

AN ORDINANCE TO AMEND ARTICLE 2 (FALSE ALARM) OF CHAPTER 26 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA

The City Council of the City of Lawrenceville, Georgia hereby ordains that Article of 2 of Chapter 26 of the Code of the City of Lawrenceville, Georgia is hereby deleted in its entirety and replaced with a new Article 2 which shall read as follows:

ARTICLE II. FALSE EMERGENCY SERVICES ALARM ORDINANCE

Sec. 26-35. Purpose and intent.

- (a) The purpose of this article is to encourage alarm owners and alarm companies to properly use and maintain operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms. The City of Lawrenceville finds that excessive false alarms unduly burden the limited resources of the Lawrenceville Police Department.
- (b) This article governs alarm systems intended to summon a public safety department and requires registration, assessment of fees/civil penalties for excessive false alarms, provides procedures for repeat offenders, provides for severability of the parts hereof, and provided an effective date. This article shall apply to calls made to an emergency call center by contracted third parties not physically present at the alarm site.
- (c) This article establishes minimum standards applicable to alarm systems, alarm users and alarm companies as defined herein.

Sec. 26-36. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the city to administer the provisions of this article. Said alarm administrator may be a vendor contracted by the city to administer the provisions of this article.

Alarm company means a person, company, firm, corporation, or other entity which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing, or monitoring alarm systems; this entity shall be licensed in compliance with city and state rules, regulations, and laws.

Alarm permit means a permit issued to an alarm user by the city allowing the operation of an alarm system within the city.

Alarm signal means a notification to the city that an alarm has been activated at a particular alarm site and that city emergency service is requested.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if severed by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

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 indicating an alarm condition and intended to summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity, or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the alarm site requiring emergency services response after an alarm dispatch request. If cancellation occurs within two (2) minutes of dispatch and prior to police arriving at the scene, no penalty will be assessed.

City means the City of Lawrenceville and/or its designee.

Chief of Police means the Chief of Police of the City of Lawrenceville Police Department or his designee.

Compliance Standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Enhanced Call Confirmation (ECC) means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPT in case of a fire, panic or

robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

False alarm means an alarm dispatch request, that has generated a city emergency service response, which is canceled, or when no emergency condition is found at the alarm site. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to the control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm company is notified in advance that the alarm system is being tested and no public safety department response is requested by the alarm company.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces three (3) or more unfounded alarm signals in a twenty-four (24) hour period. The city emergency services may in its discretion discontinue responses to these alarm signals until the alarm system is corrected.

Sec. 26-37. Alarm permit.

- (a) *Permit required.* No alarm user shall operate, or cause to be operated, a monitored alarm system at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site. An annual permit is required for the initial registration and annual renewals. A fee for registration and renewal may be required. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch. An alarm permit shall expire twelve (12) months from the date of issuance and must be renewed annually by submitting an updated application and permit renewal fee to the City. Failure to renew will be classified as a non-permitted alarm system and additional fees may be assessed. A late fee will be assessed if the renewal is more than thirty (30) days late. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the City of any change that alters any of the information listed on the alarm permit application within ten (10) business days of such change.
- (b) *Application.* The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City within five (5) business days of the alarm system installation or an alarm system transfer. The

completed application shall be filed with the City within ten (10) business days of the alarm system installation or an alarm system transfer.

- (c) *Transfer of possession.* An alarm permit cannot be transferred to another person or alarm site. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within ten (10) business days of obtaining possession of the property.
- (d) *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.
- (e) *Confidentiality.* In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information to the maximum extent permitted by Georgia law.

Sec. 26-38. Duties of the alarm user.

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by city emergency services.
- (c) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (d) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm-system.
- (e) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than fifteen (15) minutes.
- (f) An alarm user shall not use automatic voice dialers.
- (g) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

- (h) Alarmed locations are subject to fees for services, as established by the city council, depending on the number of false alarms within the preceding twelve (12) month period.
- (i) An alarm user shall notify the City of any special or dangerous conditions present at the alarm site.

Sec. 26-39. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the city shall comply with the following:
 - (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 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.
 - (5) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the City of such purchase and provide details as may be requested by the City.
- (b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user. Ensure that all alarm users of alarm systems equipped with a duress, holdup, or panic alarm are given adequate training as to the proper use of the duress, holdup, or panic alarm.
- (c) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the false alarm prevention checklist (Appendix A) or an equivalent checklist approved by the City. The alarm company employee shall complete, sign and date the false alarm prevention checklist and maintain a copy for a period of two (2) years.
- (d) An alarm company performing monitoring services shall:
 - (1) Attempt to confirm, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone confirmation shall require, as a minimum that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in

case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

- (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- (3) Communicate any available information about the location of the alarm.
- (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that 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 evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individually name alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

Sec. 26-40. Enforcement provisions.

- (a) *Excessive false alarms/Failure to register.* All fees and penalties are set by the city council and must be paid before an alarm permit may be issued or renewed. An alarm user shall be subject to fees or penalties, depending on the number of false alarms within any twelve-month period. Any person operating a non-permitted alarm system will be subject to a penalty for each false alarm in addition to any other fees or penalties.
- (b) All fees and penalties are due within thirty (30) days of notification.

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(c) *Fee Schedule.*

(1) Non-residential Fee Schedule.

Alarm System Permit Fee:	\$0.00
Alarm System Annual Renewal Fee:	\$0.00
Late Fee after 30 days	\$25.00

False Alarm Fees

1 st alarm	\$No Charge
2 nd alarm	\$50.00
3 rd alarm	\$200.00
4 th alarm and subsequent	\$400.00

Any false alarm occurring without a valid alarm permit will be assessed in addition to the false alarm fee an additional \$100.00 for each false alarm.

Late fee for payment after 30 days	\$25.00
Appeal Hearing Fee*	\$25.00 plus assessed fee
*(Fee and fine shall be refunded in its entirety if appeal is upheld)	

(2) Residential Fee Schedule.

Alarm System Permit Fee:	\$0.00
Alarm System Annual Renewal Fee:	\$0.00
Late Fee after 30 days	\$0.00

False Alarm Fees

1 st alarm	\$No Charge
2 nd alarm	\$No Charge
3 rd alarm	\$25.00
4 th alarm and subsequent	\$100.00

Late fee for payment after 30 days	\$25.00
Appeal Hearing Fee*	\$25.00 plus assessed fee
*(Fee and fine shall be refunded in its entirety if appeal is upheld)	

(d) The response to any alarm signal at any alarm site located within the City shall cause the automatic registration of the alarm system located at said address.

Sec. 26-41. Appeals.

(a) *Appeals process.* Assessments of fees, civil penalties, or other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the Records Division of the Lawrenceville Police Department within ten (10) business days after the date of notification of the assessment or other enforcement decision. The written notice of appeal shall contain the reason for the appeal, the permit

number, the name of the permit holder, the name of the alarm company, and any other pertinent information relevant to the case. The failure to give notice of appeal within the required time frame shall constitute a waiver of the right to contest the assessment or other enforcement decision. The Chief of Police shall designate a hearing officer from the police department to hear appeals under this article. The hearing officer shall render a decision within five (5) business days and give written notification of the decision. The hearing officer's decision may be appealed to the Chief of Police by filing a written notice of appeal with the Records Division of the Lawrenceville Police Department within ten (10) business days of the date of the hearing officer's decision. The decision of the chief of police is subject to review by the Superior Court of Gwinnett County by a proceeding in the nature of writ of certiorari.

- (b) *Appeal standard.* The hearing officer shall review an appeal using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment or other enforcement action(s), the hearing officer shall have the discretion to dismiss or reduce the assessment or reverse any other enforcement action(s) where warranted.
- (c) *Responsibility for fees/costs.* In the event the appeal is not upheld, the owner or alarm company shall also be responsible for any fee assessed to reimburse the city for any costs incurred in hearing an appeal under this article.

Sec. 26-42. Confidentiality, immunity, and severability.

- (a) *Confidentiality.* To the extent allowed by law, information gathered as part of the alarm registration process or contained in any application for a permit will be held in confidence by the city.
- (b) *Governmental immunity.* Alarm registration is not intended to, nor will it, create a contract, duty, or obligation, either express or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm system registration or permit, the alarm user acknowledges that the police department response may be influenced by various factor including, without limitation, the availability of units to respond, staffing levels, priority of calls, emergency conditions, traffic conditions, weather conditions, and prior response history.
- (c) *Severability.* The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

Secs. 26-43—26-68. – Reserved.

(Appendix A)

City of Lawrenceville Alarm Installation
Customer Checklist

Yes No

___ ___ 1. I have been made aware of the applicable alarm ordinance and I will comply with its requirements.

___ ___ 2. I understand it is my responsibility to prevent false alarms. I understand it is critical and my responsibility to assure that anyone who has a key to the premises and all users of the alarm system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.

___ ___ 3. I understand that there is a 7-day no dispatch period for intrusion alarms, excluding panic, duress, and holdup signals. During this time the alarm monitoring station will have no obligation to and may not respond to any alarm signal from an alarm site. The alarm monitoring company may not make an alarm dispatch request to law enforcement even if the alarm signal is the result of an actual alarm event.

___ ___ 4. I have been trained in the proper operation of the system. I have been given an operating sheet summarizing the proper use of the system, as well as the security system operating manual.

___ ___ 5. I know how to turn off motion detectors while leaving other sensors on. (Residential Only)

___ ___ 6. I know how to test the system, including the communication link with the monitoring center.

___ ___ 7. I understand that my entry time is _____ and my exit time is _____.

___ ___ 8. I have the alarm company phone number to request repair service or to ask questions about the alarm system.

___ ___ 9. I know how to cancel an accidental alarm activation. I have the system cancellation code or code word.

___ ___ 10. I understand that indoor pets can cause false alarms. I will contact my alarm company to adjust the system if I acquire any additional indoor pets.

___ ___ 11. I understand that the main control panel and transformer are in _____.

___ ___ 12. I have received an alarm sheet, which describes how the alarm company will communicate with me in the event of various alarm signals.

___ ___ 13. I understand the importance of:

- keeping my emergency contact information updated and I know how to do this;
- immediately advising the alarm company if my phone number changes (including area code); and
- immediately advising the alarm company of any other changes to my telephone service such as call waiting or a fax line.

___ ___ 14. I will advise the alarm company if I do any remodeling (such as painting, moving walls, doors, or windows).

___ ___ 15. I understand that certain building defects (such as loose-fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them.

___ ___ 16. The alarm company has given me written false alarm prevention techniques to help me prevent false alarms.

___ ___ 17. I understand that if I utilize special telephone features, such as call waiting, DSL or VoIP, my alarm system may not communicate properly with the central monitoring station and dispatch may not occur.

Comments: _____

ALARM COMPANY

CUSTOMER

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____