

MEEKER COUNTY ORDINANCE NO. 2004-1

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE USE OF ALARM SYSTEMS; ESTABLISHING USER FEES; AND PROVIDING PENALTIES FOR FALSE ALARMS.

THE BOARD OF COMMISSIONERS OF MEEKER COUNTY DOES ORDAIN:

1. Purpose. The purpose of this ordinance is to:

- a. Ensure availability of the County's public safety services for appropriate public safety needs;
- b. Encourage alarm users to adequately maintain and utilize alarm systems; and
- c. Decrease risk to the public through emergency response to false alarms.

2. Definitions.

- a. Alarm System: An alarm installation designed to be used for the prevention or detection of intruders, burglary, robbery, fire or other emergency and located in or on a building, structure or facility.
- b. Alarm User: The legal entity, whether person or otherwise, in control of any building, structure or facility wherein or whereon an alarm system is located. The owner of the premises can be presumed to be the user.
- c. False Alarm: An alarm signal eliciting a response by personnel of the County's, or any municipality's located therein, law enforcement agency when a situation requiring a response does not, in fact, exist and which is caused by activation of an alarm system through mechanical failure, movement, alarm malfunction, improper installation or the inadvertence of the alarm user or its employees, agents or family members. A false alarm does not include an alarm caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, vandalism or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or user.
- d. Law Enforcement Agency: Sheriff's Office, Police Department, Fire Department or Public Safety Department.

3. False Alarm Reports. The Sheriff's Office shall retain information involving all false alarm reports occurring within the County. The report shall include the identification of the alarm user and date, time, and location of the false alarm, as well as:

- a. The probable cause of the false alarm, if determined by the responding unit; and
 - b. A report detailing facts that support the conclusion the alarm was false.
- 3. User Fees.** An alarm user whose alarm system has resulted in the reporting of four (4) and five (5) false alarms within 365 days from the first false alarm shall be charged a user fee of Twenty-five (\$25.00) dollars each payable to Meeker County. The user fee for the sixth (6th) and subsequent false alarm within 365 days from the first false alarm shall be Fifty (\$50.00) dollars each occurrence.
- 4. Notice.** Upon notice of the first false alarm report for a particular alarm system, the Sheriff's Office shall notify the alarm user by mail that a false alarm has been reported. The first notice shall include a copy of this Ordinance. Upon notice of the second or subsequent false alarm report for the alarm system, the Sheriff's Office shall mail a copy of the notice to the alarm user.
- a. All notices shall be sent by first class mail to the address the alarm system is located or to the owner of the premises as recorded on the property tax rolls maintained by the County Auditor.
 - b. All notices shall contain a copy of the report generated by the Sheriff's Office detailing the date, time, location and facts supporting the conclusion the alarm was false.
- 5. Appeal.** Upon receipt of a notice of false alarm, the recipient or his or her delegee may appeal the designation of the false alarm using the following procedure:
- a. By filing a written appeal request with the County Sheriff within 20 days of the date of mailing of the notice. Said filing can be by mail (postmarked within said 20 day period) or personal delivery.
 - b. The County Sheriff shall, within 15 days either grant or deny the appeal.
 - c. If the appeal to the Sheriff is denied, the appeal may be made to the County Administrator in writing within 20 days of the date of the Sheriff's decision.
 - d. The County Administrator shall, within 15 days, either grant or deny the appeal.
 - e. If the appeal to the County Administrator is denied, the appeal may be made in writing to the County Board of Commissioners within 20 days of the date of the County Administrator's decision. Upon receipt, the matter will placed on Board's agenda within the next 30 days. The appellant shall be notified of the date and time the matter will be heard.
 - f. The decision of the County Board following hearing shall be final.
 - g. All appeal notices shall include a detailed description of why the alarm should not be considered a false alarm.

- h. The burden of proof to establish a false alarm is preponderance of the evidence.
- 6. Collection of Fees.** Any user fees required herein shall be billed the by Sheriff's Office. Payment shall be due within 30 days of the date of billing. All payments shall be payable to "Meeker County" and deposited into the Sheriff's Office general operations fund. Time limits shall be tolled for all times the matter is pending decision on appeal.
- a. In the event payment is not made when due, the alarm user will be responsible for all costs of collection including collection agency fees,
- 7. Excessive Alarm Report.** When the operation of an alarm system has resulted in five (5) or more false alarms within 365 days, the Alarm User shall provide the Sheriff's Office with a written report indicating the actions taken or to be taken by the alarm user to discover and eliminate the cause of the false alarms. Said report shall be due within 30 days of the date a request for said report is made by the Sheriff's Office. If it is not provided, an additional user fee of One Hundred (\$100.00) dollars shall be assessed against the alarm user. Appeals and payment shall be as provided for in Sections 5 and 6 herein.
- 8. Effective Date.** This ordinance shall be effective on August 26, 2004.

Passed by the County Board of Commissioners on the 10th day August, 2004 on a vote of 4 in favor and 0 against.

ATTEST:

/S/ Barbara Loch
Meeker County Auditor

Published: August 26, 2004