

ORDINANCE NO. 22-2018

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT SECTIONS 555.01- 555.05 OF CHAPTER 555 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA FOR PURPOSES OF REGULATING FALSE ALARMS IN THE CITY OF NEW PHILADELPHIA, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of New Philadelphia, Ohio has deemed it necessary to adopt Sections 555.01 - 555.05 of Chapter 555 of the Codified Ordinances of the City of New Philadelphia, Ohio for purposes of regulating false alarms in the City of New Philadelphia, Ohio.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, THAT:

SECTION 1. Sections 555.01 - 555.05 of Chapter 555 of the Codified Ordinances of the City of New Philadelphia, Ohio shall hereby be adopted as set forth in Exhibit A of this Ordinance, which is attached hereto and incorporated herein by reference as if fully rewritten, for purposes of regulating false alarms in the City of New Philadelphia, Ohio.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City of New Philadelphia, Ohio.

SECTION 5. This Ordinance shall take effect and be in force immediately upon its passage.


PASSED: Oct 24, 2018


SAM R. HITCHCOCK
PRESIDENT OF COUNCIL

ATTEST:


JULIE COURTRIGHT
CLERK OF COUNCIL

APPROVED:


MAYOR JOEL B. DAY

SPONSORED BY: SPECIAL AND CONTACT COMMITTEE

**CODIFIED ORDINANCES OF NEW PHILADELPHIA
PART FIVE - FALSE ALARMS**

**CHAPTER 555
False Alarms**

555.01 Definitions

555.02 Police Direct Connect Alarms

**555.03 Administrative Fees for Multiple
False Alarms**

555.04 Excessive False Alarms;

Enforcement of Provisions

555.05 Rules and Regulations

555.01 DEFINITIONS

The words and phrases defined in the chapter sections hereafter shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated in the context.

- (a) "Alarm Business" shall mean the business by any individual, partnership, corporation, company, firm, or other entity of selling, installing, leasing, maintaining, servicing, repairing, altering, replacing, moving, or monitoring any alarm system or causing to be sold, installed, leased, maintained, serviced, repaired, altered, replaced, moved or monitored any alarm system in or on any building, structure or facility.
- (b) "Alarm Site" shall mean the specific property or area of the premises upon or within which an alarm system is located or is to be installed.
- (c) "Alarm System" shall mean any device or combination of devices designed for the detection of an unauthorized entity on the premises, of an unlawful act, or of an emergency, which device alerts an entity which notifies a government organization of its commission or occurrence and when activated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal. For purposes of this chapter, "alarm system" shall also mean any local alarm system as defined herein.
 - For purposes of this chapter, an alarm system shall not include:
 - 1. An alarm system or device installed upon premises occupied by the United States Government, the State of Ohio, or any other governmental entity that is specifically exempted from local control by state or federal law.
- (d) "Alarm User" shall mean the person, firm, partnership, association, corporation, company, or organization of any kind in control of premises wherein an alarm system is maintained.
- (e) "Safety Director" shall mean the safety director or individual designated by the safety director to administer and enforce the provisions of this chapter.
- (f) "False Alarm" shall mean the activation of any Alarm System which is not the result of an actual or threatened emergency requiring an immediate Police and/or Fire response. False alarms include negligently or accidentally activated alarms or signals; alarms or signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; and signals which are purposely activated to summon police or

555.05 RULES AND REGULATIONS

The safety director shall establish rules and regulations for the maintenance of information, notification of violations and imposition of fees as he deems necessary for implementation of this chapter. All alarm users and alarm businesses shall be subject to the rules and regulations promulgated by the safety director. The rules and regulations and amendments thereto shall be published by the City thirty (30) days prior to their effective date.

emergency services in non-emergency situations. Multiple occurrences due to equipment malfunction within a 24-hour period of activity constituting false alarms may be considered one false alarm for the purposes of this chapter.

- (g) "Local Alarm System" shall mean any device or combination of devices designed for the detection of an unauthorized entry on the premises, of an unlawful act, or of an emergency, which when activated gives a signal, either visual, audible, or both only at the alarm site and which does not alert a governmental organization.
- (h) "Person" shall mean any individual, partnership, corporation or other legal entity.

555.02 POLICE DIRECT CONNECT ALARMS

Alarm systems which terminate at the New Philadelphia Police Department are exempted under the provisions of this chapter.

555.03 ADMINISTRATIVE FEES FOR MULTIPLE FALSE ALARMS

Alarm users shall be responsible for multiple false alarms sent by alarm systems on premises under their control. False alarm fees shall be imposed based upon the number of false alarms sent by one Alarm System within a one-year period beginning with the first false alarm.

The safety director shall impose on alarm users an administrative fee, based on costs of administration and police response to false alarms, as follows:

- (1) On the first and second false alarms call within a one-year period, no fee will be imposed; however, the safety director shall send a written warning notice to the alarm user advising of the number of false alarms recorded for that alarm system to date and the schedule of fees for multiple false alarms.
- (2) For each false alarm call after the second false alarm call within a one-year period, a fee of \$500.00 shall be imposed.

No fee shall be imposed until thirty (30) days after written notification that a false alarm has been recorded against the alarm system and has been sent to the alarm user at the address of the Alarm Site.

555.04 EXCESSIVE FALSE ALARMS; ENFORCEMENT OF PROVISIONS

- (1) *Excessive False Alarms.* No Alarm User, having been sent each of the written notices for more than two false alarms, as provided in Section 555.03, shall permit a false alarm to occur during the same calendar year. This section shall be construed to impose strict liability for all false alarms occurring after the notices in Section 555.03 have been sent.
- (2) *Enforcement of Provisions.* All remedies shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any penalty shall be deemed a debt to the City. An action may be commenced by the name of the City in any court of competent jurisdiction for the amount of any delinquency or penalty. All penalties shall be deemed delinquent thirty (30) days after they are due and payable.