

CHAPTER 4

Regulation of Private Alarm Systems

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SEC. 5-4-1 TITLE.

This Chapter shall be known as the City of Cedarburg Alarm Systems Ordinance.

SEC. 5-4-2 DECLARATION OF PURPOSE.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems. The intent of this Chapter is to prevent carelessness, improper maintenance or any other cause which results in false police and/or fire alarms from privately owned alarm systems. Such false alarms require police and/or fire apparatus response which thereby creates unnecessary expenses to the City, increased risk of damage to property or injury to persons and dilutes police and fire protection to other parts of the City.

SEC 5-4-3 DEFINITIONS.

Within this Chapter, the following terms, phrases and words and their derivations have the means given herein.

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives

- electrical energy arranged to signal the presence of a hazard urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) The term "annunciator" means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
 - (d) The term "answering service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees' emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
 - (e) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
 - (f) The term "automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
 - (g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
 - (h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
 - (i) The term "direct connect" means an alarm system which has the capability of system signals to the Police or Fire Department.
 - (j) The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes, other violent climatic conditions, power outages and water pressure drops which activate alarms.
 - (k) The term "interconnect" means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
 - (l) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
 - (m) The term "primary trunk line" means a telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included

among the emergency numbers listed in the telephone directory or numbers in sequence therewith.

- (n) The term "subscriber" means a person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

SEC. 5-4-4 ADMINISTRATIVE RULES.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Common Council and shall be open to inspection by the public.

SEC. 5-4-5 PERMITS FOR PRIVATE ALARM SYSTEMS.

- (a) **Permit Required.** A permit shall be required for each alarm system [as defined in Section 5-4-3(b) above] now installed on any premises within the City of Cedarburg. Permits shall be required prior to the installation of any new private alarm system. A floor plan showing the location(s) of each alarm(s) in businesses and residential dwellings shall accompany the application. (Ord. 99-21) (Ord. 2005-40)
- (b) **General Permit Fee.** A twenty-five dollars (\$25.00) permit fee shall be paid to the City of Cedarburg at the time of filing said application for all business and residential alarm permits where NO direct connection to the Police Department is requested. (Ord. 99-24)
- (c) **Direct Police Connection Permit Fee.** A One-Hundred and Forty (\$140.00) permit fee shall be paid to the Chief of Police at the time of filing said application for all business and residential alarm permits who want direct connection to the Police Department. The permit fee shall be based on a calendar year and pro-rated on a monthly basis. Said fee shall be billed annually by the City Treasurer's Office by January 30 of each year. Failure to make payment of the permit fee by March 1 of each year will result in the discontinuance of the alarm system permit. (Ord. 99-21) (Ord. 99-24) (Ord. 2003-10)
- (c) **Permit Application.** Applications for all permits required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. Permits shall not be transferable.
- (d) **Indemnification and Hold Harmless.** All applicants for an alarm system's permit shall enter into an agreement with the City of Cedarburg wherein they shall indemnify and hold the City harmless from any and all claims, suits, actions, and expenses, including attorney fees, arising either in law or in equity out of or by virtue of the enactment of this Chapter. The subject agreement shall include, but not be limited to, a release of the City of Cedarburg for any loss of any nature whatsoever sustained by the applicant by virtue of the City supplying the facilities contemplated under this Chapter.

SEC. 5-4-6 AUTOMATIC DIALING DEVICES; AUDIBLE ALARMS.

- (a) No person, firm or corporation shall use or cause to be used any telephone or device or attachment that automatically selects the public telephone trunk line of the Police Department, Fire Department, or any other department, bureau, office, officer or employee of the City of Cedarburg, and then reproduces a prerecorded message to report a burglary, fire or other emergency. Any system in operation which is in violation of this Section shall be modified so that it is no longer in violation of this Section or shall be disconnected.
- (b) Audible alarm systems shall have an automatic shut-off feature after the alarm has sounded for three (3) minutes.

SEC. 5-4-7 TESTING.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police or Fire Department shall be tested or demonstrated without prior notification and approval of the Police or Fire Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police or Fire Department will be tested to determine the Police or Fire Department's response without first notifying the appropriate authority. However, the Police or Fire Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police or Fire Department.

SEC. 5-4-8 NOTIFICATION.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

SEC. 5-4-9 FEE FOR ANSWERING ALARMS.

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having an alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire

Department. Charges are to be assessed according to the following schedule for each calendar year for each location connected. Separate charges will be assessed for false alarms as to criminal activity and false alarms for fire or other emergencies:

- (1) Responded to by Police Department:
- | | | |
|----|-----------------------------------------------------|-----------|
| a. | First three (3) false alarms for a location | No Charge |
| b. | Fourth (4th) false alarm per location | \$40.00 |
| c. | Fifth (5th) false alarm per location | \$50.00 |
| d. | Sixth (6th) and subsequent false alarm per location | \$65.00 |
- (Ord. 92-54) (Ord. 96-42)
- (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:
- | | | |
|----|-------------------------------------------------------|-----------|
| a. | First three (3) false alarms for a location | No Charge |
| b. | Fourth (4th) and subsequent false alarm per location. | \$110.00 |
- (Ord. 92-54)

Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof. Additional forfeiture(s), together with cost of prosecution, may also be imposed under Subsection (d) hereof for violations of this Section for allowing or maintaining condition(s) or act(s) that violate the intent of this Section to eliminate and minimize the occurrence of false alarms.

- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), or the fee may be placed on the tax roll against the property as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

SEC 5-4-10 CITY LIABILITY.

The City of Cedarburg shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

SEC. 5-4-11 REVOCATION OF PERMITS.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be

held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.

- (b) **Grounds for Revocation.** The Chief of Police may revoke a permit on the following grounds:
- (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
 - (4) Failure of a permit holder to pay within sixty (60) days an assessed charge or forfeiture.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Council gives its decision. The City Clerk shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited by the Wisconsin Rules of Evidence.