

PUBLIC SAFETY COMMITTEE

09-011-O

AS AMENDED

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 29B OF THE DULUTH CITY CODE, 1959, AS AMENDED, MODIFYING REGULATIONS FOR ALARM SYSTEMS AND FALSE ALARM CALLS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 29B of the Duluth City Code, 1959, as amended, is hereby amended by deleting said Chapter as existing in its entirety and by substituting the following therefore:

CHAPTER 29B.

ALARM SYSTEMS AND FALSE ALARM CALLS.

Sec. 29B-1. Purpose.

The purpose of this Chapter is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the city's resources. This Chapter provides regulation for the use of alarm systems, establishes permit fees, provides for penalties for violations and establishes a system of administration.

Sec. 29B-2. Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

(a) Act of nature. An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature that cannot be prevented by reasonable human care, skill or foresight;

(b) Alarm company. The business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building, structure or

premises;

(c) Alarm permit. A permit issued by the police department to an alarm system user;

(d) Alarm system. Any instrument(s) or other device(s) which, as one of its purposes, is used to protect buildings, dwellings, structures, premises or persons from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the automatic emission or transmission of a sound or signal to any person or alarm company, who then requests a police department response. (Automobile alarm devices shall not be considered an alarm system under the terms of this Chapter.);

(e) Alarm system user. The person, firm, partnership, association, corporation, company or other entity of any kind that uses or is in control of any building, dwelling, structure or premises wherein an alarm system is maintained, regardless of whether it owns or leases the system;

(f) Building. A structure suitable for affording shelter for human beings including any appurtenant or connected structure;

(g) Dwelling. The building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multi dwelling or multi-purpose building or a manufactured home as defined in Minnesota Statutes §327.31, subdivision 6;

(h) False alarm. Any activation of an alarm not caused by or as a result of a criminal act, an unauthorized entry or an act of nature;

(i) False alarm dispatch. The response by an officer(s) or designee of the police department to the building, dwelling, structure, premises or person where an alarm has been activated and

after investigation, finding that there is no reason to believe the occurrence of a criminal offense or unauthorized entry. It shall not be considered a false alarm dispatch if the alarm company or alarm system user cancels the alarm dispatch request prior to the police department being dispatched;

(j) False alarm dispatch notice. A written notice form sent to the alarm system user that the alarm has been determined to be a false alarm dispatch and that subsequent false alarm dispatches will result in a penalty under Section 29B-4;

(k) Premises. Real property and any appurtenant building or structure.

Sec. 29B-3. Alarm system user permit.

(a) Upon the effective date of this Section, every alarm system user shall obtain, for each alarm system, approval from the police department for an alarm system user permit. A permit when issued shall be valid from January 1 to December 31 and must be renewed by the alarm system user each year thereafter. As part of the renewal process, the alarm system user must provide a current list of the names and telephone numbers of those persons (keyholders) who have the ability to control the alarm system and who are available 24 hours per day;

(b) The annual fee for the permit and renewal thereof shall be set in accordance with Section 31-6(a) of this Code;

(c) The permit shall be physically displayed upon the premises where the alarm system is used, shall be readily visible from the exterior thereof, and shall be available for inspection by the police department;

(d) Any person, corporation, or other entity applying for an alarm system user permit shall supply to the police department, on

a form to be provided, the following information:

(1) The name, address and telephone number of the applicant;

(2) The place and address where the alarm system will be installed and maintained;

(3) The person or entity responsible for installing, maintaining, monitoring, altering and/or servicing the alarm system;

(4) The type of alarm system being installed;

(5) A list of the names and telephone numbers of those persons (keyholder) who have the ability to control the alarm system and who are available 24 hours per day;

(6) Additional information as required by the police department;

(e) A charge, thereof shall be set in accordance with Section 31-6(a) of this Code, and will be added to any fees herein for any alarm system user who fails to obtain an alarm system permit within 30 days after the effective date of this Section, or who is more than 30 days delinquent in renewing an alarm system user permit;

(f) Upon request, an alarm company shall provide to the city, in a form and format specified by the city, the name, address and telephone number of the alarm users to whom the alarm business provides alarm services.

Sec. 29B-4. False alarms; penalties.

(a) Any alarm system user having more than two false alarm dispatches in any consecutive 365 day annual period shall pay a false alarm fee to the city set in accordance with Section 31-6(a) of this Code;

(b) Regardless of the number of false alarm dispatches in an

annual period, the alarm system user shall pay an additional fee as set in accordance with Section 31-6(a) of this Code for each false alarm dispatch where the keyholder fails to respond to the premises within 30 ~~20~~ minutes of notice of the 911 dispatch;

(c) Any fee not received by the city within 30 days shall be increased by a late fee set in accordance with Section 31-6(a) of this Code.

Sec. 29B-5. Alarm system not to be similar to sirens.

It shall be unlawful to install or use an alarm system, which upon activation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes.

Sec. 29B-6. Violation and payment of administrative fees.

It is a violation of this Chapter for an alarm system user to fail to comply with sections 29B-1 through 29B-5.

If payment of any fee herein is not received by the city within 90 days of the violation, a citation may be issued for failure to pay the administrative fee, the city may commence proceedings to revoke the permit of the alarm system user and/or assess outstanding fee(s) in accordance with Section 29B-7.

Sec. 29B-7. Assessment for any violation of this Chapter.

(a) On or before June 1 of each year, the department head of the police department or designee, may transmit to the city assessor a list of the properties, which have outstanding fees for violation(s) under this Chapter, including the amount due. Such list shall be accompanied by a verified statement that the amounts indicated are in fact due and owing, and that the police department has made a reasonable attempt to collect such amounts. For each account transmitted, a collection fee in the amount set by city council resolution shall be added to reimburse the city its

administrative costs;

(b) Upon the receipt of such list, the city assessor shall make an assessment roll containing, in columns, the name of the owner of each lot or parcel of land separately assessed. The assessment roll shall include the collection fee set forth in Section 29B-7(a);

(c) On or before July 1 of each year, the city assessor shall certify the assessment roll to the city council. The assessor shall give 20 days notice by first class mail to the apparent owner of each lot or parcel of land and any other party known to have a legal interest in said land stating the amount of the assessment, including the collection fee, the description of the property, that the assessment roll is on file in the assessor's office and that any party aggrieved by the assessment may appeal the assessment to the city assessor by filing a written notice of appeal with the assessor within 20 days after the notice of assessment. Such notice shall indicate that the assessment, including the collection fee, is due and payable to the city on or before October 1 of the current year. Failure to make payment by such date shall render the assessment delinquent;

(d) Any party aggrieved by an assessment made pursuant to this Chapter may appeal such assessment by filing a written notice of appeal with the city assessor. The notice shall state the precise grounds upon which the appeal is taken. The city assessor shall notify the appellant of the time and place of the hearing. At the hearing, the city assessor shall hear and determine all objections made to the regularity of the proceedings or to the correctness of the amount of such assessment or of the amount levied upon a particular lot or parcel of land. If the proceedings are

found to be regular and the amounts claimed had been properly billed to the occupant of the premises, the assessor shall correct any errors which may have been found in the assessment and shall thereupon recommend that the city council by resolution confirm such assessment. To each assessment a collection fee shall be added in an amount set by council resolution to reimburse the city its administrative assessment costs. Immediately thereafter notice of the confirmed assessment and its amount, including the collection fees, shall be sent by the city treasurer by mail to the apparent owner of each lot or parcel of land assessed. Such notice shall indicate that the assessment is due and payable on or before October 1 of the year when confirmed and that failure to make payment by such date shall render the assessment delinquent. After all appeals are heard and determined, the city council shall confirm the entire assessment roll by resolution;

(e) After the city council confirms the assessment roll, the city treasurer shall file with the county auditor, during the time set by law for such filings, a certified statement of all assessments delinquent under this Chapter, describing the land affected and giving the amount of the assessment, with ten percent penalty added, after which the assessment shall follow the provisions of Section 70 of the City Charter.

Annually, the city treasurer shall remit to the police department, all sums together with the interest thereon collected with regard to delinquent accounts submitted to the city treasurer. Any penalty collected by the city treasurer on such accounts shall be retained by the city treasurer;

(f) The provisions of sections 64, 65, 66 and 67 of the City Charter with reference to appeals to the district court shall apply

to the provisions of this Chapter in reference to the confirmation of assessments.

Sec. 29B-8. Confidentiality of data.

To the extent permitted by law, all information submitted in compliance with this Chapter shall be held in the strictest confidence and shall be designated nonpublic data and security information exempt from disclosure. Any violation of confidentiality should be deemed a violation of this Chapter.

Section 2. That this ordinance shall take effect January 1, 2010.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

POLICE/ATTY GBJ:cjk 4/17/2009

STATEMENT OF PURPOSE: The purpose of this ordinance is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the city's resources. This ordinance provides regulation for the use of alarm systems, establishes permit fees, provides for penalties for violations, and establishes a system of administration.