

ORDINANCE NO. 4559-14

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF JOHNSON CITY, TENNESSEE BY DELETING CHAPTER 6 OF TITLE 11 REGARDING EMERGENCY ALARM DEVICES AND SUBSTITUTING NEW PROVISIONS FOR CHAPTER 6 OF TITLE 11 IN LIEU THEREOF REGARDING FALSE ALARMS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION 1. That Chapter 6 of Title 11 of the Code of the City of Johnson City, Tennessee is hereby repealed in its entirety, and a new Chapter 6 of Title 11 be adopted in lieu thereof, which shall provide as follows:

Chapter 6 – FALSE ALARMS IN GENERAL

Sec. 1 - Purpose

The purpose of this ordinance is to encourage alarm end users to use and maintain alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

These regulations also establish penalties for violations for repeated summoning of emergency personnel when and where an emergency did not exist.

Sec. 2 - Definitions

Alarm Company means a person(s) in the business of selling, providing, maintaining, servicing, replacing, or monitoring alarm systems.

Alarm Dispatch means a notification to the Washington County Emergency Communications District (911) for alarms within the city limits of Johnson City, Tennessee (including those areas within Washington, Carter, and Sullivan Counties), the police department, fire department, or emergency medical services that an alarm is activated, and the appropriate emergency responders are notified or dispatched. This definition includes hold-up alarms as well as alarms commonly referred to as duress or panic alarms.

Alarm Site means the point of origin of the alarm at a street address that appears in the alarm dispatch notification to the Washington County Emergency Communications District (911) for alarms within the city limits of Johnson City, Tennessee (including those areas within Washington, Carter, and Sullivan Counties). For multi-family residential complexes that contain two or more individual units or apartments, an alarm site shall be defined as the street address of the multi-family residential complex in its entirety and not an individual unit or apartment within the complex, unless a tenant of the complex installs or causes to be installed an alarm

system or has a contract for monitoring or maintenance of an alarm system, in which case that tenant's apartment/unit shall be the alarm site and that tenant shall be the alarm user.

Alarm System means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to summon law enforcement or other emergency responders, including local alarm systems that may be audible only. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm User means any person, company, institution, or other commercial, public, or private entity that has contracted for monitoring, repair, installation, or maintenance service from an alarm company or monitoring company for an alarm system, or any of the above-listed persons or entities that own or operate an alarm system which is not monitored, maintained, or repaired under contract.

Cancellation means the process by which a response is terminated when a monitoring company for the alarm site, designated by the alarm user, or other qualified person, notifies the Emergency Communications District or the responding emergency service that there is not an existing situation at the alarm site requiring an emergency response after an alarm dispatch request.

False Alarm means an alarm dispatch to an emergency service provider, when the responding emergency service provider finds no evidence of an emergency or criminal offense or attempted criminal offense or fire or medical emergency, after having completed an investigation of the alarm site. This definition includes, but is not limited to, mechanical failure, malfunction, improper installation and maintenance, or the negligence of the owner or lessee of an alarm system or his/her/its employees or agents, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to the control of the alarm user or alarm company.

Each alarm site will be granted three (3) false alarm violations within a rolling, twelve (12) month period before enforcement action is commenced, except in the case of a malicious or intentional sounding or activation of an alarm. The three (3) false alarm violations are counted separately for each emergency responder - police, fire, and emergency medical services. Malicious or otherwise intentional alarm sounding or activation that requires a response is considered enforceable immediately without consideration of previous alarm dispatches. Additionally, a malicious false alarm may be prosecuted under state law. A false alarm also includes a hold-up alarm or robbery alarm, which generally result from alarm signals generated by the manual activation of a device intended to signal a robbery in progress, or immediately after it has occurred, when such an emergency did not exist.

Sec. 3 - Enforcement

- A. Officers of the Johnson City Police Department are authorized to enforce this chapter as it applies to alarms necessitating a police department response.
- B. Fire Marshals of the Johnson City Fire Department are authorized to enforce this chapter as it applies to alarms necessitating a fire department response.
- C. Officers of the Johnson City Police Department are authorized to enforce this chapter as it applies to alarms necessitating an emergency medical response, at the request of the Director of the Washington County/Johnson City Emergency Medical Services.

- D. Persons responsible for compliance with the terms of this ordinance include alarm site property owners, alarm users, lessees, managers, employees, or anyone who exercises control over the alarm system of a business or residence, as the case may be.

Sec. 4 – Violations and Penalty

- A. Any instance where emergency responders are dispatched to investigate an alarm, wherein the alarm is determined to be false, is considered a violation of this ordinance. A fine of up to fifty dollars (\$50.00) for each such false alarm may be assessed by the Johnson City Municipal Court.
- B. An alarm dispatch that is cancelled prior to the emergency services arrival will not be considered a countable false alarm.
- C. It is a violation of this chapter for an alarm company to activate a false alarm while installing, repairing or doing maintenance work on an alarm system. If the fire or police department is notified to cancel the call prior to arrival, it will not be considered a false alarm.
- D. In addition to the penalty in Section 4 (A), the Municipal Court may assess and render a judgment for the actual costs of the response, including but not limited to the costs of the equipment, fuel, personnel, and supplies.

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 8/21/2014
PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 9/4/2014
PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 9/18/2014

APPROVED AND SIGNED IN OPEN
MEETING ON THE 18th DAY OF
September, 2014
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

APPROVED AS TO FORM:

/s/ James H. Epps, IV
STAFF ATTORNEY