm users of false alarms.
- (c) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with an alarm user and/or the alarm company to review the circumstances of each false alarm.

Sec. 42-85. Confidentiality

Information contained in the registration application shall be held in confidence by employees or representatives of the City of Lilburn with access to such information to the extent permitted by O.C.G.A. § 50-18-72(a)(11.2).

Sec. 42-86. Exemptions

The provisions of this article shall not apply to any governmental agency, board, authority or entity.

Sec. 42-87. Effective date

This ordinance shall be effective _____ days following approval by the Mayor and Council.

SO ORDAINED this 12th day of December, 2011.

APPROVED:

Diana B. Preston, Mayor

ATTEST/AUTHENTICATED:

Kathy J. Maner, City Clerk