



**CITY OF FAIRHOPE
CITY COUNCIL WORK SESSION AGENDA**

**Monday, February 19, 2024 - 4:30 PM
City Council Chamber**

Council Members

Kevin G. Boone
Jack Burrell
Jimmy Conyers
Corey Martin
Jay Robinson

1. Discussion of the False Alarm Ordinance
Fire Chief, Chris Ellis, Fairhope Volunteer Fire Department (FVFD)
2. Committee Updates
3. Department Head Updates

**City Council Agenda Meeting – 5:30 p.m. on Monday, February 19, 2024
City Council Chamber**

Next Regular Meeting - Monday, February 26, 2024 - Same Time Same Place



CITY OF FAIRHOPE
AGENDA MEMORANDUM

Item ID: 2024-9

FROM:	Fire Chief – Chris Ellis, Fairhope Volunteer Fire Department (FVFD)
SUBJECT:	False Alarm Ordinance
AGENDA DATE:	February 19, 2024

RECOMMENDED ACTION:

Chief Ellis of the Fairhope Volunteer Fire Department (FVFD) to discuss the False Alarm Ordinance at the City Council Work Session on February 19, 2024.

BACKGROUND INFORMATION:

BUDGET IMPACT/FUNDING SOURCE:

GRANT:

LEGAL IMPACT:

FOLLOW UP IMPLEMENTATION:

In the event the activation of a fire alarm system is deemed by the fire official to be a false fire alarm, the owner shall be served with a violation notice by an officer or member of the fire department, indicating that the activation was a false fire alarm.

No fine shall be assessed for the first false fire alarm responded to by the fire department within a one-year period. Thereafter, the owner shall pay a fine for false fire alarms responded to by the fire department at the same premises within a one-year period, except when the fire alarm business is responsible for the false fire or medical alarm.

The fire alarm business shall be assessed a fine of five hundred dollars (\$500.00) if a fire official determines that a false fire alarm was directly caused by an onsite employee or representative of the fire alarm business. In this event, no false fire alarm shall be counted against the owner.

False fire alarms activated by any components connected to the fire alarm system shall be included in computing the total number of false fire or medical alarms for purposes of this subsection.

The activation of a fire alarm system will not be considered a false fire alarm if the alarm is activated due to malicious causes beyond the control of the owner.

The following fines shall be assessed for false fire alarms:

No fine shall be imposed for the first false fire alarm within a one-year period.

A fine of fifty dollars (\$50.00) shall be imposed for the second false fire alarm within a one-year period.

A fine of one hundred dollars (\$100.00) shall be imposed for the third false fire alarm within a one-year period.

A fine of two hundred dollars (\$200.00) shall be imposed for the fourth false fire alarm within a one-year period.

A fine of five hundred dollars (\$500.00) shall be imposed for the fifth and subsequent false fire alarms within a one-year period.

ARTICLE V. FALSE ALARMS¹

Sec. 8-66. Purpose.

- (a) *Purpose of regulations.* The purpose of this article is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.
 - (b) *Scope of regulations.* This article will apply to areas within the Fairhope police and fire jurisdiction.
- (Ord. No. 1453, § 1, 7-25-11)

Sec. 8-67. Definitions.

In this article, the following terms and phrases shall have the following meanings:

- (a) *Alarm company* means any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in, or on, any building, structure or facility. An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Alabama Statutes. An alarm company shall have an appropriate occupational license pursuant to the Code of Alabama and the Code of Ordinances for the City of Fairhope.
- (b) *Alarm user* means any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.
- (c) *Burglar alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm system, this article shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.
- (d) *False burglar alarm* means a signal from a burglar alarm system that elicits a response by the police when no emergency or actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the police department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal police procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed; (2) the alarm system was activated by lightning or an electrical surge that caused

¹Editor's note(s)—Ord. No. 1453, §§ 1—14, adopted July 25, 2011, and effective Jan. 1, 2012, repealed Art. V and enacted a new article as set out herein. The former Art. V, §§ 8-66—8-76, pertained to similar subject matter and derived from Ord. No. 1335, §§ 1—11, adopted July 9, 2007.

physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system or (3) if the user experienced a power outage of four (4) or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by the power company or other applicable provider.

- (e) *Premises* means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

(Ord. No. 1453, § 2, 7-25-11)

Sec. 8-68. Registration of alarm system and fee.

- (a) *Registration of burglar alarm systems.* All burglar alarm systems which operate at locations within the police and fire jurisdiction shall be registered with the Fairhope Police Department by the user. The user shall complete and submit to the police department an initial registration or an annual registration renewal with the appropriate fee. All systems must be registered on or before January 1, 2012. Initial registration shall be necessary to register any system which is not currently registered with the department or upon a change in the user of an alarm which may occur anytime throughout the year.
- (b) *Registration fee.* Effective with registrations beginning on or after January 1, 2012, there shall be a registration fee of twenty-five dollars (\$25.00) for all alarm registrations that result from a false burglar alarm response and two-week grace period in which the owner fails to register. Separate alarm systems require separate registrations. The registration period will be for one (1) year.
- (c) *Change in registration information.* In the event of a change in any of the information required as part of the initial or annual registration, the user shall notify the Fairhope Police Department of the change. An updated registration shall be filed within ten (10) days of any change.
- (d) *Application of funds.* Funds collected under this section shall be applied to the operational costs and enforcement of this article, to reduce the number of false alarms received by the Fairhope Police Department, and to reduce the time spent by the police department handling false alarm calls.

(Ord. No. 1453, § 3, 7-25-11)

Sec. 8-69. Required equipment in a burglar alarm.

A burglar alarm user shall not use a burglar alarm system unless that burglar alarm system is equipped with:

- (a) A backup power supply that will become effective in the event of power failure or outage; and
- (b) A device that automatically silences the alarm within fifteen (15) minutes after activation.

(Ord. No. 1453, § 4, 7-25-11)

Sec. 8-70. Alarm companies responsibilities.

- (a) It shall be the responsibility of any licensed person selling and/or monitoring any alarm system to provide the user with the registration form and the City of Fairhope False Alarm Ordinance information form. The registration form provided to the user shall include the said person's name, address, and State of Alabama burglar alarm contractor's license number as required on the registration form. An alarm company may not charge a customer a fee, other than the required registration fee, to register any alarm system with the

Fairhope Police Department. A copy of the current/valid contractor's license must be on file with the police department.

- (b) Any person within the Fairhope police jurisdiction which sells burglar alarm systems to a potential user must include a copy of the City of Fairhope False Alarm Ordinance information form and registration form and with each system sold.
- (c) Any person testing and/or working on an alarm system shall promptly cancel any activation so that police will not be dispatched.

(Ord. No. 1453, § 5, 7-25-11)

Sec. 8-71. Alarm verification calls required.

All residential or commercial intrusion/burglar alarms, that have central monitoring, must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting the Fairhope Police Department for dispatch. This does not apply to panic or holdup type alarms. Alarm monitoring companies will make available to the police department upon request, records providing proof that the monitoring company made the verification calls.

(Ord. No. 1453, § 6, 7-25-11)

Sec. 8-72. Cancelling false burglar alarm calls.

Alarm monitoring companies shall notify the Fairhope Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm user or his authorized representative. However, police will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an officer arrives on the scene. Alarm monitoring companies will make available to the police department records providing proof that the police department was contacted within the ten-minute criterion. An emergency line has been provided by the police department to call in and/or cancel panic or holdup type alarms. Use of this line for non-emergency alarm calls is prohibited.

(Ord. No. 1453, § 7, 7-25-11)

Sec. 8-73. False burglar alarms prohibited.

No burglar alarm user shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.

(Ord. No. 1453, § 8, 7-25-11)

Sec. 8-74. Penalties.

- (a) Each violation of this article shall be punished as follows:
 - (1) For a first violation of section 8-68 or 8-69, by a fine of fifty dollars (\$50.00).
 - (2) For a second and each additional violation of section 8-68 or 8-69, by a fine of one hundred dollars (\$100.00).
 - (3) For the fourth false burglar alarm in the user's registration period, by a fine of fifty dollars (\$50.00).

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- (4) For the fifth false burglar alarm in the user's registration period, by a fine of one hundred dollars (\$100.00).
 - (5) For the sixth and each additional false burglar alarm in the user's registration period, by a fine of two hundred dollars (\$200.00).
 - (6) For each violation of sections 8-70, 8-71 and 8-72, by a fine of one hundred dollars (\$100.00).

All citations for violations set forth in this section shall be issued, and may be appealed, in accordance with, and shall be governed by the procedures set forth in the City of Fairhope's Code.

- (b) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.
- (c) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

(Ord. No. 1453, § 9, 7-25-11)

Sec. 8-75. Notification of false alarms.

It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The Fairhope Police Department shall notify the alarm user of each false alarm. Such notice shall be provided by posting a notice on the premises or by mailing notice to the alarm user.

(Ord. No. 1453, § 10, 7-25-11)

Sec. 8-76. Limitations to police response.

- (a) Police are not required to respond:
 - (1) To burglar alarms at locations where six (6) or more false alarms occurred in the user's registration period. After sustaining the first police response termination in a registration period for accruing six (6) false alarms, the alarm user will sustain subsequent response terminations for every three (3) additional false alarms occurring in the same registration period.
 - (2) To burglar alarms at locations where a burglar alarm fine was not paid within sixty (60) days of a civil violation notice; or
 - (3) To location where required alarm registration information was not filed within thirty (30) days of a civil violation notice for failure to file alarm information.
- (b) Nothing herein shall:
 - (1) Preclude the police department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service (excluding subsection (a) (1), (2), and (3));
 - (2) Limit the police department from issuing civil violation notices for alarms in violation of this article; or
 - (3) Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Alabama.
- (c) A notice that police response will be discontinued, for any of the above reasons, will accompany a civil violation notice, be posted at the affected location, or be sent to the user by certified mail at least thirty (30) days prior to discontinuing service.

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- (d) Police response will continue while an appeal is pending under the Code of the City of Fairhope, for a civil violation notice issued for violation of Ordinance No. 1453.

(Ord. No. 1453, § 11, 7-25-11)

Sec. 8-77. Restoring police response to terminated locations.

To regain police response to burglar alarms at terminated locations, the alarm user must:

- (a) When police response has been discontinued pursuant to section 8-76(a)(1), submit a written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly. In addition, the alarm user must pay all outstanding burglar alarm ordinance fines;
- (b) When police response has been discontinued pursuant to section 8-76(a)(2), submit burglar alarm registration information and pay all outstanding burglar alarm ordinance fines.

(Ord. No. 1453, § 12, 7-25-11)

Sec. 8-78. Enforcement.

In addition to all remedies otherwise available, this article shall be enforced by the code enforcement provisions of the Code of the City of Fairhope.

(Ord. No. 1453, § 13, 7-25-11)

Sec. 8-79. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this chapter, regardless of whether all activities proscribed or required within that particular section are described in the "description of violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
8-68	Failure of user to file alarm registration or pay registration fee	\$ 50.00
8-68	Second and subsequent violation by the alarm user	100.00
8-69	Use of burglar alarm without required equipment	50.00
8-70	Failure to provide required forms and registration and/or failure to comply with company requirements	100.00
8-71	Failure to verify alarm signal prior to contacting Fairhope Police Department personnel	100.00
8-72	Failure of an alarm monitoring company to notify the Fairhope Police Department within ten minutes of notice that an alarm was false	100.00
8-74	Fourth false burglar alarm during registration period	50.00

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(Supp. No. 72)

8-74	Fifth false burglar alarm during registration period	100.00
8-74	Sixth and each additional false burglar alarm during registration period	200.00

(Ord. No. 1453, § 14, 7-25-11)

Sec. 8-80. Reserved.