

**AN ORDINANCE REGULATING PRIVATE ALARM SYSTEMS
AND FALSE ALARMS IN THE CITY OF BYRAM, MISSISSIPPI**

WHEREAS, the Mayor and Board of Aldermen of the City of Byram, Mississippi, recognize a need to regulate the use of private alarm systems; and

WHEREAS, the Mayor and Board of Aldermen wish to encourage alarm system users and alarm businesses to assume responsibility for maintaining the reliability and the proper use of private alarm systems, to reduce unnecessary police and fire emergency response to false alarms, and thereby to protect the emergency response capability of the city from misuse; and

WHEREAS, the Mayor and Board of Aldermen recognize the need to impose fines for excessive false alarms, and to establish a system of administration; and

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the area involved in the request; therefore

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Byram, Mississippi that the following be adopted in whole:

Sec. 1. Definitions.

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

Alarm coordinator means the person or persons designated by the City to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

Alarm Permit means a permit issued by the City allowing the operation of an alarm system within the City limits.

Central station means an office where private signaling devices are connected, and where Private personnel are on duty and in attendance at all times to supervise the circuits terminating in such office, where the base station is owned and maintained by a private enterprise or individuals.

False alarm means an alarm signal – whether through mechanical or electronic failure, malfunction, improper installation, inadequate maintenance, or the carelessness or negligence of the alarm system user, his/her employees or agents – which necessitates and results in response by emergency responders where an emergency condition does not exist, unless law enforcement or fire response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this ordinance when upon inspection by the Byram Police Department and/or Byram Fire Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises, or fire emergency occurred, which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm, which can reasonably be determined to have been caused or activate by unusually violent

conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

Local alarm means a signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

Permit year means one 12-month/365-day period beginning on the day the City of Byram issues a permit to a system user for operation of a private alarm system.

Police communications means an office to which remote police alarms and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating in such office, investigate signals and retransmit alarm signals to appropriate agencies.

Police emergency alarm systems and alarm systems means assembly of equipment or devices arranged to initiate the signal from a transmitting device to report police emergency conditions.

Runaway alarm is an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Byram Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm. For the purposes of this ordinance, a runaway alarm would be repeated alarm signals within a short period of time, e.g., over the course of a few hours.

Private alarm system means a mechanism, device or equipment which is designed to transmit a signal, whether audible or not, and which also may, but is not required to, operate automatically through the use of the public telephone facilities to automatically transmit to the City's public safety dispatch center for the Byram Police and/or Fire Department. "Alarm system" includes all residential and commercial fire/burglary/medical/emergency alarms.

Transmitting device means an instrument which sends a signal to a monitoring point, indicating an intrusion into a given protective area.

User means a person who purchases, leases, contracts or otherwise obtains and uses an alarm system. In apartment complexes, the installing and maintaining party (landlord or tenant) shall be deemed the user and responsible party.

Sec. 2. Permit for alarm system; Waiver of fee on renewal.

No person shall operate or maintain a private alarm system which operates so as to cause messages or warnings to be transmitted to the communication center of the city without having first obtained the valid permit issued by the Alarm Coordinator of the City of Byram for a fee of ten dollars (\$10), which shall not expire for twelve (12) months. The fee for annual permit renewal is ten dollars (\$10), except in the case of a user who had zero (0) false alarms the previous year, in which case the renewal fee shall be waived.

Sec. 3. Response to alarms by city; liability of city.

The city shall take every reasonable precaution to assure that alarm signals and prerecorded alarm messages received by the city are given appropriate attention and are acted upon with dispatch. However, the city shall not be liable for any defects in the operation of automatic protection devices and signal line systems, nor for any failure or neglect to respond upon receipt of an alarm from such source.

Sec. 4. Duties of the Alarm System User.

Alarm system users (whether at residential or commercial sites), shall in accordance with this article:

1. Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;
2. Provide the alarm company with the issued permit number (the number must be provided to the communications center by the alarm company to ensure dispatch);
3. Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Byram Police Department to deactivate a malfunctioning alarm system and to provide access to the premises or to provide security for the premises;
4. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by the alarm system provider;
5. Instruct all personnel who are authorized by the user to place the system or device into operation of the appropriate method of its operation;
6. Obtain a new permit and pay any associated permit fees if there is a change in address or ownership of a business or residence.

Sec. 5. False alarms.

After the police communications has recorded a false alarm, the police department shall notify the alarm user in writing. Excessive false alarms from a permitted system will constitute a violation of this ordinance as detailed in this Ordinance, below, with such penalties to be determined by the municipal judge. Any false alarm from a system without a permit will be a violation as outlined in Section 6(e) of this Ordinance.

Sec. 6. Penalty for false alarms; Other prohibited acts; Audible alarms.

(a) If found to be in violation of this Ordinance by the municipal judge, the user of the police emergency alarm system shall pay to the city a penalty for false alarms received by the municipal court clerk.

(b) The police department, within three days after receipt of what is considered to be a false alarm, shall notify the violator of such false alarm.

(c) Any person failing to pay a penalty after such penalty has become final shall, within the determination of the municipal judge, be subject to suspension of the alarm permit.

(d) *Penalties for False Alarms.* The sending of a false alarm from a permitted system is considered a violation of this article, and may result in fines and/or suspension of a permit imposed upon an alarm system user or the master permit holder for an apartment complex by the alarm coordinator for excessive false alarms during a permit year; such fines will be determined and imposed by the municipal judge, upon a finding of a violation of this Ordinance.

False Alarms	Penalty
0-2	No fine assessed.
3	No fine assessed. Notice of number of false alarms issued and mailed to the alarm system user via United States Mail, first class, postage prepaid, certified mail, return receipt requested.
4-5	\$25.00 per false alarm to alarm system user.
6-8	\$50.00 per false alarm to alarm system user.
9-11	\$75.00 fine per false alarm to alarm system user and a suspension warning notification letter is issued to the alarm system user via United States Mail, first class, postage prepaid, certified mail, return receipt requested.
12 & Above	\$100.00 per false alarm to alarm system user and notice of suspension is issued to the alarm system user and mailed via United States Mail, first class, postage prepaid, certified mail, return receipt requested.

(e) *False alarms without permits.* Each occurrence of any false alarm from a system without a permit will be a violation of this Ordinance, subject to a maximum penalty of one-hundred dollars (\$100) to be determined and imposed by the municipal judge, upon a finding of a violation of this Ordinance; however, if the violator obtains a valid permit before the matter comes before the municipal judge, then no such penalty will be imposed, but that false alarm will count as one false alarm violation toward the annual false-alarm count, as defined in Section 7 of this Ordinance.

(f) *Other Prohibited Acts:*

1. It shall be unlawful to activate an alarm system for the purpose of summoning fire protection or law enforcement when no burglary, robbery, or other crime dangerous

to life or property is being committed or attempted on the premises, no fire emergency is present, or otherwise to cause a false alarm.

2. It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than fifteen (15) minutes. Violators will be those owners of said systems who allow the alarm system to sound continuously for that 15-minute time period.
3. It shall be unlawful to install, maintain, or use an automatic dialing device that reports, or causes to be reported, any recorded message to the Byram Police Department.

(f) *Audible Alarms (local alarms)*: All audible alarms shall be set/programmed for no longer than fifteen (15) minutes per activation for the emission of the audible alarm sound or message upon such activation. After three (3) immediately consecutive activations, the audible alarm system shall automatically reset, so that the audible alarm will not be reactivated based on the occurrence which triggered that series of alarm activations.

Sec. 7. Permit reinstatement; False alarm count; cancelation of emergency dispatch.

1. *Reinstatement of suspended alarm system user permit.* An alarm system user will be required to pay a one hundred dollar (\$100.00) reinstatement fee for the reinstatement of a suspended alarm system user permit. An alarm system user shall have the false alarm reinstatement fee waived upon payment of all prior false alarm fines imposed through this article and submission of a written documentation of the alarm system user having their alarm system professionally inspected to correct the issued creating the false alarms.
2. *False alarm annual count.* At the end of the permit year, the false alarm count for residential alarm users will revert to zero (0), provided all charges, fees, and fines have been paid. Documented malfunctioning alarms will be considered on a case-by-case basis as to whether or not to be included in the false alarm annual count. Alarms that are false and are cancelled prior to the dispatch of Byram Police and/or Fire Department units will not be included in the false alarm count. An alarm which is false, and which is verified by the alarm business or alarm system monitoring company as being false, and which alarm is not transmitted to the City's public safety dispatch center for the Byram Police and/or Fire Department, will not be included in the false alarm count for that alarm system site.
3. *Cancellation of police and/or fire dispatch as a result of a false alarm.* An alarm system user may contact the Byram Police public safety dispatch center and cancel the dispatch of Byram Police and/or Fire Department units as a result of a false alarm from the alarm system user's premises, provided that the correct cancellation code provided to that alarm system user upon permitting of their alarm system is given to the dispatch personnel receiving the cancellation.

Sec. 8. Grace period for newly installed alarm systems.

Newly installed alarm systems within the city shall have a 30-day grace period after the alarm system becomes operational before the provisions of Section 6 become applicable to such alarm system.

THE FOREGOING ORDINANCE, having been reduced to writing, Alderman Marble moved that said Resolution be adopted. Alderman Douglas seconded. The vote was as follows:

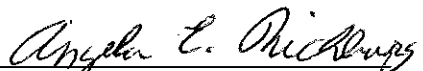
Alderman Alday voted:	<u>NAY</u>
Alderman Douglas voted:	<u>AYE</u>
Alderman Ford voted:	<u>AYE</u>
Alderman Marble voted:	<u>AYE</u>
Alderman White voted:	<u>AYE</u>

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

SO ORDAINED, this the 11th day of August, 2011.

CITY OF BYRAM

BY: 
Nick Tremonte, Mayor

ATTEST: 
Angela Richburg, City Clerk