

AN ORDINANCE REGULATING ALARM
SYSTEM AND PRESCRIBING PENALTIES

WHEREAS, the Sheriff's department of the County of Tippecanoe is desirous of the enactment of an ordinance for the purpose of reducing the number of false police alarms activated by residences and businesses of the County;

WHEREAS, notwithstanding due care and caution, each and every time an emergency vehicle is called to answer a false alarm, the citizens and employees of the County and the property of the County is greatly endangered, which could result in causing serious injury or loss of life to an innocent bystander or emergency personnel;

WHEREAS, the average cost for each emergency run that the sheriff's department makes is substantial;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Tippecanoe, Indiana, as follows:

(a) False alarm means an alarm eliciting a sheriff's response when the situation does not warrant such a response. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonable under the control of the alarm user, installer or maintainer.

(b) Alarm system means any device used for the detection of an unauthorized entry or attempted entry into a building, structure or facility; or for alerting others of the commission of an unlawful act within a building structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Sheriff's Department;

For the purposes of this chapter, an alarm system shall not include:

(i) An alarm installed on a motor vehicle.

(ii) An alarm designed and operated so that no notification is given to the Sheriff's Department until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have checked the alarm site and determined that the alarm was the possible or probable result of criminal activity of the kind for which the alarm system was designed to give notice. Said alarm shall be equipped to disconnect any exterior sounding alarm automatically within 10 minutes of activation.

(iii) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

(c) Alarm Business means any individual, partnership, corporation or other entity who sells, leases, maintains,

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services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

(d) Alarm Agent means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, moving, or installing on or in any building, structure, or facility, any alarm system.

Section 2. Monitoring Fee

Every person maintaining an alarm system, monitored by the County, as defined in section 1 hereof, shall pay an annual monitoring fee of three hundred dollars (\$300.00) to the Tippecanoe County Auditor for each alarm site monitored, payable on March 1 of each year, for the following 12 month period. This fee shall be waived for any alarm removed from the system within 12 months from the effective date of this ordinance. The annual fee for an alarm installed after March 1 of any year shall be prorated for each month or portion of a month that such an alarm is installed. The fee shall be deposited in the Tippecanoe County Police Department Capital Outlay Account.

Section 3. Registration of Alarm Business

Prior to doing business within Tippecanoe County, and alarm system business shall register with the Tippecanoe County Auditor's office on a form designated by the County for the purpose. On such form the business shall set forth:

(a) The full name and address of the alarm system business;

(b) The full name, business address and home address of the manager;

(c) A telephone number at which the Sheriff's Department can notify personnel of the business of a need for assistance at any time;

(d) The name, address and date of birth of all alarm agents employed by the alarm system business.

An alarm system business doing business at the time this ordinance becomes effective shall have thirty (30) days to register as required above, with a fee of one hundred dollars (\$100.00).

An alarm system business shall promptly notify the Tippecanoe County Auditor in writing of any change in the

information contained in the registration form.

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Section 4. Identification Cards Required

Every alarm agent shall carry on his person at all times while engaged in the alarm system business an identification card which shall be displayed to any police officer or fire department officer upon request.

Section 5. Prohibited Acts

It shall be a prohibited act punishable by fine as provided in this ordinance to do any of the following acts:

(a) For a person who owns or controls property on which an alarm system is installed to issue, cause to be issued or permit the issuance of a false alarm.

(b) For a person who owns or controls property to install, maintain or permit to operate any alarm which automatically dials into any Sheriff's department public or emergency telephone line when an alarm is activated.

(c) For a person participating in the ownership or management of an alarm system business to do any business within Tippecanoe County without registering as required by this ordinance.

Each separate occurrence, under subsection (a), and each separate day, under subsection (b) and (c) shall constitute a separate and distinct violation.

Section 6. Notice of Violation

The Sheriff or designee may issue a notice of violation. Upon the issuance of the first three violations per calendar year of section 5 (a) only for any specific property, any fine will be excused upon the violator submitting a written report to the Sheriff's department on the cause of the alarm within two weeks of service of notice of violation. Such report must show that steps have been taken to correct the problem and that the problem will not occur again in the future.

Section 7. Contents of Notice of Violation

The notice of violation shall state the name of the violator, the location of the violation, the date and time of the violation, the section of this ordinance which was violated, the penalties for the violation and the violator's right to an appeal under any section hereof, if applicable.

Section 8. Service of Notice of Violation

A notice of violation shall be served upon the violator at

the violators last known address. Service shall be complete upon the mailing (regardless of the receipt of the notice) or posting of the notice upon the property where the alarm is located.

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Section 9. Hearing on Excuse

Any person noticed for a violation of section 5(a) may petition the Board of County Commissioners of the County of Tippecanoe for a hearing to show that for some reason beyond the violator's control, the false alarm was activated. The petition for a hearing must state specifically the reasons beyond the violator's control for the activation of the alarm. The violator must also furnish the Board with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within two weeks of service of the notice of violation. After the hearing, the Board of County Commissioners of the County of Tippecanoe, in its sole discretion, will determine whether the false alarm was activated for reasons beyond the control of the violator, the violation will be excused and no fine will be imposed.

Section 10. Penalties on Compromise

The fine imposed for violation of any section of this ordinance will be:

Twenty-five dollars (\$25.00) for the first three penalties, fifty dollars (\$50.00) for the next three succeeding violations, one-hundred dollars (\$100.00) for the next three succeeding violations, and two-hundred dollars (\$200.00) for all subsequent violations. Fine structure if based on the number of violations per calendar year;

provided the fine is paid within two weeks of service of the notice of violation. Otherwise, the amount of the fine is doubled.

The fine imposed will be due and payable to the Tippecanoe County Auditor within two weeks of the citation date and deposited in the Tippecanoe County Police Department Outlay Account. In the event that a hearing on excuse was held, the fine will be due within two weeks of the date that the decision was made.