

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 8<sup>th</sup> day of May, 2013, the following Ordinance:

**ORDINANCE NO. 2776**

**AN ORDINANCE DELETING CHAPTER 10, ARTICLE III  
OF THE CODE OF ORDINANCES OF  
THE CITY OF GULFPORT, MISSISSIPPI, AND SUBSTITUTING A NEW  
CHAPTER 10, ARTICLE III IN ITS PLACE, AND FOR RELATED PURPOSES**

**WHEREAS**, in 1999, the Gulfport City Council enacted an Ordinance governing alarm systems in the City of Gulfport with the goal that the Ordinance, as enacted, would reduce the number of false alarm calls to which our Police Department and Fire Department respond in any given twelve (12) month period; and

**WHEREAS**, in recent years, even in light of vigorous enforcement of the so called Alarm Ordinance, the City has not seen a noticeable reduction in the number of false alarm calls to which our Public Safety departments have responded; and

**WHEREAS**, in an effort to better focus manpower at the police department to areas of work that will create a more efficient department, the Gulfport Police Department has recommended certain and various amendments to the Alarm Ordinance, which was codified as Chapter 10, Article III, Section 10-76 thru 10-80, in order to change the focus of the Ordinance from an informal enforcement mechanism to a more formal enforcement mechanism and to delete the requirement that alarm systems be registered with the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

**SECTION 2.** That Chapter 10, Article III, Sections 10-76 thru 10-80 (see Exhibit “A” hereto) of the Code of Ordinances should be deleted in their entirety and that the Code of Ordinances of the City of Gulfport, Mississippi, is hereby amended by adding a new article to be numbered Chapter 10, Article III, which new article reads as follows:

**ARTICLE III. ALARM SYSTEMS**

**Sec. 10-76. Purpose and scope.**

(a) The purpose of this article is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the reliability and the proper use of alarm systems, to reduce unnecessary police and fire emergency response to false alarms, and thereby to protect the emergency response capability of the city from misuse.

(b) This article governs burglary and/or robbery alarm systems and fire alarm systems, provides for fines for excessive false alarms, and provides for punishment for violations.

**Sec. 10-77. Definitions.**

*Act of God.* An unusual, extraordinary, sudden, and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill, or foresight.

*Activation.* An act whereby the alarm system becomes operational for purposes other than testing that may result in a Gulfport Police Department and/or Gulfport Fire Department response to that site.

*Alarm agent.* Any person who is employed by an alarm business either directly or indirectly, whose duties include any of the following: maintaining, servicing, and/or repairing any alarm or alarm system in or on any building, place, or premises. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed to be an alarm agent.

*Alarm system.* Any assembly of equipment or devices, mechanical or electrical, arranged or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure, or facility, or for alerting person(s) of a hazardous condition or the commission or attempted commission of an unlawful act within or upon a building, structure, or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation, the Gulfport Police Department and/or Gulfport Fire Department may be summoned to respond. For purposes of this article, an alarm system shall not include:

- (1) An alarm installed on motor vehicles, motor homes, boats, or other movables not connected/attached to a fixed property site and not used as a primary or secondary residence.
- (2) An alarm installed upon premises occupied by the United States Government, by the State of Mississippi, by the County of Harrison, or by the City of Gulfport.
- (3) Any device or system designed solely to give notice or alert of a medical emergency.

*Alarm system user.* The person, firm, partnership, association, corporation, company, or other entity which owns, leases, controls, or occupies any building, structure, or facility wherein an alarm system is maintained.

*Audible alarm system.* An alarm system that emits an audible sound or message which can be heard off the premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon the police department and/or fire department. (See "Local alarm")

*Dispatch.* To direct police and/or fire units to a location where there has been a report made, by whatever means, that police and/or fire department assistance or investigation is needed.

*False alarm.* An alarm signal eliciting a response by police and/or fire personnel when a situation requiring such response does not exist, including but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or user's agent or employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual police and/or fire emergency exists. Severe weather, power outages in excess of four (4) hours, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any fine, warning, or other action will be taken against the alarm system user as provided for by this section. An alarm that is false and is canceled prior to the response of Gulfport Police and/or Fire Department units will not be included in the false alarm count for that alarm system site. A panic alarm, as defined in this article, which is activated for purposes other than an armed robbery in progress or a fire at that alarm site, will be classified as a false alarm and included in the false alarm count for that alarm site.

*Local alarm.* An alarm system which, when activated, causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

*Panic alarm.* An alarm activation which, for purposes of this article, elicits a response from Gulfport Police Department and/or Gulfport Fire Department personnel for an armed robbery in progress or a fire at that alarm site.

*Response.* The arrival of police and/or fire department personnel at the premises where an alarm system has been activated which indicates a police and/or fire emergency at those premises.

*Site.* Each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct municipal address.

**Sec. 10-78. False alarms.**

(a) Alarm system operation and maintenance. An alarm system user shall:

- (1) Maintain the premises containing an alarm system in a manner than ensures proper operation of the alarm system;
- (2) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm responses;
- (3) Make every reasonable effort to respond or cause a contact person(s) to respond to the alarm system's location within a reasonable period of time when notified by the alarm monitoring service, the Gulfport Department of Urban Development, the Gulfport Police Department, or the Gulfport Fire Department to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (4) Not manually activate an alarm system for any reason other than the occurrence of an event for which the alarm system was intended to be activated;
- (5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of its operation.

(b) *Audible alarms (local alarms).* All audible alarms shall be set/programmed for a maximum amount of ten (10) minutes per activation for the emission of the audible alarm sound or message upon such activation. After three (3) immediately consecutive activations, the audible alarm system shall automatically reset, so that the audible alarm will not be reactivated based on the occurrence which triggered that series of alarm activations.

(c) *Penalties for false alarms.* The sending of four or more false alarms in a calendar year, as determined by the City's false alarm count, is hereby declared to be unlawful and a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each such false alarm.

(d) *False alarm annual count.* At the end of the calendar year, the false alarm count for residential alarm users and businesses/commercial establishments will revert to zero. Alarms that are false and are canceled prior to the arrival of Gulfport Police and/or Fire Department units will not be included in the false alarm count. An alarm which is false, and which is verified by the alarm business or alarm system monitoring company as being false, and which alarm is not transmitted to the dispatch office for the Gulfport Police and/or Fire Department, will not be included in the false alarm count for that alarm system site.-

**Sec. 10-79. No liability of the City of Gulfport.**

The City of Gulfport assumes no liability in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation, or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals, or any failure or neglect to respond upon receipt of an alarm from any source. No special duty other than that owed to the general public shall be created by virtue of this article or as a result of the transmission to or receipt of alarm signals by the Gulfport Police Department and/or Gulfport Fire Department.

**SECTION 3.** All provisions of the Code of Ordinances of the City of Gulfport, Mississippi, not in conflict herewith shall remain in full force and effect as heretofore provided.

**SECTION 4.** This ordinance shall be in full force and effect immediately upon passage, should it pass unanimously; otherwise, this ordinance shall be in full force and effect thirty (30) days after the date of passage. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Roland, and was adopted by the following roll call vote:

<b><u>YEAS:</u></b>	<b><u>ABSENCES:</u></b>	<b><u>NAYS:</u></b>
Casey	None	None
Roland		
Homes-Hines		
Walker		
Dombrowski		
Flowers		
Pucheu		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 8<sup>th</sup> day of May, 2013.

(SEAL:)

**ATTEST:**

**ADOPT:**

/s/ Ronda S. Cole

/s/ Ricky Dombrowski

\_\_\_\_\_  
**CLERK OF THE COUNCIL**

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the 9<sup>th</sup> day of May, 2013.

**APPROVED:**

/s/ George Schloegel

\_\_\_\_\_  
**MAYOR**

**Exhibit “A”**  
**Chapter 10, Article III – Alarm Systems**

**Sec. 10-76. - Purpose and scope.**

- (a) The purpose of this article is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the reliability and the proper use of alarm systems, to reduce unnecessary police and fire emergency response to false alarms, and thereby to protect the emergency response capability of the city from misuse.
- (b) This article governs burglary and/or robbery alarm systems and fire alarm systems, provides for fines for excessive false alarms, provides for punishment for violations, and establishes a system of administration.

*(Ord. No. 2163, § 2, 3-16-99)*

**Sec. 10-77. - Confidentiality.**

The information furnished and secured pursuant to this article shall be confidential and shall not be subject to public inspection.

*(Ord. No. 2163, § 3, 3-16-99)*

**Sec. 10-78. - Definitions.**

*Act of God.* An unusual, extraordinary, sudden, and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill, or foresight.

*Activation.* An act whereby the alarm system becomes operational for purposes other than testing that may result in a Gulfport Police Department and/or Gulfport Fire Department response to that site.

*Alarm administrator.* A representative from the Gulfport Police Department designated by the chief of police and a representative from the general finance department designated by the mayor or CAO to administer and oversee the full and complete implementation and subsequent compliance with the terms and conditions of this article.

*Alarm agent.* Any person who is employed by an alarm business either directly or indirectly, whose duties include any of the following: maintaining, servicing, and/or repairing any alarm or alarm system in or on any building, place, or premises. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed to be an alarm agent.

*Alarm appeals board.* A board established to hear an appeal timely requested of a decision rendered by the alarm administrator.

*Alarm business.* The business by an individual, firm, partnership, corporation, or other entity, which 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 business shall include all alarm businesses located within the City of Gulfport, as well as those located outside the City of Gulfport, and doing business within the city limits of Gulfport.

*Alarm system.* Any assembly of equipment or devices, mechanical or electrical, arranged or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure, or facility, or for alerting person(s) of a hazardous condition or the commission or attempted commission of an unlawful act within or upon a building, structure, or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation, the Gulfport Police Department and/or Gulfport Fire Department may be summoned to respond. For purposes of this article, an alarm system shall not include:

- (1) An alarm installed on motor vehicles, motor homes, boats, or other movables not connected/attached to a fixed property site and not used as a primary or secondary residence.
- (2) An alarm installed upon premises occupied by the United States Government, by the State of Mississippi, by the County of Harrison, or by the City of Gulfport.
- (3) Any device or system designed solely to give notice or alert of a medical emergency.

*Alarm system user.* The person, firm, partnership, association, corporation, company, or other entity which owns, leases, controls, or occupies any building, structure, or facility wherein an alarm system is maintained.

*Audible alarm system.* An alarm system that emits an audible sound or message which can be heard off the premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon the police department and/or fire department. (See "Local alarm")

*Automatic dialing device.* A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is part of an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded message or coded signal to report a police and/or fire emergency to the Gulfport Police Department and/or Gulfport Fire Department.

*Conversion/takeover.* The transaction or process by which an alarm system user, alarm business, or alarm system monitoring company takes over control of an existing alarm system, which was previously controlled by another alarm system user, alarm business, or alarm system monitoring company.

*Dispatch.* To direct police and/or fire units to a location where there has been a report made, by whatever means, that police and/or fire department assistance or investigation is needed.

*False alarm.* An alarm signal eliciting a response by police and/or fire personnel when a situation requiring such response does not exist, including but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or user's agent or employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual police and/or fire emergency exists. Severe weather, power outages in excess of four (4) hours, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any fine, warning, or other action will be taken against the alarm system user as provided for by this section. An alarm that is false and is canceled prior to the dispatch of Gulfport Police and/or Fire Department units will not be included in the false alarm count for that alarm system site. A panic

alarm, as defined in this article, which is activated for purposes other than an armed robbery in progress or a fire at that alarm site, will be classified as a false alarm and included in the false alarm count for that alarm site.

*Grace period.* A specified length of time from the date of installation or system conversion/takeover during which period no occurrence, fine, or penalty is assessed for false alarms.

*Local alarm.* An alarm system which, when activated, causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

*Notice.* Written notice given by personal service upon the alarm system user or given through first class United States mail, postage prepaid, to the alarm system user's last known mailing address.

*Panic alarm.* An alarm activation which, for purposes of this article, elicits a response from Gulfport Police Department and/or Gulfport Fire Department personnel for an armed robbery in progress or a fire at that alarm site.

*Response.* The arrival of police and/or fire department personnel at the premises where an alarm system has been activated which indicates a police and/or fire emergency at those premises.

*Site.* Each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct municipal address.

*Verification.* Any attempt by the alarm business or alarm system monitoring company to verify the need for a police and/or fire dispatch by contacting the alarm system site by telephone, electronically, or by visual means, whether or not an actual contact with a person is made, before requesting a police and/or fire dispatch.

*(Ord. No. 2163, § 4, 3-16-99)*

#### **Sec. 10-79. - Alarm systems user permits.**

(a) *Permit required.* No alarm user shall operate or cause to be operated an alarm system, which shall include that defined as an audible alarm system or a local alarm, at its alarm site without a valid permit issued by the City of Gulfport. An exception is that there shall be a thirty (30) day grace period from the date of installation or conversion/takeover of the alarm system, during which time no fine or penalty shall be assessed for activating the alarm system. Automatic dialing devices as defined in this article are prohibited, and an alarm system user permit will not be issued for same. However, automatic dialing devices as defined in this article are allowed where the alarm system user is required by law to have same, and an alarm system user permit will be issued for an automatic dialing device under those circumstances.

(b) *Permit is nontransferable.* A separate permit is required for each alarm site, and such permit is nontransferable. New occupants of a residence or business which houses an existing alarm system are required to register the alarm system, so that a new permit identification number may be issued. The new alarm registration application and the user fee must be submitted within fifteen (15) days of the new occupancy.

(c) *Updating alarm user application.* An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within fifteen (15) days after any of the information required and contained therein becomes outdated or inaccurate. Failure to comply with this requirement may lead to suspension of the permit.

(d) *Alarm user annual permit fee.* The annual fee for a permit or permit renewal for an alarm site (both residential and commercial) is ten dollars (\$10.00). If an alarm site has received no false alarms during the previous calendar year, the annual fee for permit renewal shall be waived. No refund of a permit fee or permit renewal fee will be made. The initial annual permit fee must be submitted at the time of the alarm installation or alarm conversion/takeover. An alarm permit is valid from January 1

through December 31, and all permits must be renewed by January 1, regardless of their date of issuance in the prior calendar year. The alarm administrator shall notify each alarm user of the need to renew no later than sixty (60) days prior to the expiration of the permit. Failure to renew an alarm user permit and the subsequent reporting of an alarm or alarms to the police department constitutes use of a nonpermitted alarm system and municipal summons and penalties may be assessed without waiver. The grace period shall not apply to permit renewals. Individuals over the age of sixty-five (65) years shall be exempt from all fees required under this article; however, all applications and forms required under this article are still required to be completed and furnished to the City of Gulfport by these individuals.

(e) *Submission of permit application to the alarm administrator.* The alarm administrator, upon receipt of a completed application form and payment of any applicable fees, shall issue an alarm user permit and shall also issue to the alarm system user a cancellation code for the purpose of canceling false alarms at the premises specified in the alarm system user permit application. The cancellation code issued to the alarm system user upon initial application for an alarm system user permit for the purpose of canceling false alarms at the premises specified in the alarm system user permit application will be valid for that permit year (calendar year). Each permit year thereafter upon renewal of the alarm system user permit, a new cancellation code will be issued to the alarm system user, which cancellation code will be valid until the expiration of that year's permit. However, a permit will not be issued if an applicant has:

- (1) Failed to pay a fine assessed, exclusive of those penalties which may be under appeal; or
- (2) Had an alarm permit for the alarm site suspended and the violation which caused the suspension has not been corrected.

(f) *Permit application process requirements defined.* An application for an alarm permit shall be submitted to the alarm administrator as follows:

- (1) The alarm business shall be responsible for notifying the user at the alarm site at the time of installation or new occupancy conversion/takeover of a previously installed alarm system that an alarm permit is required, and to provide that site with an alarm permit application form. The user is responsible for completion and submission of the alarm permit application with all applicable fees.
- (2) The alarm system user must submit the completed permit application to the alarm administrator within fifteen (15) days from the date of either the alarm system activation or new occupancy conversion/takeover of a previously installed alarm system.
- (3) For those sites installed and operational prior to the effective date of this article, the alarm system user is responsible for securing a permit application form from the alarm administrator and receiving an alarm user permit within fifteen (15) days from the effective date of this article.
- (4) For those sites that are self-installed by alarm system users, the alarm system user shall be responsible for submitting a permit application form to the alarm administrator within fifteen (15) days of the installation of the system by the alarm user. For those sites installed and operational prior to the effective date of this article, the alarm system user is responsible for securing a permit application form from the alarm administrator and submitting same within fifteen (15) days from the effective date of this article.

(g) *Alarm system user permit application.* Each permit application shall be prepared in triplicate and must include the following:

- (1) The name, address, and telephone number of the premises where the alarm system is located.
- (2) The name, address, and telephone number of the person who will be the permit holder and be responsible for the proper maintenance and operation of



the alarm system and payment of the fees assessed under this article. In the case of a firm, corporation, partnership, association, company, organization, or other entity, an individual will be held accountable as the responsible person for the permit site.

(3) The classification of the alarm site as either residential, commercial, or apartment.

(4) Signed certification on the permit from the alarm system user and the alarm business (if installing, activating, or monitoring) stating:

a. The date of installation, activation, or conversion/takeover of the alarm system, whichever is applicable.

b. The names, address, and telephone number of the alarm business performing the alarm system installation, activation, or conversion/takeover and business responsible for providing repair service to the alarm system.

c. The name, address, and telephone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant.

e. That the alarm business has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

(5) The names, addresses, and telephone numbers of two (2) persons who can respond within thirty (30) minutes of the alarm signal to reset the alarm, if the alarm system user is not present at the site of the alarm system when such alarm is activated.

(h) *Operation without permit prohibited.*

(1) Any alarm system user who operates an alarm system beyond the thirty (30) day grace period without having first obtained a permit as required by this article shall be in violation of this article and subject to penalties up to and including one hundred dollars (\$100.00) per violation. An alarm system being operated without a permit will be considered a separate and distinct violation of this article for each alarm system operated without such permit.

(2) Any alarm system user who operates an alarm system after having the alarm system user permit for such alarm system suspended after having had exhausted any and all rights to a hearing and/or appeal on such suspension, and fails to disconnect such alarm system, shall be in violation of this article and subject to penalties up to and including one hundred dollars (\$100.00) per violation. An alarm system being operated with a suspended permit will be considered a separate and distinct violation of this article for each alarm system operated with such suspended permit.

(i) *Presentation of permit on request.* Any law enforcement officer and/or fire department personnel answering a false alarm call shall have the authority to request to see a permit of the alarm system user, and any alarm system user so requested shall produce such permit immediately. An alarm system user who fails to comply with such request shall be in violation of this article and subject to the penalty provisions as set forth in [Chapter 1](#), Article I, [section 1-9](#), General penalty, of the Code of Ordinances of the City of Gulfport, Mississippi.

(j) *Address to be visible.* The permit holder shall be responsible for displaying the correct numerical address of the protected property in accordance with all applicable federal, state, and local laws in such a manner as to be readily visible from the street by law enforcement officers and/or fire department personnel responding to an alarm at that address.

(k) *Alarm systems in apartment complexes.* Alarm systems in apartment complexes require permit application information as follows:

(1) *Contracted for by individual tenant.* If an alarm system installed or operated by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of the representative of the apartment owner or property manager who can grant access for the police and/or fire department personnel to investigate the perimeter of the apartment when responding to an alarm at that site.

(2) *Furnished by the apartment complex.* If the owner or property manager of an apartment complex provides alarm systems in each residential unit, then the owner or property manager of the apartment complex shall obtain a master alarm permit from the alarm administrator. The annual fee for this permit and for each renewal of this permit shall be ten dollars (\$10.00) per residential unit per year for purposes of assessing fines for "false alarm dispatches" emitted from the alarm systems in residential units. The false alarm count will be determined and assessed for each individual apartment. The owner or property manager of an apartment complex shall register any alarm system operated in a non-residential area of the apartment complex, including but not limited to common tenant areas and office, storage, and equipment areas. An annual fee for such permit shall be the same as a residential/commercial site.

(1) *Restrictions on inspection.* The information contained in an alarm user permit application as required by this article and other information received by the alarm administrator through correspondence or communication with an alarm system user shall be securely maintained and restricted to inspection only by law enforcement personnel and/or fire department personnel and persons specifically assigned the responsibility for handling and processing alarm user permit applications and the corresponding database in the course of their official duties. No person shall knowingly or wilfully reveal information contained in an alarm system user permit application or in correspondence or communications with an alarm system user to any person for any purposes not related to this article or official law enforcement and/or fire department matters without the express written consent of the alarm system user supplying such information.

*(Ord. No. 2163, § 5, 3-16-99)*

#### **Sec. 10-80. - Alarm business registration.**

(a) *Annual registration.* All alarm businesses, as defined in this article, within the City of Gulfport shall annually register with the alarm administrator. No fee for this registration is required, and the alarm administrator shall provide this registration form no later than sixty (60) days prior to the end of the permit year, which shall be a calendar year. All new alarm businesses beginning operation after the effective date of this article are required to register with the alarm administrator prior to beginning operations. This registration shall include information regarding the following:

- (1) The proper business or trade name, address, and telephone number of the alarm business.
- (2) All other names, addresses, and telephone numbers under which the company or corporation has conducted or is conducting business.
- (3) If an unincorporated association, the name, address, and telephone number of the owner and responsible associates.
- (4) If a corporation, the name, address, telephone number, and position of the officers in the corporation.
- (5) If a corporation, the name, address, and telephone number of the registered agent.
- (6) A statement that the alarm business will maintain a twenty-four (24) hour emergency service, seven (7) days a week, including holidays.

(b) *Identification card.* All alarm businesses operating with the City of Gulfport, in addition to registering with the alarm administrator, will be required to maintain a current City of Gulfport identification card for the alarm business for all employees, owners, responsible associates if unincorporated, and officers if incorporated, and alarm agents. This identification card will be furnished by the alarm administrator and will be required to be up-dated annually with the alarm business registration, with the expired identification card to be returned to the alarm administrator upon receipt of the up-dated identification card. The identification card shall also be returned to the alarm administrator by the holder of same upon his/her termination of employment with an alarm business or upon the cessation of operations of the alarm business. Registration as required hereby for an alarm business shall not exempt such business from any lawful requirement to obtain a city or state business license to do business in the City of Gulfport.

(c) *Notification information to be maintained by alarm business.* Each alarm business is required to maintain a resource file where names, addresses, and telephone numbers of contact persons for each alarm are kept. This resource file is to be updated yearly and when changes to the information contained therein has occurred requiring an update of such file. Such information is to be made available to the Gulfport Police Department and/or Gulfport Fire Department upon request under the terms and conditions of this article. All information contained in this resource file is to remain confidential, is to be used only for the purposes of effectuating the terms of this article, and is not subject to public inspection.

(d) *Penalties for noncompliance.* The failure of an alarm business that engages in business activities in the City of Gulfport to comply with any of the above requirements shall be a violation of this article, subject to prosecution in a competent court of law and such alarm business shall be penalized upon conviction in accordance with [Chapter 1](#), Article I, [section 1-9](#), General penalty, of the Code of Ordinances of the City of Gulfport, Mississippi.

(Ord. No. 2163, § 6, 3-16-99)

#### **Sec. 10-81. - False alarms.**

(a) Alarm system operation and maintenance. An alarm system user shall:

- (1) Maintain the premises containing an alarm system in a manner than ensures proper operation of the alarm system;
- (2) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches;
- (3) Make every reasonable effort to respond or cause a contact person(s) to respond to the alarm system's location within a reasonable period of time when notified by the alarm monitoring service, the alarm administrator, the Gulfport Police Department, or the Gulfport Fire Department to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (4) Not manually activate an alarm system for any reason other than the occurrence of an event for which the alarm system was intended to be activated;
- (5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of its operation.

(b) *Audible alarms (local alarms).* All audible alarms shall be set/programmed for a maximum amount of ten (10) minutes per activation for the emission of the audible alarm sound or message upon such activation. After three (3) immediately consecutive activations, the audible alarm system shall automatically reset, so that the audible alarm will not be reactivated based on the occurrence which triggered that series of alarm activations.

(c) *Grace period.* Beginning with the date of the receipt of the alarm system user permit, there shall be a thirty (30) day grace period, during which time there will be

no fine or penalty assessed for false alarms. In addition, during the thirty (30) day grace period, false alarms will not be counted as an occurrence toward the total for the permit year, nor will the alarm system user be subject to any fine, warning, or other action as provided for in this article. This grace period shall not apply to subsequent annual renewals of alarm system user permits.

(d) *Penalties for false alarms.* The sending of a false alarm is considered a violation of this article, and fines may be assessed and/or suspension of a permit imposed upon an alarm system user or the master permit holder for an apartment complex by the alarm administrator for excessive false alarms during a permit year as follows:

False Alarms	Penalty
0—2	No fine assessed.
3	No fine assessed. Notice of number of false alarms issued and mailed to the alarm system user via United States Mail, first class, postage prepaid, certified mail, return receipt requested.
4—5	\$25.00 fine per false alarm to alarm system user.
6—8	\$50.00 fine per false alarm to alarm system user.
9—11	\$75.00 fine per false alarm to alarm system user and a suspension warning notification letter is issued to the alarm system user and mailed via United States Mail, first class, postage prepaid, certified mail, return receipt requested.
12 and above	\$100.00 fine per false alarm to alarm system user and notice of suspension is issued to the alarm system user and mailed via United States Mail, first class, postage prepaid, certified mail, return receipt requested.

(e) *Reinstatement of suspended alarm system user permit.* An alarm system user will be required to pay a one hundred dollar (\$100.00) reinstatement fee for the reinstatement of a suspended alarm system user permit. An alarm system user shall have the false alarm reinstatement fee waived upon payment of all prior false alarm fines imposed through this article and submission of a written documentation of the alarm system user having attended training recognized by the alarm industry to reduce false alarms.

(f) *False alarm annual count.* At the end of the permit year, which is based on the calendar year, the false alarm count for residential alarm users will revert to zero, provided all charges, fees, and fines have been paid. False alarm counts for businesses/commercial establishments will revert to zero every six (6) months, and more specifically, every July 1 and January 1, provided all charges, fees, and fines have been paid. Documented malfunctioning alarms will be considered on a case-by-case basis as to whether or not to be included in the false alarm annual count. Alarms that are false and are canceled prior to the dispatch of Gulfport Police and/or Fire Department units will not be included in the false alarm count. An alarm which is false, and which is verified by the alarm business or alarm system monitoring company as being false, and which alarm is not transmitted to the dispatch office for the Gulfport Police and/or Fire Department, will not be included in the false alarm count for that alarm system site.

(g) *Cancellation of police and/or fire dispatch as a result of a false alarm.* An alarm system user may contact the dispatch office for the Gulfport Police and/or Fire Department and cancel the dispatch of Gulfport Police and/or Fire Department units as a result of a false alarm from the alarm system user's premises, provided that the correct cancellation code provided to that alarm system user upon registration of their alarm system is given to the dispatch personnel receiving the cancellation.

(h) *Alarm appeals board.* The City of Gulfport shall convene an alarm appeals board to address unresolved disputes pertaining to the findings of false alarms by the alarm administrator, fines, suspension or denial of an alarm system user permit, requests for reinstatement of alarm system user permits, or any of the issues pertaining to alarm systems of a common interest to the Gulfport Police Department and/or

Gulfport Fire Department, the alarm industry and/or alarm system users. The alarm appeals board shall be comprised of three (3) members: One (1) representative from the Gulfport Police Department designated by the police chief, one (1) representative from the Gulfport Fire Department designated by the fire chief, and one (1) representative from the local alarm industry designated by the local chapter of the Southern District Burglar and Fire Alarm Association. The alarm appeals board will conduct a meeting to address any unresolved dispute(s) pertaining to false alarm fines and the suspension or denial of alarm system user permits within thirty (30) days of receiving written notice of the dispute(s).

*(Ord. No. 2163, § 7, 3-16-99)*

**Sec. 10-82. - Allocation of revenues and expenses.**

- (a) All fees, fines, and forfeitures of bail collected pursuant to this article shall be general fund revenues of the City of Gulfport; provided, however, that the city shall maintain records sufficient to identify the sources and amounts of that revenue.
- (b) The city shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administration of the provisions of this article by city officers or employees, including salaries and wages (excluding the chief of police, individually), travel, office supplies, postage, printing, facilities, office equipment, and other properly chargeable costs.
- (c) "Sound accounting principles" as used in this section shall include, but not be limited to practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of this article.

*(Ord. No. 2163, § 9, 3-16-99)*

**Sec. 10-83. - No liability of the City of Gulfport.**

The City of Gulfport assumes no liability for any defects in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation, or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals, or any failure or neglect to respond upon receipt of an alarm from any source. No special duty other than that owed to the general public shall be created by virtue of this article or as a result of the transmission to or receipt of alarm signals by the Gulfport Police Department and/or Gulfport Fire Department.

*(Ord. No. 2163, § 10, 3-16-99)*