

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3274

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: GOULD/THOMAS

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BAGERT

SECONDED BY: MR. BURKHALTER

ON THE 4TH OF MAY 2006

ORDINANCE TO REPEAL AND REENACT ST. TAMMANY PARISH CODE OF ORDINANCES, ARTICLE XIII OF CHAPTER 15, ENTITLED "SECURITY SYSTEMS - FALSE ALARMS," TO PROVIDE FOR REGULATIONS, PROCEDURES, ADMINISTRATIVE HEARINGS AND PENALTIES FOR THE PURPOSE OF REDUCTION AND PREVENTION OF FALSE ALARMS AND TO PROVIDE OTHERWISE WITH RESPECT THERETO.

WHEREAS, unnecessary police emergency responses to false alarms impact the emergency response capability of the sheriff's office, adds to the cost of providing emergency services to the public and presents a hazard to the health, safety and general welfare of the public,

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that all provisions of Article XIII of Chapter 15 are hereby repealed and reenacted to provide as follows:

ARTICLE XIII

BURGLARY AND ROBBERY ALARM SYSTEMS – FALSE ALARMS

Sec. 15-925.00 Purpose.

(a) The purpose of this chapter is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to reduce unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the sheriff's office from misuse.

(b) This chapter governs burglary and/or robbery alarm systems, provides for fines for excessive false alarms, provides for discontinuation of the sheriff's office response to excessive false alarms, provides for punishment of violations and establishes a system of administration.

Sec. 15-926.00. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

Activation means making the alarm system operational for purposes other than testing, that may result in a law enforcement agency response to that site.

Alarm administrator means a person or persons designated by the Sheriff to administer, control and review alarm dispatch requests; and coordinate false alarm notification letters, enforcement, and fines.

Alarm appeals board means a board established to hear an appeal timely requested on a decision rendered by the alarm administrator.

Alarm business means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm system means any assembly of equipment, devices, mechanical or electrical, arranged or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure or facility, or for alerting persons of a hazardous condition or the commission of an unlawful act within or upon a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation the sheriff's department or other law enforcement agency may be summoned to respond. For purposes of this chapter, an alarm system shall not include:

- (1) An alarm installed on motor vehicles, boats, or other movables not connected/attached to a fixed protected property site.
- (2) An alarm installed upon the premises occupied by the United States government, by the State of Louisiana, or by the Parish of St. Tammany.
- (3) Any device or system designed solely to give notice or alert of a medical emergency.

Alarm Systems in apartment complexes:

- (1) Contracted for by an individual tenant means that if an alarm system is installed or maintained by an individual tenant within an apartment complex, then the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's unit and the payment of fines.
- (2) Furnished by the apartment complex as an amenity means that if the owner or property manager of an apartment complex provides and maintains alarm systems in each unit as an amenity, then the owner or property manager of the apartment complex is responsible for false alarm dispatches emitted from these alarm systems in all of these units collectively and the payments of any fines.

Alarm system monitoring company means any individual, partnership, corporation, or other entity that engages in the business of monitoring property, burglary, robbery, or panic alarms, and of reporting any activation of such alarms to the sheriff's office. Such a company must have a "monitoring station," which is the use of a system or a group of systems in which the operation of circuits and devices at a protected property are signaled to, recorded in, and supervised from a central monitoring station having trained operators who, upon receipt of a signal, take such action as required by the nature of the signal received.

Alarm system user or user means the person, firm, partnership, association, corporation, company or other entity which owns, leases, controls or occupies any building, structure or facility wherein an alarm system is maintained.

Audible alarm system means an alarm system that emits an audible sound or message which can be heard off premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon the sheriff's office. (See "local alarm.")

Automatic dialing device means a device which is interconnected to a communications system and is programmed to select a predetermined delivery number and transmit by voice message, code signal, or otherwise an emergency message indicating a need for emergency response. Such a device is part of an alarm system which automatically sends over a communications system, by direct connection or otherwise, a prerecorded message or coded signal to report an emergency.

Conversion/takeover means the transaction or process by which an alarm system user, alarm business or alarm system monitoring company takes over control of an existing alarm system which was previously controlled by another alarm system user, alarm business or alarm system monitoring company.

Dispatch means to direct sheriff's office units to a location where there has been a report made, by whatever means, that sheriff's office assistance or investigation is needed.

False alarm means an alarm signal, eliciting a response by the sheriff's office when a situation requiring such response does not exist, including but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or user's agent or employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual emergency exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the direction or control of the alarm system user, acts of terrorism, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning, or other action will be taken against the alarm system user as provided for by this section.

Grace period means a specified length of time from the date of installation, or system conversion/takeover during which no occurrence, fine, or penalty is assessed for false alarms.

Holdup alarm system means any system, device, or mechanism, activated by human action as a result of or in response to robbery or attempted robbery at the alarm site. (See "panic alarm.")

Local alarm means an alarm system which when activated causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

No response means sheriff's deputies will not be dispatched to investigate a report of an alarm signal.

Notice means written notice given by service upon the alarm system user or given through first class U.S. mail, postage prepaid, to the alarm system user's last known mailing address.

Panic alarm means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or bodily harm. A panic alarm includes the manual entry of any combination of numbers into a keypad intended for emergency summons of the sheriff's office.

Response means the arrival of a law enforcement officer or officers at the premises where an alarm system has been activated, indicating an emergency at those premises.

Site means each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct physical address.

Suspension means the temporary cessation of sheriff's office response to the site of an alarm system.

Verification means any attempt, by the alarm business, or alarm system monitoring company to verify the need for a sheriff's office dispatch by contacting the alarm system site by telephone, electronically, via a communications system, or by visual means, whether or not an actual contact with a person is made, before requesting a sheriff's office dispatch.

Sec. 15-927.00. Alarm system installation and equipment requirements.

- (a) Audible alert required. All burglary alarm systems installed on or after the effective date of this section shall be equipped with a pre-alert on all the designated exit/entry doors of the protected premises.
- (b) Backup battery power required. All burglary alarm systems installed on or after the effective date of this section shall be equipped with standby batteries to operate for not less than four hours if power is interrupted. Backup batteries must also prevent false alarms during power outages.
- (c) Holdup alarm devices. Alarm businesses shall not install a single-action nonrecessed button as a device for activating a holdup alarm. With respect to systems in existence prior to the effective date of this section, the alarm system user shall have 180 days from the effective date of this section to effect the necessary modifications to comply with this requirement.
- (d) Noise limits. All bells, sirens, or other noise sources that sound and are intended to be heard outside of the protected premises in the event of an alarm must be set to stop automatically within 5 minutes after the alarm has been activated.
- (e) Automatic dialing devices prohibited. No alarm system user shall install automatic dialing devices that terminate on sheriff's office telephones. Any alarm system user presently using such a device must remove, alter, modify, reprogram or change such devices to bring them into compliance with this section. Commencing on the effective date of this ordinance, no automatic dialing devices shall be installed in St. Tammany Parish.
- (f) Failure to comply. Failure of an alarm system user and/or alarm business to comply with any of the aforementioned equipment requirements shall be a violation of this section, subject to prosecution in district court, and the user and/or alarm business shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation or shall perform community service, or both, and such conviction may result in "nonresponse" to the alarm system user's alarm.

Sec. 15-928.00. Alarm system monitoring companies; verification process.

- (a) Monitoring company requirements. Every alarm system monitoring company engaging in business activities in St. Tammany Parish shall annually register with the alarm administrator. A \$25.00 fee for this registration is required, and the alarm administrator shall provide this registration form not later than 30 days prior to the end of the calendar year. This registration shall include information regarding the following:
 - (1) The proper business or trade name, address and telephone number.
 - (2) All other names, addresses and phone numbers under which the company or corporation conducts business.
 - (3) If an unincorporated association, the name of the owner and responsible associates.

- (4) If a corporation, the names and positions of officers in the corporation.
- (5) If a corporation, the name and address of the registered agent.
- (b) Verification process required. The alarm system monitoring company shall maintain a verification process that makes every reasonable effort to verify the cause of the alarm condition to prevent false alarms from resulting in unnecessary sheriff's office dispatches. A verification process is an independent method of determining that a signal from an automatic alarm system reflects the real need for immediate sheriff's office assistance or investigation. This verification process must be effected prior to reporting an alarm sounding to the sheriff's office. A copy of any alarm verification process policy shall be maintained by the alarm system monitoring company and the central monitoring station and, upon request and reasonable notice, shall be produced to the alarm administrator for inspection and copying. All certificated "Underwriters Laboratory" alarm systems shall be exempt from such verification process requirements.
- (c) Record keeping. Alarm system monitoring companies must maintain, for a period of at least one year following request for sheriff's office dispatch to an alarm site, records relating to such request. Records must include the name, address and phone number of the alarm system user, the alarm system zone(s) or point(s) activated, the date and time of request for sheriff's office dispatch, and evidence that an attempt to verify was made prior to request for sheriff's office dispatch. The alarm administrator may request and is entitled to receive from the alarm system monitoring company copies of such records for individually named alarm systems users.
- (d) Reporting alarms to the sheriff's office. An alarm system monitoring company shall report alarm signals to the sheriff's office by using telephone numbers designated by the alarm administrator. The state license code assigned to the registered alarm business by the state fire marshal's office shall be used to prove the validity of the alarm company for reporting purposes. The failure to provide the state license code number to the sheriff's office at the time of reporting shall cause the alarm administrator to forward a written warning notice to the alarm user, the alarm business, and the alarm monitoring company that any future alarm signals from that location without the submission of the state license code number will not be dispatched, and the sheriff's office will not respond without independent on-scene verification of need.
- (e) Reporting cancellations. The sheriff's office will accept cancellations for dispatch at any time prior to the arrival of sheriff's deputies at the alarm site. The alarm system monitoring company shall communicate verified cancellations of alarm dispatch requests to the sheriff's office in a manner and form prescribed by the alarm administrator. For false alarm enforcement purposes, any dispatch request canceled prior to the arrival of sheriff's deputies on a burglar alarm site will not be counted as a false alarm. In order for the sheriff's office to verify the identity of the alarm system monitoring company through the telephone or communications system, alarm system monitoring companies are prohibited from utilizing "caller identification blocking" or any similar program or system that would prohibit the department from determining the identity of the cancellation caller through an "automatic number identification" system. For calls by "out of area" alarm system monitoring companies wherein caller verification by the sheriff's office communications center is not available, such cancellation calls for alarms will be accepted only by their reporting of the state license code assigned by the fire marshal's office as a means of determining identity. Cancellation of calls for alarms by alarm system users directly to the sheriff's office for those systems that utilize an alarm system monitoring company will not be accepted, unless confirmed to the sheriff's office by the alarm system monitoring company.

(f) Cooperation with sheriff's office When the alarm administrator reports that there has been a false alarm at an alarm system user's premises, the alarm system monitoring company shall work cooperatively with the alarm system user and the alarm administrator to determine the cause thereof and to prevent reoccurrences. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation or such system is not suppressing false alarms, the alarm administrator may require one or more conferences with an alarm system user and the alarm business, and/or alarm system monitoring company responsible for the repair of the alarm system to review the circumstances of any false alarm.

(g) Penalties for noncompliance. The failure of an alarm system monitoring company to comply with any of the above requirements shall be a violation of this section, subject to prosecution in district court and such alarm system monitoring company shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation.

Sec. 15-929.00. Alarm business requirements.

(a) Licensing requirements. All alarm businesses engaged in business in the parish shall be required to possess a state license under the "Alarm Industry Licensing Act," R.S. 40:1662.1 through 40:1662.17.

(b) License copy to be maintained by the sheriff's office. All alarm businesses engaged in business in the parish shall file a copy of such valid state certificate attached to the alarm company registration form with the alarm administrator.

(c) Alarm business registration with the sheriff's office. All alarm businesses engaged in business in the parish shall annually register with the alarm administrator. A \$25.00 fee for this registration is required, and the alarm administrator shall provide this registration form no later than 30 days prior to the end of the calendar year. All changes to this information shall be reported to the alarm administrator. This registration shall include information regarding the following:

- (1) The proper business or trade name, address and telephone number of the alarm business.
- (2) All other names, addresses and phone numbers under which the company or corporation conducts business.
- (3) If an unincorporated association, the name of the owner and responsible associates.
- (4) If a corporation, the names and positions of officers in the corporation.
- (5) If a corporation, the name and address of the registered agent.
- (6) A statement that the alarm business will maintain a 24-hour emergency service, seven days a week, including holidays.
- (7) Names of certified/licensed technicians.

(d) Exemptions. The provisions of this section do not apply to persons engaged solely in the manufacture or sale of alarm systems or their components from a fixed location who do not install, maintain, service, or plan an alarm system for any location. The provisions of this section further do not apply to persons engaged in the repair of alarm systems or their components from a fixed location, and who do not, either personally or through another, visit the structure in which or on which the alarm system is installed.

(e) Penalties for no license. No person or company shall engage in an alarm business in the parish without holding a current and valid license issued by the state fire marshal as provided by state law. The individual limits of the class of the license as to the skill level and type of work that may be performed by the company, are applicable in the parish. Prosecution for any violation of applicable state law shall be furthered by the sheriff's office.

(f) Cooperation with sheriff's office. When the alarm administrator reports a false alarm at an alarm system user's premises, the alarm business should work cooperatively with the alarm system user and the alarm administrator to determine the cause thereof and to prevent reoccurrences. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation or if such system is not suppressing false alarms, the alarm administrator may require one or more conferences with an alarm system user, and/or the alarm business, and/or alarm system monitoring company responsible for the repair of the alarm system to review the circumstances of each false alarm.

(g) Instructions and training to be provided. Every alarm business leasing or furnishing to any alarm system user an alarm system which is installed on the premises on or after the effective date of this section shall furnish the alarm system user with written instructions to enable the user to properly operate the alarm system at any time.

(h) Compliance with installation and equipment requirements. Every alarm business leasing or installing an alarm system which is installed on the premises on or after the effective date of this section shall comply with the alarm system installation and equipment requirements as specified under section 15-127.00 of this chapter.

(i) Alarm registration and user identification letter requirements. The alarm business is responsible for the completion and submission of the registration of any new installation and/or conversion-takeover of any existing system. The alarm business shall forward to the sheriff's office a completed alarm user identification letter including certification of the date of installation, conversion, or takeover of the alarm system. This form shall be submitted within ten days of the install, conversion, or takeover of the alarm system.

(j) Penalties for noncompliance. The failure of an alarm business that engages in business activities in the parish to comply with any of the above requirements shall be a violation of this section, subject to prosecution in district court and such alarm business shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation.

Sec. 15-930.00. Alarm system operation and maintenance.

An alarm system user shall:

(1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.

(2) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.

(3) Make every reasonable effort to respond or cause a contact person(s) to respond to the alarm system's location within a reasonable period of time when notified by the alarm administrator or the sheriff's office to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.

(4) Not manually activate an alarm for any reason other than the occurrence of an event for which the alarm system was intended to be activated.

(5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of its operation.

Sec. 15-931.00. Sheriff's office response to alarm notifications.

(a) Deputy on the alarm scene. Whenever an alarm is activated, thereby requiring an emergency response to the location by the sheriff's office, a sheriff's deputy on the scene of the activated alarm system shall inspect the area protected by the system and determine whether the alarm was false or was caused by a criminal offense or attempted criminal offense. The deputy shall affix to the main premises entrance at that location a notification indicating the date, time, and responding deputy unit number.

(b) Notification and tracking. The deputy responding to the alarm scene will verify the address location and communicate to the sheriff's office dispatcher the disposition of the call which will be recorded into the sheriff's office computer aided dispatch system. In the event of a false alarm, any weather conditions or other possible contributing factors which could have led to the false alarm shall be recorded in the dispatcher's computer record.

Sec. 15-932.00. Penalty for false alarms.

(a) Sending of false alarms. The sending of an alarm signal eliciting a response by the sheriff's office when a situation requiring a response by the sheriff's office does not in fact exist, including but not limited to the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or alarm system user's agent or employee, or any other activation or transmission of any alarm signal where no emergency exists, whether the exact cause of the alarm activation is determined, is prohibited. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, acts of terrorism, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.

(b) Unlawful activation of a holdup or panic alarm. No person shall activate any robbery, holdup, or panic alarm for the purpose of summoning police except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises or in the event the person needs immediate assistance in order to avoid injury, property loss, or bodily harm. The unnecessary dispatching of the sheriff's office for robbery, holdup, or panic alarms will be counted against the alarm site as a false alarm.

(c) Grace period. Beginning with the date of alarm activation or alarm conversion/takeover, there shall be a 30-day grace period. During the 30-day grace period, false alarms will not be counted as an occurrence toward the total for the calendar year, nor will the alarm system user be subject to any fine, warning, or other action as provided for in this section.

(d) Penalties for sending of false alarms. The sending of a false alarm constitutes a violation of this section. It shall be the responsibility of the alarm system user to provide the necessary documentation in order to verify the alarm system's date of purchase, conversion/takeover date, or installation to authenticate the grace period and administrative warnings, fines, and/or suspension of a sheriff's office response may be assessed/imposed upon an alarm system user by the alarm administrator for excessive false alarms during a calendar year as follows:

# False Alarms	Penalty
1 to 3	No fine assessed. Alarm user identification letter issued for 2nd and 3rd false alarms.
4 to 5	\$25.00 fine per false alarm to alarm system user.
6 to 7	\$50.00 fine per false alarm to alarm system user.
8 to 9	\$75.00 fine per false alarm to alarm system user
10 and above	Notice of suspension issued. ("Nonresponse" by police)

All funds derived from the fines contained in this chapter, except those fines imposed and collected by the district court, shall be allocated to the operating budget of the sheriff's office. Except for the fines collected by the district court, it shall be the responsibility of the sheriff's office or a designated collection agency or agencies to collect such fines.

SUSPENSION REQUIREMENTS FULFILLED-REINSTATEMENT-\$100.00 fine.

(e) Training waiver. Once per calendar year, an alarm system user shall have a false alarm fine, with the exception of the reinstatement fine, waived upon payment of all prior fines imposed through this section and submission of written documentation of the alarm system user having attended training recognized by the alarm industry to reduce false alarms.

(f) False alarm annual count. At the end of the calendar year, the false alarm count will revert to zero, provided all charges, fees, and fines have been paid. Multiple alarms from the same site on a single calendar day may be counted as only one false alarm for the purposes of penalty assessment.

(g) Alarm user identification letter. Upon receipt of the second and third false alarm report, the alarm administrator shall send an alarm user identification letter by regular mail to the occupant of the alarm site. The alarm system user shall be accountable for accurately completing the requested identification information and returning same to the police department alarm administrator. The letter shall include:

(1) The name, birth date, driver's license number, social security number, address, and telephone numbers of the person who is the alarm system user and who is responsible for the proper maintenance and operation of the alarm system. In the case of a firm, corporation, partnership, association, company or organization, an individual shall be designated and identified as the corporate officer, partner, associate, or company representative who will be held accountable as the responsible person for the alarm site.

(2) The classification of the alarm site as either residential, commercial, or apartment.

(3) The name, address, and phone number of the alarm business performing the alarm system installation, activation, conversion/takeover and business responsible for providing repair service to the alarm system.

(4) The name, address, and phone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

(h) Failure to return alarm user identification letter. Failure to return the alarm user identification letter within ten days after the third false alarm report notification shall cause the alarm administrator to send

a suspension notification letter by certified mail, return receipt requested, to the occupant of the alarm site, notifying the occupant that the sheriff's office will not respond to any future alarms at the alarm site. Continued reporting of alarms to the sheriff's office under suspension status shall subject the alarm system user to prosecution in district court and a fine of not less than \$150.00 and not more than \$250.00 for each violation. The alarm administrator may reinstate the alarm system user for failure to submit the alarm user identification letter after the alarm system user applies in writing for reinstatement. An alarm user, suspended for failure to respond to the alarm user identification letter, may reapply for reinstatement in writing. The alarm administrator may reinstate sheriff's office response privileges to the alarm user after the user provides the information requested in the alarm user identification letter and after payment of a \$100.00 fine. However, any false alarms which occur after reinstatement shall be added to the existing number of false alarms attributable to the alarm user in that calendar year for purposes of determining the appropriate penalty provided in section 15-132.00, entitled "Penalty for false alarms".

(i) Warning notification letter. The alarm administrator shall send a "notification of false alarm and fine" by regular mail to notify the alarm system user and the alarm business and/or alarm system monitoring company of each false alarm when a fine is applicable, and the consequences of the failure to pay the fine. The alarm administrator shall also inform alarm system users of their right to appeal the finding of any false alarm to the sheriff via the alarm administrator or his/her designee.

(j) Failure to pay fine. If an assessed fine has not been paid within 30 days of the day the notice of fine was mailed by the alarm administrator and there is no appeal pending on the finding of the false alarm, the alarm administrator shall send a second notice of false alarm and fine by certified mail, return receipt requested, along with a notice of late fee of \$25.00. If payment is not received within ten days of the day such notice was received, the alarm system user shall be in violation of this section, subject to prosecution in district court and shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period, or shall perform community service, or both, and may result in "nonresponse" to the alarm system user's alarm. A "notice of suspension of sheriff's office response" shall be sent by the alarm administrator to the alarm system user, alarm business, and/or alarm system monitoring company by certified mail, return receipt requested.

(k) Suspension warning-"no response" to excessive alarms. After the 8th false alarm, the alarm administrator shall send notification to the alarm system user by certified mail, return receipt requested, and a copy by regular mail to the alarm business and/or alarm system monitoring company, which shall contain the following information:

(1) That the 8th false alarm has occurred.

(2) That if two more false alarms occur within the calendar year, sheriff's deputies will not respond to any subsequent alarms without the approval of the sheriff through the alarm administrator.

(3) That such approval may only be obtained by applying in writing for reinstatement. The alarm administrator may reinstate the alarm system user only upon finding that reasonable effort has been made to correct the cause of the false alarms. Examples of such reasonable effort may include written documentation of:

a. A service inspection by the alarm business for repair of any mechanical failures;

b. Modifications or improvements made to the alarm system and/or the alarm system user having completed training recognized by the alarm industry to reduce false alarms.

(4) That the alarm system user has the right to contest the finding of a false alarm by the alarm administrator through a "false alarm validity hearing" held by the alarm appeals board. The request for such a hearing must be in writing and filed with the alarm administrator within 15 days of receipt of the notice of false alarm.

(5) The assessment of the \$75.00 fine.

(l) Application of suspension. After the 10th false alarm within a calendar year or if an alarm system user has failed to submit the alarm user identification letter within ten days of receipt of the 3rd false alarm report notification, there may be no police response to subsequent alarms without the approval of the sheriff through the alarm administrator. The alarm administrator shall send a "notice of suspension of police response" to:

(1) The sheriff's office communications division so that the computer aided dispatch address file history can be recorded.

(2) The alarm system user by certified mail, return receipt requested.

(3) The alarm business and/or alarm system monitoring company by certified mail, return receipt requested. The suspension of sheriff's office response to an alarm location shall begin ten days after the date of receipt of the notice of suspension of sheriff's office response to the alarm system user unless a written appeal of the suspension has been made to the sheriff through the alarm administrator.

(m) Sheriff's Office authority to suspend alarm response. Nothing herein is intended to affect the inherent authority of the Sheriff of St. Tammany Parish to exercise discretion in the operation and administration of his office. The sheriff's office is further authorized by this section to use discretion in deciding whether to direct police units to an alarm location where a suspension of police response has been implemented and there has been a report made that police assistance or investigation is needed. All dispatch decisions are made subject to competing priorities and available police response resources and at the discretion of the sheriff.

(n) Appeal through the alarm administrator. An alarm system user who wants to appeal a false alarm determination by the alarm administrator, fines, suspension of sheriff's office response, or an alarm system user's request for reinstatement, may file same with the sheriff through the alarm administrator for hearing. The request must be in writing and must be made within 15 days of the alarm system user having received the notification of action. Failure to appeal the determination in the required time period results in a conclusive presumption of the validity of the alarm administrator's determination. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm system user by the alarm administrator by certified mail, return receipt requested, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing. The alarm system user shall have the right to present to the alarm administrator written and/or oral evidence. The alarm administrator shall consider the evidence offered and issue written findings waiving, expunging or entering penalties provided by this chapter on an alarm system user's record as appropriate. Confirmation submitted by an alarm system user that an alarm business has been notified and summoned for an alarm system repair or service call, may be considered sufficient evidence to not continue accruing any further false alarms at this site until that alarm business has completed such documented service and/or repair within a reasonable period of time. If false alarm designations are entered on the alarm user's record, the alarm administrator may pursue fine collection accordingly.

(o) Suspension requirements fulfilled-reinstatement. The alarm system user may request an appeal hearing before the alarm administrator as specified above. At this hearing, the alarm system user must present evidence to the alarm administrator that the alarm system user has taken corrective action to repair, modify, or install alarm equipment that will serve to prevent future false alarms at that site. Written documentation provided by an alarm business shall be required. Such correction may also include mandatory user false alarm reduction training through a recognized class. Upon receipt of this documentation and payment of the \$100.00 fine, the alarm administrator shall reinstate the sheriff's office response status. The false alarm count will return to zero for that calendar year upon installation of a new alarm system or upon correction or modification of an existing alarm system.

(p) Reinstatement denied. If the alarm administrator determines that the action taken will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The alarm administrator shall give notice by certified mail, return receipt requested, to the alarm system user that police response will be suspended and notify the alarm system user as to what is necessary in order to have the response status reinstated. If the alarm system user's request for reinstatement has been denied by the alarm administrator, the alarm system user may, within 15 days of receipt of a notice of suspension, appeal this decision by filing a written request for review by the alarm appeals board.

(q) Continued reporting of alarms while under suspension. It shall be a violation of this section for an alarm system user to cause or allow notification to the sheriff's office from an alarm site which has a suspended police response status. A user must disconnect and prevent the signal, audible and electronic, of a suspended alarm system to cause notification to the sheriff's office by an alarm system monitoring company from the audible noises emitted from a local alarm system. An alarm system user who violates this provision is subject to prosecution in district court and a fine of not less than \$150.00 and not more than \$250.00 for each violation.

Sec. 15-933.00. Alarm appeals board.

(a) Composition of the board. The sheriff's office shall convene an alarm appeals board to address unresolved disputes pertaining to the findings of false alarms by the alarm administrator, fines, suspension, or requests for reinstatement of sheriff's office response, or any other issues of a common interest to the sheriff's office, alarm industry and/or alarm system users. The alarm appeals board shall be comprised of 5 members: two sheriff's office representatives designated by the sheriff, two alarm industry representatives designated by the local chapter of the Louisiana Burglar and Fire Alarm Association, and one representative selected from alarm system users. The terms of board members are as follows: The terms of the two sheriff's office representatives shall be determined by the sheriff; the terms of the other board members shall be one year, running from January 1 to December 31. Board members may succeed themselves. No member of this board shall be liable for any civil action for any act performed in good faith in the execution of his or her duties as a board member.

The alarm industry, including alarm businesses and alarm system monitoring companies shall not be responsible for the collection of any fines levied against alarm system users for violating the requirements of this chapter.

(b) Appeal from fines. The alarm appeals board shall conduct a hearing in those matters requested for appeal that have been ruled on by the alarm administrator. The alarm appeals board shall consider evidence offered by any interested person(s). The board shall make its decision on the basis of a preponderance of evidence presented at the hearing including, but not limited to, evidence that a false

alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by a criminal offense. The board must render a decision within 30 days after the request for an appeal is filed. If decision is not rendered within 30 days, the alarm administrator's ruling stands. The board shall affirm, reverse, or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the city parish.

(c) Appeal from denial or suspension. The alarm appeals board shall conduct a hearing and consider evidence offered by any interested person(s). The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that alarm system users have been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise corrected. The board must render a written decision within 30 days after the request for an appeal is filed. If decision is not rendered within 30 days, the alarm administrator's ruling stands. The board may affirm, reverse, or modify the action of the alarm administrator. The decision of the board is final as the administrative remedies.

(d) District court proceedings. The alarm appeals board shall have no standing with respect to the adjudication of proceedings within district court relative to false alarms.

Sec. 15-934.00. No liability of the Parish.

The parish assumes no liability for any defects in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the sheriff finds it necessary to suspend police response or to otherwise provide for the disconnection of any alarm system, the parish shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this section or as a result of the transmission to or receipt of alarm signals by the sheriff's office.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

ORDINANCE CALENDAR NO. 3274

ORDINANCE COUNCIL SERIES NO. _____

PAGE 14 OF 14

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING
OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2006 AND
BECOMES ORDINANCE COUNCIL SERIES NO. _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: April 27, 2006

Published adoption: _____, 2006

Delivered to Parish President : _____, 2006 at _____

Returned to Council Clerk on: _____, 2006 at _____

OFFENSES - MISCELLANEOUS
CHAPTER 15

ARTICLE XIII
SECURITY SYSTEMS - FALSE ALARMS

SEC. 15-925.00 Definitions

- a) ~~Alarm Agent:~~ shall mean any person employed by a licensed alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, or servicing of an alarm system in St. Tammany Parish. This definition shall only include any person who works for an alarm business as defined in this Section.
- b) ~~Alarm Agent License:~~ shall mean a certificate of authorization issued by St. Tammany Parish to an Alarm Agent authorizing him to engage in that activity under the regulation of St. Tammany Parish.
- c) ~~Alarm Business:~~ means a firm, company, partnership or corporation engaged in the sale, installation, maintenance, alteration or servicing of alarm systems.

~~Alarm Business shall not include a business which only manufactures alarm systems or only sells alarm systems to retail outlets, or one which manufactures or sells alarm systems to retail outlets, unless the firm, company, partnership, or corporation also services, installs and monitors alarm systems.~~
- d) ~~False Alarms:~~ means the activation of an alarm system under circumstances where no police emergency exists at the alarm site and which activation results in a response by a law enforcement agency.
- e) ~~Malicious False Alarm:~~ shall mean the intentional false reporting to the Sheriff's Office of a police emergency condition, or the intentional setting off of an alarm which will cause another to report the signal to law enforcement. However, this definition is not to include the testing of an alarm system. (Ord. No. 94-2039, adopted 08/18/94)

SEC. 15-926.00 False Alarms

- 1. ~~An alarm system user shall pay unto the Parish of St. Tammany a penalty of TEN DOLLARS (\$10.00) each for every false alarm responded to by the Sheriff's Department after the third false alarm generated by the alarm system user within a twelve (12) month period.~~
- 2. ~~Any designees of the Sheriff shall give to each subscriber written notice of each false alarm attributed to that permit user as soon as possible. This written notice may be in any form as the Sheriff may deem appropriate, hand delivery, or sent by U.S. Mail, "certified - return receipt" addressed to the person to be notified. (Ord. No. 94-2039, adopted 08/18/94)~~

SEC. 15-927.00 Malicious False Alarms

~~It shall be unlawful for any person to cause a malicious false alarm to be reported to the St. Tammany Parish Sheriff's Department. (Ord. No. 94-2039, adopted 08/18/94)~~