RESOLUTION 17-94
FALSE ALARM ORDINANCE
ORDINANCE NO. 2-94
POLK COUNTY, WISCONSIN

WHEREAS, the Polk County Emergency Communications Center dispatches public protection agencies, including the Polk County Sheriff's Department to emergency alarms at business and residential locations within the County, and;

WHEREAS, many responses are to false alarms caused by mechanical failure, malfunction, improper installation, or maintenance, or improper use of alarm systems, and;

WHEREAS, response to false alarms incurs significant direct and indirect costs and liabilities to the responding agencies and the public; and

NOW THEREFORE, the Polk County Board of Supervisors, meeting in regular session, hereby ordains as follows:

1) DEFINITIONS

For purposes of this ordinance, the following definitions shall apply

a. Alarm Business: A business which directly or indirectly sells, leases, provides, maintains, monitors, services, repairs, alters, replaces, moves or installs any alarm system.

b. Alarm System: An assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into a 110 volt AC line) arranged to signal the presence of a hazard to which public safety agencies are expected to respond. In this resolution, the term "alarm system" shall include (but not limited to) the terms "burglar alarm system", "fire alarm system", "holdup/panic alarm system", and "smoke detection alarm system", as those terms are hereinafter defined.

c. Alarm User: Any person who owns or occupies a premises with the County in which an alarm system is used, or to which Polk County dispatches services.

d. Answering Service: Any telephone answering service which receives emergency signals from alarm systems and immediately relays a request by live voice to the County Emergency Communications Center for a response.

e. Automatic Dialing Device: Any device which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating an activated alarm or an emergency situation that the alarm system is designed to detect.

f. Burglary Alarm System: Any alarm system which signals an entry or attempted entry into a building or structure, or portion thereof, protected by the system.

g. Central Monitoring Station: Any office or facility to which remote alarm systems are connected, which office or facility is staffed by operators who receive, record, and/or validate alarm signals and relay the occurrence of such signals, by live voice, to the Emergency Communications Center.

h. Direct Line: A telephone line loading directly from a central monitoring station to the Emergency Communications Center used only to report emergency signals on a person-to-person basis. Also known as an automatic ring-down line.

i. Director: The Polk County Sheriff or his designee.

j. False Alarm: The activation of an alarm system when an emergency situation does not exist caused by:
   1. The accidental, negligent, or intentional act of an alarm user, or the alarm user's employee, agent, licensee or invitee; or
   2. Improper manufacture, installation, monitoring, maintenance, or repair.

k. Fire Alarm System: Any system in which the alarm signal transmission is initiated automatically or by the direct action of any individual to signal the presence of smoke, heat, or fire.

l. Holdup/Panic Alarm System: Any alarm system signaling the unauthorized entry of a person into a premises which would reasonably be interpreted as a dangerous situation.

m. Interconnect: To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

n. Person: Any individual, partnership, association, corporation, or organization of any kind.

o. Proprietary System: Any alarm system which directly terminates at a control center within the protected premises, provided that the control center is manned by and under the supervision of the proprietor or subordinates of the protected premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a central monitoring station or answering service, it thereby becomes an alarm system as defined in this ordinance.

p. Smoke Detection Alarm System: Any system in which the alarm transmission is initiated automatically or by the direct action of any individual to signal the presence of smoke, heat, or fire.

2) AUTOMATIC DIALING DEVICES PROHIBITED

No person shall interconnect, use or cause to be used any automatic dialing device which automatically selects a public telephone number including 9-1-1, of the County and relays a pre-recorded message or coded signal indicating the existence of an activated alarm system. The relaying of messages to the Emergency Communications Center shall be accomplished only by person-to-person communications. The Director may approve a direct line installation between a central monitoring station or answering service to the Emergency Communications Center at no cost to the Emergency Communications Center.

3) DIRECT CONNECTIONS TO THE COUNTY PROHIBITED

No alarm system shall directly terminate in the Emergency Communications Center (with the exception of alarm systems intended to protect County employees or County-owned property). Notification of an activated alarm system to the Emergency Communications Center shall be accomplished only by person-to-person communications, either directly from the alarm user, an observer, or by means of a central monitoring station or answering service.

4) TESTING

No alarm system shall be tested or demonstrated without first obtaining approval from the tele-communicator on duty at the Emergency Communications Center. No alarm system shall be tested to determine the response time or adequacy of any public safety agency.

5) VIOLATIONS

a. When any public safety agency responds to an alarm that is determined to have been activated falsely, accidentally or negligently, the alarm user is subject to forfeitures as set forth below.

b. Forfeitures for violation of this ordinance shall be assessed in any 12 consecutive months period as follows:
   1. 1st, 2nd and 3rd violation - $50.
   2. 4th violation - $100.
   3. 5th violation - $150.

4. Each violation after the fifth violation shall double the amount of the previous forfeiture. (For example, the 6th violation is $300, the 7th is $600, the 8th is $1200, and so on).

c. Any person who violates section 2) or 3) is subject to forfeiture of $100. Each day the violation exists is considered a separate violation.

d. The Director shall be notified to each alarm installation, and an alarm number shall be assigned prior to activation of any new installation.

e. If the Director is notified of the date of the installation of a new alarm system, this ordinance is effective for that alarm system 30 days after date of installation. If the Director is not notified of the installation of an alarm system, this ordinance is effective immediately for that alarm system.

f. The forfeitures in this ordinance are in addition to any charges levied by the responding agency for actual costs incurred.

g. This ordinance does not apply to the following:
   1. When an alarm is activated by unforeseeable climatic conditions;
   2. When an alarm is activated by the interruption of utility services;
   3. When a law enforcement officer finds fresh evidence of an unauthorized entry or attempted entry, or finds a person on the premises not authorized to be there.
   4. When a fire department finds smoke or fire on the premises or the activation of an automatic sprinkler system.

6) COUNTY LIABILITY

Polk County, its officers, employees, or agents, disclaims any liability or obligation to any alarm user or any other person for claims arising from the installation of, maintenance of, operation of or defects in any alarm system, any delays in or failure of transmission of any alarm system, or for responding to, delay in responding to or not responding to any alarm system in the County.

7) SEVERABILITY

The provisions of this ordinance, all sections and sub-sections, are to be severable and the unconstitutionality or illegality of any section or subsection shall not affect the validity of the remaining sections or subsections. This ordinance does not supersede any applicable federal or state statutes or regulations that are more restrictive.

8) EFFECTIVE DATE

This ordinance shall be effective on the day following its official publications.

Dated this 1st day of February 1994.

Approved as to form: Joseph P. Guidote, Corporation Counsel

Submitted at the request of the Public Protection Committee.

E. Andrew Pedersen
Violet M. Wright

Res. 17-94 - False Alarm Ordinance 2-94 - Moved by Sup. Vollert and second by Sup. Hansen to adopt Res. 17-94. Motion to adopt Res. 17-94 carried by voice vote. Res. 17-94 adopted.