

ALARM SYSTEMS

Sec. 15-64. Purpose and Scope.

(a) The purpose of this article is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the city's limited public safety resources.

(b) This article governs burglary, robbery, medical and fire alarm systems, establishes service fees and provides a system of administration.

Sec. 15-65. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alarm agent: Any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: maintaining, servicing, repairing any alarm or alarm system in or on any building, place or premises. Any person whose duties consist solely of resetting an alarm following activation shall not be deemed to be an alarm agent.

Alarm business: The business, by an individual, partnership, corporation, or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm or alarm system in or for any building, structure or facility.

Alarm system: Any device or system which transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods which indicates a hazard or occurrence requiring urgent attention and to which public safety personnel are expected to respond. Alarm systems shall not include a personal direct telephonic call requesting emergency services placed by a person at the premises in question.

Alarm use, user: The person, persons or organization that occupies the premises which are protected by the alarm system. Be they the owner, lessee or an agent thereof.

Answering service: A telephone answering service providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the police departments communications center.

Automatic dialing device: A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

False alarm: Any alarm signal communicated to the Lexington communication center which is not reasonably believed to be in response to actual or threatened felonious criminal activity, medical emergency or fire. False alarms include negligently activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; and signals which are purposely or accidentally activated to summon public safety personnel in non emergency situations. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified by the chief of police or his designee, to be beyond the control of the user.

Indirect alarm transmittal: Any security alarm system which does not directly terminate in the Lexington communication center, but which causes a third party or answering service to notify the Lexington communication center of the alarm activation.

Installer: Any person who installs, services, monitors, sells or leases any security alarm system.

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

Negligently activated: The doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

Non emergency: Any activation of an alarm system resulting in a response by public safety personnel other than that purpose for which the system was designed, installed and approved by the chief of police or his designee.

Sec. 15-66. Telephone dial alarm systems regulated.

It shall be unlawful for any person to install, sell, lease or use, or cause or allow to be installed, sold, leased or used, automatic telephone dialing devices or systems which are set or programmed to directly dial, actuate, call or in any manner make direct contact with any telephone line or radio circuit of the Lexington communication center.

Sec. 15-67. Security alarm user permits required.

(a) Every alarm user shall obtain an alarm user's permit from the city of Lexington for each alarm system which permit shall remain in effect unless and until either revoked or the alarm system

is removed or transferred to another user. No alarm system shall be activated without the alarm user having first obtained an alarm user permit as described within this subsection. Such a permit shall be obtained from the city of Lexington within one hundred twenty (120) days from the effective date of this article or prior to the use of an alarm system which is installed subsequent to the expiration of one hundred twenty (120) days from the effective date of this article.

(1) The alarm user shall purchase an alarm user's permit for each alarm system within the jurisdictional boundaries of the City of Lexington, which is intended and/or designed, when activated, to generate a response from one or more municipal public safety agencies. An alarm permit fee of to be set by City Council as set forth in Sec. 15 - 70 (a) shall be paid by the "alarm user".

(2) The application for an alarm user's permit shall be made on an alarm permit application form which is available from the Lexington communication center. Payment of the permit fee for each alarm system shall accompany the application to the City treasurers office.

(3) Every person applying for more than one alarm permit at one location shall pay the alarm user's permit fee for each permit up to three (3) permits. regardless of the number of permits, the total fee shall not exceed three times the single permit fee for any one location.

(4) An alarm user's permit for a business or industry alarm system shall be displayed in a conspicuous place at the main entrance of the building observable from the outside.

(5) The alarm user's permit may be issued at any time, however, all alarm permits expire on December 31 with renewal due between November 1 and January 1 of each year following the issuance of the permit. Permits are not transferable from one user to another user, or from one address to another address. It shall be the duty of the alarm user to maintain current permit information.

(b) Those alarm system receivers which are installed in the Lexington communication center, if any, shall be removed within one (1) year of the effective date of this article and no further such alarm system receivers shall be installed.

(c) An alarm user whose permit has been revoked may apply for a reissued alarm permit in accordance with the fee schedule in sec. 15-70(c).

Sec. 15-68. Duties of security alarm users.

(a) It shall be the responsibility of the security alarm users to instruct employees or others who may have occasion to activate an alarm, that alarm systems are to be activated only in emergency situations to summon an immediate public safety response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system(s), including setting, activation and resetting of the alarm. All instructions pertaining to alarm systems and procedures shall be in written form,

suitable for distribution to employees. Alarm users shall be responsible for maintaining the security system in proper working order.

(b) It shall be the responsibility of the alarm users to re-set and, or, returning all alarm systems to service after an alarm trip or maintenance. The emergency response personnel will not re-set any alarm system.

(c) It shall be the responsibility of the alarm users to inactivate or cause to be inactivated audible alarms within thirty (30) minutes of the notification of its activation. All other alarms shall be re-set within one (1) hour of the notification of its activation.

Sec. 15-69. Deliberate false alarms:

It shall be unlawful for any person to deliberately and without just cause activate an alarm system to summon the city's public safety personnel in a non emergency situation. Nothing herein contained shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the Lexington communications center.

Sec. 15-70. Service fees, termination of response and reinstatement of service

(a) Schedule of fees.

(i) An Alarm permit fee of twenty five (\$25.00) dollars shall be paid by the "alarm user" for each location and for each alarm system located within the jurisdictional boundaries of the City of Lexington. Such fee shall be collected only once for each user and each alarm system. If the permit is revoked, if the property is transferred or if the alarm system is removed or replaced a new permit must be obtained as set forth herein.

(ii) The first three (3) false alarms in a permit year, shall be free of charge. The fourth (4) through eight (8) false alarms in a permit year will result in a service fee of twenty five (25) dollars each. The ninth (9) through twelfth (12) false alarm in a permit year will result in a service fee of fifty (50.00) dollars each. NOTE: Sec. 15-70 shall not apply to newly (first time/original alarm systems) installed/activated alarm systems for the first thirty (30) days of operation.

(b) Termination of response. The twelfth (12) false alarm from any premises in a permit year will result in the alarm user's permit being revoked and the user being so notified, in writing, by the chief of police or his designee and that all emergency response by the city's public safety personnel, based on alarm activation, shall cease upon receipt of the written notice.

(c) Reinstatement of service. Any service which has been discontinued shall not be reinstated until it has been inspected by an alarm company licensed to do business in the state, which shall certify that the system has been repaired and is now found to be in a reliable status. In the event the false

alarms occurred through human negligence rather than mechanical failure, reinstatement shall not be permitted until the user, its employees and all others having access to the system have completed a training program satisfactory to the chief of police or his designee. In addition to such written certification to the chief of police or his designee, a reinstatement fee of one hundred dollars (\$100.00), payable to the city of Lexington, must accompany the request for reinstatement. The inspection, repair and recertification of any alarm system shall be accomplished at the alarm user's expense. Such reinstatement, if granted, shall be for the remainder of the current calendar year.

Sec. 15-71. Exceptions.

The service and reinstatement fees of this chapter shall not be applied to any alarm system used, operated or installed in any premises or place owned, leased, occupied or under the control of the United States government, the state or any of its political subdivisions, nor to the city or its school board or any officer, agent or employee of the aforesaid governmental agencies while acting or employed in their official capacity. All other requirements including termination of service, shall apply.

Sec. 15-72. Payment of fees.

The chief of police or his designee shall certify to the director of finance the name of the user, the address from which alarms subject to penalty emanated and the amount due the city on the last day of each month. The director of finance shall cause billing to be sent and shall in turn notify the chief of police or his designee when any account is more than thirty (30) days in arrears. Any account more than thirty (30) days in arrears shall be subject to revocation and a termination of response, further, the reinstatement fee specified in section 15-70(c) must be remitted before service is restored.

Sec. 15-73. Penalties.

Any person who installs, sells, leases or utilizes an alarm system in violation of section 15-66, 15-67, 15-68, 15-69 and 16-70 shall be deemed guilty of a Class one misdemeanor

Sec. 15-74. Confidentiality.

The information furnished and secured pursuant to this article shall be confidential and shall not be subject to public inspection.

Sec. 15-75. Civil liability.

(a) Neither the police department, fire department nor the Rescue squad, nor any other agency of the City of Lexington, shall be under any obligation or duty to accord any priority to an alarm system, or to any person by reason of this article. The City of Lexington specifically disclaims liability for any damages which may be caused by the failure of the City of Lexington to respond to an emergency or alarm, or any damages caused by a reasonable response to an emergency alarm.

(b) The City of Lexington, its officers, employees and agents shall not assume any duty or responsibility for the installation, operation, repair or effectiveness of any privately owned alarm system, such duties or responsibilities being solely those of the alarm user and relevant alarm business. Additionally, it shall be solely the responsibility of the alarm user and relevant alarm business to silence an activated alarm and thereafter reset the same.

Sec. 15-76. Severability.

If any section, subsection, clause, or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article.