

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 34, ARTICLE IV AUTOMATIC POLICE OR FIRE ALARM SYSTEMS AND SECTION 2-264(2) RELATIVE TO SPECIAL CODE ENFORCEMENT OFFICERS WITHIN THE FIRE DEPARTMENT; TO PROVIDE A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That Chapter 34, Article IV is amended by deleting Article IV in its entirety and substituting in its place the following:

Sec. 34-86. 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 system:

(1) any device which notifies first responders or which uses a pre-taped or pre-recorded message to alert first responders that an emergency exists or the services of first responders are needed;

(2) any device which automatically emits an audible, visual or other response upon the occurrence of any hazard or emergency and which is intended to alert persons outside of a structure equipped with said device of the existence of the hazard or emergency.

Alarm user - any person or entity who uses an alarm system, or who controls, occupies or owns any premises at which an alarm system has been installed. This term includes but, not limited to any person or entity who has contracted or subscribed with an alarm company to provide monitoring, repair, or maintenance service for an alarm system.

Automatic dialing device - an automatic dialing device or an automatic telephone dialing alarm system, including any system which, upon being activated, automatically initiates to the city a recorded message or code signal indicating the existence of an emergency.

Central Dispatch - the Emergency Communications District of the City of Kingsport.

Emergency response - a response to the activation of an alarm system made by police, fire or other emergency personnel.

False alarm - an alarm which triggers an emergency response when in fact no emergency or hazard exists which necessitates an emergency response.

Sec. 34-87. Requirements for Alarm Systems and Operation Thereof.

(1) Alarm users shall ensure alarm systems are maintained in good working order at all times, and any defects which could cause a false alarm shall be promptly repaired.

(2) Every alarm system shall be designed, installed, and maintained in such a manner that its activation shall not be emitted or reported to the city until a verification procedure has been utilized to ascertain whether the activation is a false alarm which shall include at least two attempts by the alarm monitoring company or alarm user to contact the alarm site by telephone or other electronic means to determine if the activation was a false alarm. Verification shall not be required for activations of holdup, duress, panic, or fire alarms.

(3) Alarm users shall ensure that agents, employees, or designees are properly trained in operation of the alarm system including the activation and deactivation of the system as well as necessary contact information for the individual or entity responsible to cure malfunctions or technical issues of the alarm system.

(4) For all commercial premises where an alarm system is operational, the alarm user shall provide to the Emergency Communications District of the City of Kingsport such contact information as deemed reasonably necessary for a primary and alternate contact responsible for deactivation of the alarm system, said information shall be updated by the alarm user in the event of any changes.

(5) No person shall use, operate, or install any dialing device that will, upon activation,

automatically dial, call or connect to any telephone number other than such telephone number designated by central dispatch. No person shall use, operate or install any dialing device that will, upon activation, automatically, dial, call or connect with the telephone number designated by central dispatch, for the purpose of receiving such alarm messages, more than twice for any one incident.

(6) The user of every alarm system emitting an audible, visual or other response shall install or cause to be installed an automatic timing device, which shall deactivate such alarm so that it will be activated for no more than 30 minutes.

Sec. 34-88. Violations and Penalties

- (1) Violations:
 - a. False Alarms – Three (3) False Alarms within a calendar year shall constitute a violation of this Article and each False Alarm after the third False Alarm shall constitute a separate violation;
 - b. Failure to comply with the requirements of this Article shall constitute a violation by the alarm user.
- (2) Penalties – Any violation of this Article may be punished by imposition of a fine as permitted by Section 1 – 14 of this Code.
- (3) Notice of perceived or alleged violations shall be given as provided for in section 1 – 15 of this Code.

SECTION II. That Section 2-264(2) is amended to read as follows:

(2) Fire department. Special code enforcement officers in the fire department shall be specifically limited in the scope of their authority to the issuance of a summons for the perceived violations of the fire prevention code, as adopted in section 42-46, perceived violations of Article IV of Chapter 34 relative to alarm systems, and to the enforcement of division 3 of article IV of chapter 98, pertaining to fire lanes.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY

PASSED ON 1ST READING _____
PASSED ON 2ND READING _____