

AN ORDINANCE

NO.

An Ordinance amending Chapter 14 of the Columbus Code to delete Columbus Code Section 14-11.5; to revise provisions of Columbus Code section 14-23 pertaining to registration requirements and false alarm penalties for police, fire and medical alarms; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS:

SECTION 1.

Section 14-11.5 of the Columbus Code is repealed in its entirety and replaced with a new Section 14-11.5 to read as follows:

"Sec. 14.11.5 **Reserved.**"

SECTION 2.

Section 14-23 of the Columbus Code is repealed in its entirety and replaced with a new Section 14-23 to read as follows:

"Sec. 14-23. **Police, fire and medical alarms.**

(a) Purpose and intent.

Given the undue burden placed Public Safety providers by excessive false alarms, This ordinance is enacted to establish reasonable expectations for alarm users regarding the responsible use and operation of alarm systems. The article is not intended to create new or to expand existing legal obligations of the Columbus Consolidated Government. Specifically the Columbus Police Department or the Fire and EMS Agency and any of its departments, or to establish a special duty or special relationship between the county and alarm users, persons who own real or personal property where an alarm system is in place, and/or persons who are physically present at or in the vicinity of property monitored by an alarm system.

(b) Definitions (for the purposes of this section).

(1) *Alarm administrator* means a sworn employee designated by the county to administer, control and review false alarm reduction efforts and to administer the provisions of this ordinance. The duties of alarm administrator may be delegated to a private company selected through the CCG procurement process and awarded by Council.

(2) *Alarm contractor* means an individual, company, and/or other entity engaged in selling, leasing, installing, servicing or monitoring alarm systems for profit; such individual, company, and/or entity shall be licensed in compliance with city, county and state laws.

(3) *Alarm permit* means a registration number issued by the Columbus Consolidated Government or its designee allowing the operation of an alarm system.

(4) *Alarm signal* means a detectable signal, audible or visual, generated by an alarm system, to which the 911 center must respond.

(5) *Alarm system* means any single device or assembly of equipment and devices, including a local alarm, that is designed to signal the occurrence of an illegal or unauthorized entry, fire or other activity, or medical emergency requiring immediate attention to which 911 must respond. Motor vehicle or boat alarms, are not considered alarm systems under this ordinance

(6) *Alarm user* means any individual, sole proprietorship, partnership, company, corporation, governmental, educational, nonprofit, or any other entity or institution owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

- (7) *Alarm user awareness class* means a class conducted for educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.
- (8) *Automatic dial protection device* means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system, which, upon being activated, automatically initiates to the emergency communications center a recorded message or code signal indicating a need for law enforcement response.
- (9) *Cancellation* means notice from an alarm contractor (designated by the alarm user) to the 911 center to terminate a law public safety response to an alarm dispatch request under circumstances where there is no situation at the alarm site requiring a public safety response.
- (10) *Public Safety* means all law enforcement agencies or medical or fire service that responds to an alarm.
- (11) *911 Center* means the public safety communications center, where law enforcement, fire, and emergency services are dispatched.
- (12) *False alarm* means the activation of an alarm system to summon public safety which occurs as a result of mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user or his employees or agents, unless the public safety response was cancelled by the alarm user or his agent before public safety personnel arrived at the alarm location. An alarm is false when, upon determination by the responding officer, no unauthorized entry, robbery, or other crime was committed or attempted in or on the premises, or when no medical emergency or fire exists which would have activated a properly functioning alarm system.
- (13) *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 that is not monitored by a remote monitoring facility, whether installed by an alarm contractor or user.
- (14) *Monitoring services* means an alarm contractor in the business of receiving signals from an alarm system that is responsible to contact the alarm user to verify the nature of the alarm and/or to contact the emergency communication center for a public safety response.
- (15) *Permit year* means the period between January 1 and December 31.
- (16) *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. Control panels built and tested to this standard by a nationally recognized testing organization are to be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."
- (17) *Verify* means an action on the part of the entity providing monitoring services, prior to requesting public safety dispatch, to determine whether an alarm signal is valid and caused by criminal activity, fire or medical emergencies.

(c) Alarm registration and permit requirements.

(1) *Registration and permit required.* Effective January 1, 2020, no alarm system shall be used unless the alarm user first registers for such alarm system within seven days of its installation with the CPD or such other entity as the Council may designate. The permit shall be a one-time cost of \$35. Alarms installed prior to January 1, 2020 shall receive a new permit and registration at no cost provided that they come forward and register the alarm within 90 days of the effective date of this Ordinance. Failure to register an existing alarm within the initial 90 period shall constitute a violation of this Ordinance. For the purposes of complying with this section, an alarm contractor may register an alarm user and thereby obtain the permit for such alarm system; provided, however, that the alarm user shall ultimately remain responsible for alarm registration prior to use of the alarm system. Upon registration, each alarm permit shall be assigned a permit number. If the permit number is issued directly to the alarm user, the user shall provide the permit number to the alarm contractor to facilitate public safety dispatch.

(2) *No transferability; new registration required.* Alarm registration is not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register the alarm system in his or her own name within seven days of the acquisition of the property or installation of a new alarm system.

(3) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures with different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

(d) Duties of the alarm user.

An alarm user shall be required to:

- (1) Register the alarm system in accordance with paragraph (c) above
- (2) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms
- (3) Upon obtaining a permit number, provide that number to the alarm contractor
- (4) Respond or cause a representative or other responsible party to respond to the alarm system's location within 30 minutes upon notification from the emergency communications center of the need to deactivate a malfunctioning alarm system
- (5) Ensure that an alarm is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report; and
- (6) Obtain a new permit if there is a change in address or ownership of a business or residence.

(e) Duties of the alarm contractor.

(1) An alarm contractor shall be required to:

- (A) Obtain and maintain required state and local license(s) and/or permits.
- (B) Maintain current contact information, including user permit numbers, which shall be provided to the emergency communications center at the time of a request for law enforcement response; and
- (C) Upon request, provide to the emergency communications center the name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day and who shall be able to respond to an alarm call, when notified, within 30 minutes.

(2) For all installations on or after January 1, 2020, an alarm contractor shall use only alarm control panel(s), which meets SIA Control Panel Standard CP-01.

(3) Prior to activation of any alarm system, the alarm contractor must (i) provide verbal and written instructions regarding the proper operation of the alarm system to the alarm user and (ii) provide written information on how to obtain service from the alarm contractor.

(4) An alarm contractor performing monitoring services shall:

- (A) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that, if the first attempt fails to reach an alarm user, the alarm contractor must make a second call to a different number in an effort to reach an alarm user who can provide proper identification and assist in determining whether an alarm signal is valid. Provided however, (i) the failure of an alarm contractor, or any person or entity providing similar monitoring services, to attempt to verify the alarm signal will not negate the end user's responsibility for violations of and any penalty or fine associated therewith, and (ii) such second call for verification shall not be required in the event of a panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified by video and/or audible means.
- (B) Communicate any specific information that will public safety response and investigation to the emergency communications center at the time of a request for assistance.

(C) Communicate a cancellation to the emergency communications center immediately upon determining that a response is unnecessary.

(f) Prohibited acts.

Effective January 1, 2020 the following acts are prohibited:

- (1) The failure to obtain an alarm permit or to renew an alarm permit.
- (2) Activating or maintaining an alarm system that activates for summoning public safety when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premise, or medical emergency or fire. This shall include both monitored alarm systems and unmonitored local alarms.
- (3) Installing, maintaining, or using an audible alarm system, which can sound continually for more than ten minutes.
- (4) Installing, maintaining, or using an automatic dial protection device that reports, or causes to be reported, any recorded message to the emergency communications center.

(g) E n f o r c e m e n t - C i v i l P e n a l t i e s

Effective, enforcement for violations of this article shall be carried out in accordance with this section.

(1) *Excessive false alarms/failure to register.* Alarm users shall be fined for excessive false alarms and/or failure to register during the permit year in accordance with the following civil fine schedule:

First false alarm	No charge
Second false alarm...	\$ 50.00 waived by attending Alarm Awareness Class
Third false alarm	\$100.00
Fourth false alarm	\$100.00
Fifth false alarm	\$125.00
Sixth false alarm	\$150.00
Seventh false alarm..	\$200.00
Eighth false alarm	\$250.00
Ninth false alarm	\$300.00
Tenth and subsequent false alarms	\$400.00
Failure to register.....	\$100.00

(2) *Other civil fines.* All other violations of this code section, will be enforced through the assessment of civil fines for \$100.00.

(3) *Payment of civil fines.* All civil fines shall be paid within 30 days from the date of the invoice.

(4) *Limitations on responses for excessive false alarms or nonpayment.* When an alarm user has ten or more false alarms during the permit year or when the alarm user is 60 or more days delinquent on payment of any civil fine, a law enforcement response to the alarm user's permitted location will only be initiated in response to a 911 call to the emergency communications center or upon verification by the alarm contractor or user that the alarm was set off as a result of criminal activity or medical or fire emergency. Provided however, this paragraph shall not apply to responses from the Fire and EMS Department. Normal alarm responses by Columbus Public Safety will be restored under any one of the following circumstances:

- (A) When a user files an appeal in accordance with paragraph (h) below
- (B) The alarm user who has had ten or more false alarms during the permit year presents satisfactory proof to the alarm administrator that he has taken successful measures to correct the cause of the false alarms; or
- (C) The city receives full payment from the alarm user who is 60 or more days delinquent on payment of any civil fine.

(5) *Other provisions related to enforcement.*

(A) In the event an appeal is granted and service is restored, an additional false alarm shall cause the service to again enter nonresponse status. Additionally, the false alarm shall be penalized by a civil fine of \$300.00.

(B) Alarm user awareness class.

The alarm administrator may create and implement alarm user awareness classes and may request the assistance of alarm contractors to assist in developing and implementing such classes. The classes shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The city may grant the option of attending a class in lieu of paying one assessed fine.

(h) Appeals.

Upon violation of this section, the alarm administrator will provide the alarm user written or email notice of any civil fine to be imposed on that user, citing the specific events and dates giving rise to the imposition of that civil fine. If the alarm user disputes the penalty, it must file an appeal with the office of the hearing officer designated by the Chief of Police within ten (10) business days of the written notice. The written notice of appeal shall contain the cause for the appeal and any other pertinent information relevant to the case. The failure to file an appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decisions. The hearing officer shall set a hearing date for each appeal and render a determination of the appeal within five (5) business days of the hearing date. If the alarm user is dissatisfied with the determination of the Hearing Officer, a second appeal may be filed with the Chief of Police of Columbus, Georgia within ten (10) business days of the date of the first appeal determination. The Chief of Police shall have the final decision in this matter.

(i) Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, "no response" records, applications for appeals and any other alarm records shall be held in strict confidence by all employees and/or representatives of the city. Because all alarm registration information is considered sensitive public safety information, the same shall not be available to the public, unless disclosure is otherwise required by law, including but not limited to the Georgia Open Records Act.

(j) Non-waiver of Immunity and Disclaimer.

Alarm registration is not intended to, nor 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 registering an alarm system, the alarm user acknowledges that the public safety response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(k) Civil and Criminal Penalties.

Except as provided below, a violation of any of the provisions of this code section shall be a civil violation.

1. *Malicious false alarm* It shall be unlawful for any person to maliciously give or cause to be given any false alarm; or to break or cause to be broken or in any manner injure, cut or damage or cause to be injured, cut, or damaged any publicly owned fire alarm signal boxes, poles, wires, or other apparatus, or to in any manner interfere with the same, or any part thereof, or the working of the same, or any part thereof, unless by the consent of or under the supervision of the fire chief.

2. *Knowing false alarm* It shall be unlawful for anyone to activate any alarm system for the purpose of summoning the fire department, emergency medical service or police department except in the event of an actual fire, medical or police emergency, or for anyone to fail to notify the fire department, emergency medical

services or police department that the alarm was false when that person has knowledge that such activation was a false alarm.

3. The acts specified in subparagraphs (k) (1.) and (k) (2) above shall result in criminal charges under State law or in summons to Recorder's Court for penalties to be imposed in accordance with Section 1-8 of the Columbus Code, if convicted.

SECTION 3.

This ordinance shall become effective on January 1, 2020.

SECTION 4.

All Ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the 5th day of November, 2019, introduced a second time at a regular meeting of said Council held on the ____ day of _____, 2019, and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor House	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Thompson	voting	_____
Councilor Woodson	voting	_____

Sandra T. Davis,
Clerk of Council

B. H. "Skip" Henderson, III
Mayor