VERMILLION COUNTY ORDINANCE NUMBER 2012-4

FALSE ALARM ORDINANCE

WHEREAS, the purpose of this ordinance, finds that excessive false alarms unduly burden the Vermillion County Sheriff's Office limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to insure that alarm users are responsible for their use of alarm systems.

Definitions
The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them, except there the context clearly indicates a different meaning:
Alarm Administration means a person or persons designated by the Vermillion County Sheriff to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

Alarm Company means a person subject to the licensing requirements and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems.
Alarm Signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

Alarm System mean a single device or assembly of equipment designated to signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate attention and to which law enforcement is requested to respond but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designated to elicit a medical response.

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

Automatic dial protection device means an automatic dialing service or an automatic telephone dialing alarm systems and shall include any system which upon being activated, automatically initiates to the Vermillion County Sheriff's Office a recorded message or code signal indicating a need for a law enforcement or any other emergency response.

Cancellation means the process where the response is terminated when the alarm company (designated by the alarm user) notifies the Vermillion County Sheriff's Office that there is not an existing situation at the alarm site requiring a law enforcement or emergency service response after an alarm dispatch request. If Cancellation occurs prior to a deputy arriving at the scene, this is not a false alarm for the purpose of civil/criminal penalty and no penalty will be assessed.
County means all areas within the boundaries of Vermillion County Indiana.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm, if false within the meaning of this article, when upon inspection by the Vermillion County Sheriff's Office, evidence indicates that to unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises 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 activated by unusually violent condition of nature nor does it include other extra ordinary circumstances not reasonably subject to control by the alarm user.

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.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Vermillion County Sheriff's Offices may in its discretion discontinue law enforcement response to alarm signals from what appears to be a runaway alarm's.

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms.

Verify mean an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call can be made to a different number is the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

DUTIES OF THE ALARM USER
Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms, and
Must respond, or cause a representative to respond, to the alarm systems location within a reasonable amount of time when notified by the Vermillion County Sheriff's Office.
Not manually activate an alarm for an reason other than the occurrence of an even that the alarm system was intended to report.

DUTIES OF THE ALARM COMPANY

Any person engaged in the alarm business in the County shall comply with the following:
Obtain and maintain all required license(s);
Provide name, address and telephone number of users or designee, who can be called in an emergency 24 hours a day; and a contact for a key holder or other emergency contact who will respond immediately;
Provide an electronically submitted list of the most current contact information of all Alarm Users who the Alarm Company is currently servicing within 90 days from enactment of this ordinance. This information will be e-mailed or downloaded to a mobile downloading device and delivered to the Vermillion County Sheriff's Office. After the initial disclosure of Alarm Users, it will be the responsibility of the Alarm Company(s) to update this contact information every March 1st, June 1st, September 1st and January 1st each year thereafter, while this Ordinance is in place.

Ninety (90) days after the enactment of this Ordinance the alarm installation companies shall, on all new and upgraded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01. Use of systems which do not meet SIA Control Panel Standard CP-01 shall be subject to punishment as unlawful equipment;
Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the system to the alarm user;
Provide written information of how to obtain service from the alarm company for the Provide written information of how to obtain service from the alarm company for the alarm system;

An alarm company performing monitoring services shall:
Attempt to verify, by calling the alarm site and/or user by telephone, to determine whether the alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum, that a second call 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 the case of a panic or robbery-inprogress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

Provide address, when available, to the communications center to facilitate dispatch and/ Cancellations;

Communicate any available information about the location of the alarm;

Communication a cancellation to the communications center as soon as possible following a determination that a response is unnecessary.

PROHIBITED ACTS
It shall be a violation of this Ordinance 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 cause a false alarm.
It shall be unlawful to install, maintain, or use an audible alarm system which can sound

continually for more than 10 minutes.
It shall be unlawful to install, maintain or use an automatic dial protection service that reports, or causes to be reported, any recorded message to the Vermillion County Sheriff's Office.
Any person or company found, by a court of competent jurisdiction, to be in violation of this section shall be subject to citation and fine of up to One Hundred Dollars ($100.00) per violation.

ENFORCEMENT OF PROVISIONS
Excessive false alarms/Failure to register. It is hereby found and determined that three or more false alarms within a calendar year (Jan 1- Dec 31) is excessive, constitutes a public nuisance and shall be unlawful. Civil penalties for false alarms within a calendar year may be assessed against the alarm user as follows:

Third, fourth and fifth false alarm.....$ 25.00
Sixth and seventh false alarm.....$100.00
Eighth and over false alarm.....$250.00
Unlawful equipment.....$100.00

Payment of Civil Penalty/Penalties. Civil Penalty/Penalties shall be paid within thirty (30) days from the date of the invoice. If an alarm user disputes the civil penalty/penalties imposed by this ordinance, the alarm user shall have the right to a hearing in a court of competent jurisdiction.

REPEALER
All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

RESERVED FOR FUTURE LEGISLATION CONFIDENTIALITY
In the interest of public safety, all information contained in, gathered through, or provided by an alarm company, shall be held in confidence by all employees and representatives of the Vermillion County Sheriff's Department, to the fullest extent allowed by law.

ADMINISTRATION
Administration of this Ordinance shall be performed by the Sheriff of Vermillion County or his designee(s) in order to monitor the effectiveness and impact of false alarms within the County. All moneys collected under this Ordinance shall be placed in a non-reverting Alarm Control fund and used specifically for the administration costs, fuel, vehicle maintenance, equipment of E-911 or the Vermillion County Sheriff, or any security equipment of Vermillion County. All appropriations from this non-reverting fund shall be requested by the Sheriff of Vermillion County, with the approval of the Vermillion County Commissioners and subject to any conditions set by the Vermillion County Council.

GOVERNMENT IMMUNITY

Alarm registration is not intended to, now will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage 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 registration, the alarm user acknowledges that the Vermillion County Sheriff's Office response may be influenced by factors such as the availability of patrol units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SEVERABILITY

The provisions of this ordinance 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 provisions to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

This Ordinance shall take effect on June 6, , 2012 as it has been published according to law.

Commissioner

Commissioner

Commissioner

ATTEST:

County Auditor