



**AN ORDINANCE
BY COUNCILMEMBER YOLANDA ADREAN
AS SUBSTITUTED BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, ENTITLED "ALARM SYSTEMS" TO REDUCE THE "FAILURE TO REGISTER" AND "FAILURE TO RENEW" PENALTIES BY FIFTY PERCENT, TO ELIMINATE CIVIL PENALTIES FOR FALSE ALARMS FOR THE FIRST TWO FALSE ALARMS DURING THE ALARM YEAR WITH THE POSSIBILITY OF THE WAIVER OF A THIRD FALSE ALARM DURING THE ALARM YEAR BY THE ATLANTA POLICE DEPARTMENT; AND TO WAIVE THE SOURCE SELECTION AND PAYMENT PROVISIONS CONTAINED IN THE CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE, TO RATIFY PRIOR FALSE ALARM ADMINISTRATION SERVICES AS A CONTINGENCY BASED CONTRACT PROVIDED BY AOT PUBLIC SAFETY CORPORATION D/B/A CRYWOLF FALSE ALARM SOLUTIONS ON BEHALF OF THE DEPARTMENTS OF POLICE AND FIRE RESCUE; TO WAIVE CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the regulatory structure governing alarm systems and false alarms is currently found in the City of Atlanta Code of Ordinances at Chapter 70, Article II (herein, the False Alarm Ordinance); and

WHEREAS, the City of Atlanta desires to amend the existing regulations pertaining to alarm systems, to increase compliance therewith and thus, to continue to reduce the number of false alarms within the City of Atlanta; and


WHEREAS, in accordance with the False Alarm Ordinance, no Alarm System may be used unless an Alarm User first obtains an alarm permit authorizing the operation thereof; and

WHEREAS, currently, the operation of an alarm system without a permit issued by the City of Atlanta, shall be enforced through the assessment of civil penalty in the amount of \$150.00; and
WHEREAS, it is the desire of the City of Atlanta to reduce this civil penalty by fifty percent so that it shall be in the amount of \$75.00; and

WHEREAS, after the initial issuance of an alarm permit, alarm permits must be renewed annually by the anniversary of the date of initial issuance; and

WHEREAS, there is no fee imposed for either the initial issuance or the renewal of an alarm permit; and

WHEREAS, the civil penalty for the failure to renew an alarm permit is \$100.00; and



WHEREAS, it is the desire of the City of Atlanta to reduce this civil penalty by fifty percent so that it shall be in the amount of \$50.00; and

WHEREAS, Resolution 12-R-1273, adopted by the City Council of the City of Atlanta (the "City") on May 23, 2013 authorized the City to engage in a cooperative purchasing agreement FC-6046 with AOT Public Safety Corporation d/b/a CryWolf False Alarm Solutions ("CryWolf Solutions"); and

WHEREAS, CryWolf Solutions has satisfactorily performed the following services, including but not limited to the management of the City's false alarm ordinance requirements, registration of entities (individuals, businesses, and government agencies) who utilize alarm systems, issuance and notification of false alarm fines based on a tiered system of fees, maintenance of a database of registered entities, management of false alarm occurrences, billing of alarm users of false activations, collection of fines resulting from violations, generating performance and outcome reports and assuring the availability of false alarm information; and

WHEREAS, FC-6046 became effective as of June 24, 2013 and expired on June 23, 2016; and

WHEREAS, following the expiration of FC-6046, the City continued its contractual relationship with CryWolf Solutions on a month-to-month basis, effective June 23, 2016, under the same terms governing the parties under the Contract; and

WHEREAS, upon recommendation of the City's Chief Financial Officer and the Chief Procurement Officer, the City extended the contract by exercising the (3) three-year renewal option with the Town of Davie, Florida contract with CryWolf Solutions, to provide for false alarm administration services on behalf of the Atlanta Police Department and the Atlanta Fire Rescue Department in accordance with 16-R-3598; and

WHEREAS, the City's vendor, CryWolf False Alarm Solutions, agreed to make improvements to the overall system used for the Atlanta program; and

WHEREAS, CryWolf Solutions has agreed to develop improvements to the mail and email flow to each alarm user; and

WHEREAS, CryWolf Solutions has agreed to engage the alarm monitoring companies operating in the City of Atlanta to encourage them to register each of their clients, whether in a new or renewal status; and

WHEREAS, CryWolf Solutions has agreed to update its Atlanta website to the newest version available and to improve the top line communication which the alarm users can see on the CryWolf Atlanta website; and

WHEREAS, in recognition that it has been four years since it worked with the City to conduct a large public relations and communication campaign, CryWolf Solutions, and the City have agreed to work together to develop a new and continuous public relations and communication campaign; and

WHEREAS, the City wishes to ratify any payments by the City to CryWolf Solutions following the expiration of FC-6046 and before the execution of the renewal agreement.



NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Chapter 70, Article II, Section 70-28, (Alarm Permits), be amended such that it shall read as follows (with permanent additions underlined in bold font and permanent deletions in strikeout font):

Sec. 70-28. – Alarm Permits.

(a) *Permit required.* Effective August 15, 2013, no alarm system shall be used unless the alarm user first obtains a permit for such alarm system from the City of Atlanta. There will be no charge for the permit. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate emergency dispatch.

(b) *Registration/Renewal.*

- (1) Each alarm user has the duty to obtain and complete a permit application on a form provided by the City of Atlanta.
- (2) After the initial issuance of a permit under this article, application for renewal shall be made annually by the anniversary of the date of initial issuance.
- (3) Alarm permits issued pursuant to this Article shall automatically expire on the day following the anniversary date of initial issuance.
- (4) The operation of a previously permitted alarm system following the expiration of an alarm permit and the failure of the alarm user to renew their alarm permit by the date required, shall be a violation of this Article and shall be enforced through the assessment of a civil penalty in the amount of ~~\$50.00+100.00~~.
- (5) *Failure to renew warning:* there shall be no civil penalty assessed in accordance with Section 70-28(b)(4) upon the issuance of the first notice of the failure to renew. Instead, the first notice of a failure to renew shall constitute a warning. Should an alarm user continue to operate their alarm system and fail to renew their alarm permit following the issuance of the failure to renew warning, the alarm user shall be assessed a civil penalty in accordance with Section 70-28(b)(4), which shall be payable consistent with the remaining provisions of this Article.

(c) *Non-transferability; new registration required.* Alarm permits are not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register for an alarm permit within 30 days of obtaining possession of the property.

(d) *Reporting updated information.* When information required on the alarm permit application changes, the alarm user shall provide correct information to the City of Atlanta within 30 days of the change.

(e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Section 2: That Chapter 70, Article II, Section 70-33, (Enforcement of provisions), be amended such that it shall read as follows (with permanent additions underlined in bold font and permanent deletions in strikeout font):

Sec. 70-33. - Enforcement of provisions.

(a) *Civil penalty.* Any violation of any of the provisions of this article shall be civil in nature and shall not constitute a criminal infraction.

(b) *Payment.* Civil penalties shall be paid within 30 days from the date of the invoice. All civil penalties collected shall be deposited into the City of Atlanta General Fund.

(c) *Late fee.* The failure of an alarm user to make payment of any civil penalties assessed under this article within 30 days from the date of the notice shall result in the imposition of a 50 percent late fee except that the penalty and late fee combined shall not exceed \$1,000.00.

(d) *Excessive false alarms.* It is hereby found and determined that two or more false alarms annually is excessive, constitutes a public nuisance, and shall be a violation of this article. Civil penalties for false alarms within any 365-day period (rolling year) shall be assessed against an alarm user as follows:

- (1) For the first false alarm, a warning shall be given, but no civil penalty shall be imposed.
- (2) For the second false alarm, **a warning shall be given, but no civil penalty shall be imposed.** ~~the person or entity shall be charged a \$50.00 civil penalty.~~
- (3) **For the third false alarm,** the person or entity shall be charged a \$50.00 ~~\$100.00~~ civil penalty; **however, no civil penalty imposed if the alarm user attends the alarm user awareness class in accordance with Code Section 70-34.**
- (4) For the fourth false alarm, the person or entity shall be charged a ~~\$200.00~~ \$100.00 civil penalty.
- (5) For the fifth and sixth false alarms, the person or entity shall be charged a \$200.00 civil penalty.
- (6) For all successive false alarms, the person or entity shall be charged a \$500.00 civil penalty.

(e) *Other civil penalties.* Except as otherwise specifically provided in this article, a violation of any other provision thereof, including, but not limited to the provision of this article prohibiting the operation of an alarm system without a permit issued by the City of Atlanta, shall be enforced through the assessment of civil penalty(ies) in the amount of \$75.00~~150.00~~. However, no civil penalty shall be assessed for a violation of the provision of this article prohibiting the operation of an alarm system without a permit before February 1, 2014.

(f) *Failure to pay civil penalties/late fees.* Following the imposition of any late fees pursuant to this section, the City of Atlanta reserves the right to forward any alarm user's outstanding penalties and late fees to a collection agency should an alarm user fail to make payment within 90 days from the date of the notice of the late fee. Collection fees may be added by the collection agency to the balance owed to the extent allowed by law.

Section 3: That Chapter 70, Article II, Section 70-34, (Alarm use awareness class), be amended such that it shall read as follows (with permanent additions underlined in bold font and permanent deletions in strikeout font):

Sec. 70-34. - Alarm user awareness class.

(a) *Alarm user awareness class.* The City of Atlanta may create and implement an alarm user awareness class and may request the assistance of the area alarm companies to assist in developing and implementing the class. If created, the class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms.

(b) *Alarm user awareness class in lieu of payment.* An alarm user may have the option of attending an alarm user awareness class in lieu of paying the prescribed civil penalty for a ~~second~~ **third** false alarm. This option may only be exercised once annually.

Section 4: That the City's actions in accepting ~~Fc-6046~~ false alarm administration services as a contingency based contract provided by AOT Public Safety Corporation d/b/a CryWolf False Alarm Solutions, from June 23, 2016 through the execution of the renewal agreement, and any payments made by the City ~~to~~ **to** CryWolf Solutions during that time, are ratified and confirmed.

Section 5: The amendments in this ordinance shall become effective immediately upon adoption.

Section 6: Be it further ordained that:

- The City's vendor, CryWolf False Alarm Solutions, agreed to make improvements to the overall system used for the Atlanta program; and
- CryWolf Solutions has agreed to develop improvements to the mail and email flow to each alarm user; and
- CryWolf Solutions has agreed to engage the alarm monitoring companies operating in the City of Atlanta to encourage them to register each of their clients, whether in a new or renewal status; and
- CryWolf Solutions has agreed to update its Atlanta website to the newest version available and to improve the top line communication which the alarm users can see on the CryWolf Atlanta website; and
- In recognition that it has been four years since it worked with the City to conduct a large public relations and communication campaign, CryWolf Solutions, and the City have agreed to work together to develop a new and continuous public relations and communication campaign.

Section 7: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, including but not limited to Section 2-1212 (Encumbrances required for contracts) and Section 2-1187 (methods of source selection), et seq. of the City of Atlanta Code Ordinances, are waived for this instance only.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

OCT 02, 2017
OCT 11, 2017

RCS# 3330
10/02/17
4:02 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:ALL ITEMS
EXCEPT 17-O-1425
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Norwood
Y Young	Y Shook	Y Bottoms	Y Dickens
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

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		10-02-17
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 17-O-1148	39. 17-R-4379	
2. 17-O-1563	40. 17-R-4380	
3. 17-O-1570	41. 17-R-4381	
4. 17-O-1577	42. 17-R-4382	
5. 17-O-1578	43. 17-R-4383	
6. 17-O-1581	44. 17-R-4384	
7. 17-O-1586	45. 17-R-4385	
8. 17-O-1565	46. 17-R-4386	
9. 17-O-1571	47. 17-R-4387	
10. 17-O-1568	48. 17-R-4388	
11. 17-O-1572	49. 17-R-4389	
12. 17-O-1564	50. 17-R-4390	
13. 17-O-1575	51. 17-R-4391	
14. 17-R-4373	52. 17-R-4392	
15. 17-R-4409	53. 17-R-4393	
16. 16-R-4262	54. 17-R-4394	
17. 17-R-4367	55. 17-R-4395	
18. 17-R-4369	56. 17-R-4396	
19. 17-R-4109	57. 17-R-4397	
20. 17-R-4360	58. 17-R-4398	
21. 17-R-4364	59. 17-R-4399	
22. 17-R-4365	60. 17-R-4400	
23. 17-R-4366	61. 17-R-4401	
24. 17-R-4372	62. 17-R-4402	
25. 17-R-4375		
26. 17-R-4403		
27. 17-R-4404		
28. 17-R-4405		
29. 17-R-4406		
30. 17-R-4407		
31. 17-R-4408		
32. 17-R-4410		
33. 17-R-4361		
34. 17-R-4363		
35. 17-R-4376		
36. 17-R-4307		
37. 17-R-4377		
38. 17-R-4378		

MAYOR'S ACTION AUTHENTICATION PAGE



17-O-1581

**Adopted by the Atlanta City Council
October 2, 2017**

APPROVED

OCT 11 2017

**WITHOUT SIGNATURE
BY OPERATION OF LAW**

MAYOR'S ACTION