

STATE OF GEORGIA

CITY OF HIRAM

ORDINANCE NO. 2024-02

AN ORDINANCE AMENDING HIRAM CITY CODE AND CREATING A NEW ARTICLE V OF CHAPTER 22 REGARDING FALSE ALARMS.

WHEREAS, the City of Hiram is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Hiram Police Department often responds to automatic security alarms; and

WHEREAS, whenever an alarm is triggered improperly, and is a false alarm, the City unnecessarily expends resources to respond to a non-existing incident, while depriving the citizens of the ability to effectively respond to emergencies that occur at the same time; and

WHEREAS, the Mayor and City Council find that false alarms are a nuisance to the citizens of this City and a drain on the resources of first responders; and

WHEREAS, it is the intent of the Mayor and Council to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for excessive false alarms that unduly burden the Hiram Police Department's limited resources.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council as follows:

1.

The Code of Ordinances, City of Hiram, Georgia, is hereby amended by adding a new Article V of Chapter 22, entitled "False Alarms" which article shall read as set forth in full on the attached Exhibit A, which exhibit is incorporated herein by reference.

2.

This ordinance shall be effective as of the date of its passage for all new alarms activated or registered after the effective date of this ordinance; otherwise, alarms that are active preceding the enactment of this ordinance have three months to come into compliance with this ordinance.

3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

EXHIBIT A

Sec. 22-150. Findings.

False alarms are costly and dangerous because they divert police officers from responding to true emergencies or engaging in proactive crime prevention efforts.

Sec. 22-151. Definitions.

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

- (a) *Alarm administrator* means a person or persons designated by the City of Hiram to administer, control, and review false alarm reduction efforts and administer the provisions of this section.
- (b) *Alarm company* means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site.
- (c) *Alarm permit* means a permit issued by the City of Hiram allowing the operation of an alarm system within the City of Hiram.
- (d) *Alarm signal* means a detectable signal; audible or visual; and/or silent generated by an alarm system, to which the Hiram Police Department is requested to respond.
- (e) *Alarm system* means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which the Hiram Police Department will be requested to respond, but does not include alarms installed in motor vehicles, fire alarms, domestic violence alarm, or alarms designed to elicit a medical response.
- (f) *Alarm user* means any person, corporation, partnership, proprietorship, or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- (g) *Automatic voice dialer* means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to the Hiram Police Department.
- (h) *Cancellation* means the process where response is terminated when the alarm company (designated by the alarm user) notifies the emergency communications center that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to the Hiram Police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

- (i) *Emergency communication center* means the Paulding County (E-911) Center.
- (j) *False alarm* means the activation of an alarm system to summon law enforcement personnel which occurs as a result of mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, their employees, or agents, unless the request for response was cancelled by the alarm user or their agent before the Hiram Police arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Hiram Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises, which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.
- (k) *Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (l) *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 is not monitored by a remote monitoring facility, whether installed by an alarm company or user.
- (m) *Permit year* means a 12-month period beginning on January 1st.
- (n) *Runaway alarm* means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Hiram Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.
- (o) *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 Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."
- (p) *Verify* means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting the emergency communication center for law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this section, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user

who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Sec. 22-152. Alarm Permits.

- (a) Permit Required. All alarm systems are required to have an alarm permit. There will be no charge for the permit. Each alarm permit shall be assigned a unique permit number.
- (b) Expiration. All alarm permits will remain active for the duration of the owner's occupation of the premise described in the permit; however, the owner is responsible for yearly updates to contact information, see (e) below.
- (b) Registration. Each alarm user has the duty to obtain and complete an alarm permit application on a form provided by the City of Hiram.
- (c) Non-transferability; New Registration Required. Alarm permits are not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register for an alarm permit within 30 days of obtaining possession of the property.
- (d) Reporting Updated Information. Following the issuance of an alarm permit, when information required on the alarm permit application changes, the alarm user shall provide correct information to the City of Hiram within 30 days of the change.
- (e) Each year after the issuance of the permit, permit holders will receive, from the city, a form requesting updated information. The permit holder shall complete and return this form to the city within 30 days.
- (f) Multiple Alarm Systems. If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit shall be required for each structure.

Sec. 22-153. Duties of the Alarm User.

An alarm user shall be required to:

- (a) Apply for and obtain an alarm permit.
- (b) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (c) Respond or cause a representative to respond to the alarm system's location within 30 minutes upon notification of the need to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises.
- (d) 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.

- (e) Upon obtaining a permit number, provide that number to the alarm company.
- (f) Obtain a new permit if there is a change of address or ownership of a business or if there is updated information.

Sec. 22-154. Duties of the Alarm Company.

An alarm company 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.
- (c) Ninety days after the effective date of this section alarm companies will be required to use control panels meeting Security Industry Association (SIA) Control Panel Standard CP-01 on all new installations.
- (d) Prior to activation of the alarm system, the alarm company must provide verbal and written instructions explaining the proper operation of the alarm system to the alarm user and provide written information on how to obtain service from the alarm company.
- (e) An alarm company performing monitoring services shall:
 - (1) 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, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case 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.
 - (2) Communicate a cancellation to the emergency communications center as soon as possible following a determination that response is unnecessary.
 - (3) Communicate any available information about the location of the alarm.

Sec. 22-155. Prohibited Acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than ten minutes.
- (c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the emergency communications center or the Hiram Police Department.

Sec. 22-156. Enforcement of Provisions.

- (a) Excessive false alarms. It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful and constitute a City Ordinance Violation.
- (b) Violations of the excessive false alarm clause of this City Ordinance will result in citations for excessive false alarms within a permit year: First and second false alarm: No Charge; third false alarm: \$50.00; fourth false alarm: \$75.00; fifth false alarm: \$150.00; sixth and thereafter: \$250.00.
- (c) Violation of other provisions of this ordinance. Violations of other provisions of this article, other than excessive false alarms, may subject the violator to a City Ordinance citation for violation of the applicable provision and a minimum of \$100.00 per occurrence.
- (d) Payment of City Ordinance violations. Penalties assessed by the Judge of the Municipal Court, or by agreement between the violator and court, shall be paid as instructed by the Court.

Sec. 22-157. Appeals.

- (a) Appeals Process. Assessments of penalties are the purview of the City Court and appeal rights will be explained by the Court.

Sec. 22-158. Exemption from Public Disclosure.

In accordance with O.C.G.A. § 50-18-72(a)(19), information contained and gathered through the alarm registration process shall be exempt from public disclosure.

Sec. 22-159. Government Immunity.

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 applying for an alarm registration, the alarm user acknowledges that the Hiram Police Department 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.

4.

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

5.

All other aspects of the Code of Ordinance, City of Hiram, Georgia shall remain in full force and effect.

SO ADOPTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HIRAM THIS 9th DAY OF April, 2024.

Frank Moran
Mayor Frank Moran

Melissa R. Bayardelle
Mayor Pro Tem Melissa R. Bayardelle, Post 3

Robert Tressel
Councilmember Robert Tressel, Post 1

Tiffany Carroll
Councilmember Tiffany Carroll, Post 2

Derrick Battle
Councilmember Derrick Battle, Post 4

Doris Devey
Councilmember Doris Devey, Post 5

Attest: Melissa Chosewood
Melissa Chosewood, City Clerk

