

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. 13
For Meeting of 07.12.10

ITEM TITLE: Consideration of Resolution Amending the City of Windsor Heights Code, Chapter 31,
False alarms to include the Fire Department – Final Reading


CONTACT PERSON: Christopher W. Cross, Fire Chief
Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

This is the final reading of this ordinance which was discussed at the most recent council meeting. The Fire Department currently does not have the same authority to issue fines for false alarms that the Police Department does. This amendment will allow the Fire Department to issue fines to business whose alarm systems habitually transmit false alarms due to malfunctions.

The draft ordinance regulates the registration, use and maintenance of Alarm Systems in the City of Windsor Heights. The intent of this ordinance is not to penalize alarm owners or to not respond to alarm calls, but to minimize the number of False Alarms, allowing fire fighters to use their resources in a more effective manner.

The false alarm ordinance was originally developed for the police department and has been very successful in reducing the number of false alarms. False Alarms are both a nuisance and a hazard to life and property. The response to a False Alarm creates (1) the traffic danger inherent in the emergency response of public safety vehicles; (2) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous False Alarms have occurred; and (3) the cost in money and staffing to respond where no actual emergency exists. The draft ordinance is designed to discourage repeated false alarms and encourage the correction of any problems that may exist in an alarm system. Currently, there are no provisions in place to accomplish this in the fire department. This has been discussed by the Public Safety Committee, who recommends its passage.

<p>____ Resolution <u> X </u> Ordinance ____ Contract ____ Other (Specify) _____</p> <p>Funding Source _____</p> <p>APPROVED FOR SUBMITTAL _____  _____</p> <p style="text-align: right;">City Administrator</p>

STAFF RECOMMENDATION: Pass final reading of the ordinance authorizing the amendment of the City Code Chapter 31, false alarms, to include the Fire Department on a roll call vote.

COUNCIL ACTION:

ORDINANCE NO. 10-08

AN ORDINANCE Amending the City of Windsor Heights Code, Chapter 31, False alarms to include the Fire Department

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapter 31 of the City Code to include the Fire Department.

SECTION 2. Amendment. Chapter 31 is amended to be titled **ALARM SYSTEMS –~~POLICE~~**

SECTION 3. Amendment. Chapter 31.01 is amended to read as follows:

31.01 DECLARATION. It is hereby declared that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of (i) the traffic danger inherent in the emergency response of ~~police~~ public safety vehicles, (ii) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred, and (iii) the cost in money and ~~manpower~~ staffing to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of citizens to enact the following provisions governing alarm systems.

SECTION 4. Amendment. Chapter 31.02 is amended to read as follows:

31.02 DEFINITIONS. For the purposes of this chapter, the following words and phrases have the meanings set forth herein:

1. “Alarm business” means any person engaged in the business of installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving, or removing alarm systems in the City.
2. “Alarm coordinator” means the individual designated by the Chief of Police to enforce the provisions of this chapter.
3. “Alarm system” means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:
 - A. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
 - B. Devices, which are not installed, operated or used for the purpose of reporting an emergency to the City of Windsor Heights ~~Police Department~~.
 - C. Alarm devices affixed to motor vehicles; and
 - D. Alarm devices installed on a temporary basis by the Windsor Heights Police Department.
4. “Alarm user” means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.
5. “Central station” means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.
6. “Emergency” means the commission or attempted commission of a robbery, burglary or other criminal action.
7. “False alarm” means the activation of an alarm system, which results in a response by the City of Windsor Heights ~~Police Department~~, where an emergency does not exist and for which no evidence or indication of criminal activity or other hazard is discovered. False alarms include negligently or accidentally activated signals; signals which are the result of faulty,

malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature, which are normal for that area. False alarm does not include an alarm signal caused by extraordinarily violent conditions of nature, which cannot be reasonably anticipated by the alarm user.

8. "Local alarm" means any noise-making alarm device and any alarm which emits a visual signal, such as a strobe light.

9. "City of Windsor Heights Police Department" means the sworn and non-sworn personnel assigned by the City to the Windsor Heights Police Department, members of the Windsor Heights Fire Department and the contracted Communication Center that provides radio and alarm information to this department.

10. "User instructions" means written instructions which every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the City shall furnish to such user and which instructions enable the user to operate the alarm system properly.

SECTION 5. Amendment. Chapter 31.05 is amended to read as follows:

31.05 DELIBERATE FALSE ALARMS. No person shall cause any alarm to be transmitted to the City of Windsor Heights Police Department knowing the same to be false or without basis in fact. A violation of this section shall be a municipal infraction.

SECTION 6. Amendment. Chapter 31.10 is amended to read as follows:

31.10 AUTOMATIC DIALING AND PRERECORDED MESSAGE ALARM SYSTEMS. It is unlawful to maintain, operate, connect, or allow to be maintained, operated, or connected, any alarm system or automatic dialing device which automatically dials the City of Windsor Heights Police Department and then relays any prerecorded message indicating the existence of an emergency situation.

SECTION 7. Amendment. Chapter 31.11 is amended to read as follows:

31.11 CITY LIABILITY LIMITATIONS. Nothing in this chapter shall create or be construed to create a duty upon the City of Windsor Heights Police Department to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service, may be responded to within the resources of the City of Windsor Heights Police Department in light of other responses required at the time of the alarm.

SECTION 8. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 10. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication by posting as provided by law.

Passed by the City Council this 21st Day of June, 2010 and approved this 12th Day of July, 2010.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

Ordinance 10-08: CLERK'S CERTIFICATE

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the 21st Day of June, 2010 approved as provided by law on the 21st Day of June, 2010, and published as provided by law on the 12th Day of July, 2010.

Marketa George Oliver, City Administrator/Clerk

PUBLICATION VERSION

City of Windsor Heights
ORDINANCE NO. 10-0

AMENDING SECTIONS OF CHAPTER 31

This ordinance amends Chapter 31, False alarms of the City Code, to include the Fire Department.

This ordinance was passed by the City Council on July 12, 2010.

Additional information is available at City Hall, 1133 66th Street, Windsor Heights, IA 50311; 515/279-3662.