

Sponsored by: Council members Palmieri

ORDINANCE REGULATING AUTOMATIC  
ALARM SYSTEMS AND  
AVOIDABLE ALARMS

ORDAINED, the Code of Ordinances of the City of Utica is hereby amended by adding to Chapter 2-15 thereof, a new article to be known as Article IV, to read as follows:

ARTICLE IV ALARM SYSTEMS

Section 2-15-70. Purpose.

The Purpose of this Article is to protect and promote the health, safety and general welfare of the residents of City of Utica by reducing the number of avoidable alarms of fire, intrusion, or other emergencies which contribute to ineffective utilization of police and fire emergency agencies and require emergency responses which are susceptible to high rates of accident and interfere with genuine emergency responses and produce unnecessary alarm noise in the surrounding community.

Section 2-15-71. Definitions.

As used in this article, the following terms shall have the following meanings:

**Alarm System:** A device or an assembly of equipment which emits an audible sound, which is intended to alert persons outside the premises or to alert emergency agencies by automatically dialing an emergency agency, or which contacts an alarm company thereby causing the alarm company to contact an emergency agency or which is directly connected to any city department.

**Alarm User:** Any person who owns, leases or uses an alarm system within the City of Utica.

**Avoidable Alarm:** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system, or of his employees or agents, or through any other cause which indicates that an emergency situation exists requiring response by an emergency agency when, in fact, an emergency situation does not exist. An "avoidable alarm" also includes the knowing or intentional activation of an alarm when an emergency situation does not exist. "Avoidable alarm" does not include alarms activated by violent conditions of nature such as hurricanes, tornadoes, earthquakes, power failures beyond the alarm user's control, or any other similar cause beyond the control of the user of the alarm system. Activation of an alarm system in circumstances under which the activator reasonably believes that an emergency situation exists is not an "avoidable alarm." Notwithstanding any language to the contrary, the defective installation of an alarm system, the failure to repair or cause to be repaired an alarm system or the use of defective equipment in connection with an alarm system shall not constitute an extraordinary circumstance beyond the reasonable control of the alarm user.

**City:** The City of Utica.

**Emergency Agency:** The City of Utica police department, fire department or other law enforcement agency or ambulance company (public or private) or other agency summoned to respond to an emergency situation.

Notice Address: The address which an alarm user designates on the registration as the address to which notices are to be sent.

Person: Any person, firm, partnership, corporation, association, company or organization of any kind.

Section 2-15-72. Registration required.

(a) Required. It shall be unlawful for an alarm user to operate, own or maintain an alarm system as defined by the terms of this article, without first registering same as hereunder provided.

(b) Registration shall be made as follows:

(1) Registration shall be on a form to be approved by the City Clerk which shall contain a description of the device or system of devices installed or to be installed on the premises as well as a notice address for the alarm user and such other information as the City Clerk may require. All registration forms shall contain a minimum of three (3) additional key holders who may be available to respond in an alarm situation. The names, addresses and phone numbers of all three shall be included on the form. If the alarm user is not the owner of the premises for which the alarm systems is installed, the registration shall also include a statement of the name and notice address for the owner of the premises and the relationship between the alarm user and the owner. Alarm systems existing in premises on the effective date of this article must be registered within thirty (30) days of the effective date. No such device may be installed on the premises of the owner or lessee, and no presently existing alarm system complying with the provisions of this article shall be modified after the effective date of this article without first registering same. Such registration need not be made on an annual basis but shall be made each time a device or system is to be installed or modified.

(c) Registration shall be made by filing same, together with the registration fee, at the City Clerk's Office.

(d) Confidentiality. The information required on the license application shall be treated as

confidential and shall not be made available to members of the general public. The city finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on a license application shall be used by the city only for public safety purposes.

Section 2-15-73. Registration Fee

The registration fee shall be \$25.00 due and payable by the alarm user at the time of registration.

Section 2-15-74. Avoidable alarm charges.

(a) Each alarm user shall pay to the city a charge for each and every avoidable alarm to which the city responds, in each calendar year, as follow:

First two (2) avoidable alarms each calendar year ..... No Charge  
Each additional avoidable alarm ..... \$50.00

(b) For purposes of the above, alarms requiring a response by the police or fire department respectively shall be separately considered.

(c) The Chief of Police shall administer the Avoidable Police Alarm Program. The Fire Chief, through the Fire Marshall's Office, shall administer the Avoidable Fire/EMT Alarm Program. Each respective department shall notify the alarm user of any avoidable alarm charges by mail, sent to the notice address. Within thirty (30) days of such notice the alarm user may appeal to the City Clerk, or such other person designated by the Mayor, by showing proof to demonstrate that the alarm was not an avoidable alarm.

(d) Should the alarm user fail to pay any and all alarm charges within the thirty (30) days of receipt of notice or receipt of appeal denial, whichever is later, the appropriate agency, Fire or Police, shall certify to the city comptroller the amount of the penalties; and said penalties shall become a lien upon the property, to be included in the next tax bill rendered to the owner plus an administrative fee of \$10.00 unless paid before, and shall be collected in the same manner as other taxes against the property.

Section 2-15-75. Automatic Cut Off System Required

(a) No person shall install or maintain an external audible, police alarm device which does not contain an operational automatic cut off system which turns off the external audible alarm after a period not to exceed ten (10) minutes.

(b) For Police and Fire systems, an automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five (5) minutes.

(c) Failure to comply with the above shall also constitute an avoidable alarm.

Section 2-15-76. Response Required.

The alarm user, or his/her designee, shall respond to a police alarm when contacted by the Utica Police Department within thirty (30) minutes of being contacted. Failure to respond within the prescribed time shall be considered a violation of this ordinance and punishable as provided in Section 2-15-77.

Section 2-15-77. Penalty.

Any violation of this article shall be subject to the penalties provided for in Section 2-1-7 of the Utica City Code.

Section 2-15-78. Applicability.

The provisions and requirements of this article shall apply to all persons who are alarm users on the effective date of this article and to all persons who subsequently become alarm users.

Section 2-15-78. Severability.

If any section, subsection, sentence, clause, phrase or word of this article is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the

remaining portions of this article.

FURTHER ORDAINED, this article shall take effect on the 30' day after the adoption hereof.