

CHAPTER XI. PUBLIC OFFENSES

ARTICLE 10. ALARM SYSTEMS

SECTIONS

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- 11-1001. DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly requires otherwise:
- (a) **Alarm company** means a person, company, firm, corporation or other entity that is engaged in selling, leasing, installing, servicing, or monitoring alarm systems, and which has a contractual relationship with an alarm user in the City, and is subject to the City's alarm registration requirements set forth in Section 11-1002 of this Article.
 - (b) **Alarm coordinator** means a person or persons designated by the Chief of Police to assist with the administration of this ordinance.
 - (c) **Alarm dispatch request** means a notification by an alarm company to the City that an alarm has been activated (whether manual or automatic) at a particular alarm site, and a City emergency service response is requested.
 - (d) **Alarm permit** means a permit issued to an alarm user by the City or its designee, authorizing the operation of an alarm system for a particular alarm site within the City.
 - (e) **Alarm signal** means a notification to the City that an alarm has been activated at a particular alarm site and requesting a City emergency service response.
 - (f) **Alarm site** means a building, buildings, property or other location upon which an alarm system is installed.
 - (g) **Alarm system** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal to a monitoring alarm company, and intended to summon a City emergency service response.
 - (h) **Alarm user** means any person, company, firm, corporation, or other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is used, for the protection of such premises.

- (i) **Automatic voice dialer** means any electrical, electronic, mechanical, or other device capable of sending a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting an alarm dispatch request.
- (j) **Cancellation** means the cancellation of a City emergency service response by an alarm company or alarm user who reports to the City that there is not an existing situation at the alarm site requiring a City emergency service response. If cancellation occurs prior to police or fire arriving at the alarm site, it will be considered a canceled false alarm, and will not count as a false alarm and no penalty will be assessed.
- (k) **City emergency service response** means a law enforcement, fire department or other emergency service response.
- (l) **City communications center** means a dispatch or communications center that receives a request for a City emergency service response, including but not limited to the Leawood Police dispatch and the Johnson County Emergency Communications Center.
- (m) **Designee** means a third party contractor authorized by the City to assist with the administration of this ordinance.
- (n) **Disturbing alarm** means any alarm that emits an audible or visible signal that is not automatically discontinued within 15 minutes of activation.
- (o) **False alarm** means an alarm dispatch request that has generated a City emergency service response to an alarm site when no actual emergency or criminal activity exists. False alarms shall not include alarm signals that are the result of extraordinary conditions of nature or other extraordinary circumstances beyond the control of the alarm user or alarm company, or false alarms which occur within the first 30 days of a newly installed alarm system.
- (p) **False alarm fee** means a fee assessed against an alarm user for every false alarm in excess of two in any 12-month period.
- (q) **Local alarm** means an alarm that emits an audible or visual signal, but is not monitored by a remote monitoring facility or alarm company.
- (r) **Unregistered alarm system** means any alarm system that is not registered with the City or its designee.

(Ord. 2924C; 01-07-19)

11-1002. REGISTRATION OF ALARM SYSTEMS.

- (a) Registration and permit required. No person shall use, operate, or allow to be operated, an alarm system in the City without first registering and obtaining a permit for such alarm system as required by the City. A separate alarm permit is required for each alarm site. An alarm permit is not required for local alarms affixed to buildings, motor vehicles, or other property that are not designed to send a signal to a remote monitoring company. A new owner or occupant of an alarm site shall have a five (5) day grace period from the date they take ownership or possession of the alarm site to register said alarm and obtain an alarm permit.
- (b) Permits nontransferable. An alarm permit cannot be transferred to another alarm user or alarm site. An alarm user shall inform the City or designee of any change to the information listed on the alarm registration or permit within five (5) business days of such change.
- (c) Fees. The fee to register an alarm and obtain an alarm permit shall be as set forth in the City fee schedule.

- (d) Exemptions. Alarm systems owned and operated by a governmental entity are exempt from the provisions of this Article.

(Ord. 2924C; 01-07-19)

11-1003 DUTIES OF ALARM USERS. An alarm user in the City shall:

- (a) Within five days of ownership or possession of property with an alarm system, or within five days of installing an alarm system, register the alarm system as required by Section 11-1002.
- (b) Maintain the alarm site and the alarm system in a manner that will reduce or eliminate false alarms.
- (c) Provide the permit number(s) to the alarm company responsible for monitoring the alarm system as soon as practicable, to assist with any City emergency service response.
- (d) Respond, or cause a representative to respond, to the alarm site within thirty (30) minutes from notification by the City or alarm company of an activated alarm signal.
- (e) Never manually activate an alarm system for any reason other than an occurrence of an event that requires a City emergency service response.
- (f) Not use an automatic voice dialer.
- (g) Notify the City and/or alarm company prior to any service, test, repair, or maintenance of an alarm system that might activate a false alarm.

(Ord. 2924C; 01-07-19)

11-1004 DUTIES OF ALARM COMPANIES

- (a) An alarm company operating in the City shall:
 - 1. Obtain and maintain the required state, county and/or city license(s).
 - 2. Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day, and be able to respond to an alarm call when notified within a reasonable amount of time.
 - 3. Be able to provide the most current contact information for the alarm user; and be able to contact a key holder for a response, if requested.
 - 4. Provide new and cancelled alarm sites in the format required by the City every thirty (30) days, or upon request by the City or designee.
 - 5. Notify the City or designee of any purchase of alarm system account(s) from another person or company, and provide details as may be requested by the City or designee.
- (b) An alarm company performing monitoring services in the City shall:
 - 1. Upon receipt of an alarm notification from an alarm site, attempt to confirm the validity of the alarm by first calling the alarm site and/or alarm user by telephone, before requesting an alarm dispatch request. If the first attempt to reach the alarm site or alarm user fails, the alarm company shall make a second call to an alternate number provided by the alarm user, before requesting an alarm dispatch request. The requirements of this subsection shall not apply in the case of a fire, panic, crime-in-progress (as defined in ANSI/CSAA CS-V-01-2016 or current version) or similar alarm, that requires an immediate response by an alarm company to the City communications center requesting an immediate City emergency service response. These types of fire, panic, and crime-in-progress alarms cannot be cancelled.

2. Provide alarm permit numbers to the City communications center to facilitate dispatch and/or cancellations.
3. Communicate any available information about the location of the alarm to the City.
4. Communicate a cancellation to the City communications center as soon as possible following a determination that a City emergency service response is unnecessary.
5. Maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and any evidence of an attempt to verify the alarm. The alarm coordinator may request copies of such records for individually identified alarm users. The alarm company shall provide the requested information to the City or its designee within (10) business days of receiving the request.

(Ord. 2924C; 01-07-19)

11-1005 FALSE ALARMS; FEES REQUIRED

- (a) The owner of any alarm system, or the property owner or occupant upon which an unregistered alarm system is active, who has had more than two false alarms from the same alarm system within any twelve-month period, shall be required to pay a false alarm fee for every false alarm in excess of two in any 12 month period. The false alarm fees shall be as set forth in the Fee Schedule established and maintained by the City, and as authorized in Section 1-701 of this Code.
- (b) Upon notice of a third false alarm in any twelve-month period, the City or designee shall send written notice to the alarm user by first class mail, with the date and approximate time of the false alarm(s), and any fees due. Such written notification shall be presumed to have been delivered three days after mailing. The notice shall include a statement regarding the alarm user's right to appeal.
- (c) Failure to timely pay any false alarm fee(s) shall result in the assessment of a late payment fee as set forth in the City fee schedule. Failure to pay fees as required by this Article may result in municipal court prosecution and additional penalties under Section 11-1011.

(Ord. 2924C; 01-07-19)

11-1006 UNREGISTERED ALARM SYSTEMS; FEE REQUIRED.

The City or designee shall have the power to assess a non-registration fee against the owner or occupant of any property or premises upon which there is an active but unregistered alarm system. Failure to timely pay any non-registration fee shall result in the assessment of a late payment fee as set forth in the City fee schedule. Failure to pay fees as required by this Article may result in municipal court prosecution and additional penalties under Section 11-1011.

(Ord. 2924C; 01-07-19)

11-1007 FALSE ALARMS; APPEALS

Any alarm user who desires to appeal a false alarm fee imposed pursuant to Section 11-1005 shall submit a written request for a hearing to the Chief of Police or designee within ten (10) business days from the date of the fee notice. The request for a hearing shall include the reason(s) upon which the alarm user relies to support his or her belief that the false alarm did not occur or should not result in a fee. The submission of a written request for hearing shall stay the assessment of the false alarm fee, and the assessment of any related late payment fee, until a decision on the appeal is rendered by the Chief of Police or designee. The Chief of Police or designee may consider the statements and other evidence of the person appealing, as well as the alarm coordinator, and may uphold or set aside the false alarm fee.

Any alarm user who desires to appeal the decision of the Chief of Police or designee may appeal to the City Administrator. The alarm user must file a written notice of appeal with the City Clerk within ten (10) business days from the date of written notice of the Chief's decision. The City Administrator shall meet with the alarm user and City staff as soon as practicable to consider the merits of the appeal. The decision of the City Administrator shall be final.

The failure of an alarm user to request a hearing or appeal within the above established time periods shall constitute a waiver of the right to contest the assessment of the false alarm fee(s) or other enforcement decision.

(Ord. 2924C; 01-07-19)

(Ord. 2941C; 04-15-19)

11-1008 ALARM COORDINATOR; DUTIES

The Chief of Police shall designate one or more persons to act as the alarm coordinator who shall:

- (a) Maintain records necessary to carry out the terms of this Article;
- (b) Coordinate with the City's designee for implementation, enforcement, and collection of fees authorized by this Article.
- (c) Assist in determining which alarms constitute false alarms as defined in Section 11-1005.
- (d) Receive and process appeals.

(Ord. 2924C; 01-07-19)

(Ord. 2941C; 04-15-19)

11-1009 DISTURBING ALARMS

It shall be unlawful for any person, company, firm, corporation or other entity to fail to disconnect or modify any disturbing alarm, as defined in Section 11-1001, after notice from the City that such a condition exists.

When no responsible party can be located, the police department may take necessary steps to safely silence or deactivate any such alarm. Costs associated with such action will be assessed to the person or business, and the City will have no liability for damages to property or persons as a consequence of its efforts.

(Ord. 2924C; 01-07-19)

11-1010 NO DUTY CREATED

Nothing in this Article shall be construed to create any duty, guarantee or obligation of a City emergency service response to any alarm signal or alarm site.

(Ord. 2924C; 01-07-19)

11-1011 PENALTY

Any person, company, firm, corporation or other entity who violates any provision of this Article or fails to comply with any of the requirements thereof is guilty of a public offense, punishable by a fine of not more than \$500 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that any violation continues shall be deemed a separate offense.

(Ord. 2924C; 01-07-19)