

Chapter 12

PUBLIC SAFETY

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Section 12-0A ARTICLE I. IN GENERAL

Section 12-1 12-1--12-25. Reserved.

Section 12-25A ARTICLE II. ALARM SYSTEMS

Section 12-26 Purpose.

The city council has recognized a continuing problem with an inordinate number of unfounded calls for service, as that term is defined below, initiated by the activation of burglar alarm systems located at businesses and private residences within the city, causing interference with other duties of police officers and resulting in high costs to the city. There is hereby adopted by the city council this chapter to establish rules, regulations and penalties in connection with the use of burglar alarm systems in order to cause a reduction in the number of unfounded calls for service, to make more efficient the city police department's ability to respond to burglar alarms, and to reduce the likelihood of police officer or citizen injury as a result of the emergency responses engendered by burglar alarms.

(Ord. of 3-9-87, § III)

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Section 12-27 Definitions.

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

Alarm system means any mechanism or device which is designed to automatically transmit to the police department, fire department, or receiving station a signal, message, warning or other indication of any occurrence requiring police or fire department response.

Alarm system business means any person who installs, services or responds to electrical, electronic or mechanical alarms, signal devices, burglar alarms, fire alarms, television cameras or still cameras used to detect fire, burglary, breaking and entering, shoplifting, pilferage, theft, or any other intrusion. However, it shall not include a business which merely manufactures or sells alarm systems unless such business installs, services, or responds to alarm systems at the protected premises. Further this definition does not include a person who owns and installs an alarm system on property owned or leased by that person.

Alarm system user means any person in control of any building, structure or facility wherein an alarm system is installed, operated and maintained.

Local alarm system means any mechanism or device which, when activated, causes an audible or visual signal or both to be activated only in or on the premises wherein the system is installed, operated, and maintained.

Response means the dispatching by the city of personnel and equipment to the scene upon activation of an alarm system.

Unfounded call for service means the activation of an alarm system eliciting a response by police or fire department when a situation requiring such response does not in fact exist. This definition includes accidental, avoidable or unnecessary alarm system activation due to alarm system user error, equipment malfunction, or improper or unsuitable equipment, but does not include an alarm system activation caused by acts of nature, electrical power surges outside the alarm system or other extraordinary circumstances not reasonably subject to control by the alarm system user or alarm system business.

Unfounded calls for service day means the twenty-four-hour period of the calendar day during which the unfounded call for service is made.

(Ord. of 3-9-87, § III)

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 12-28 Certain alarm systems prohibited.

It is unlawful to install, operate or maintain an alarm system that transmits directly to a police or fire department telephone number by way of telephone line, especially through an automatic continuous dialing device, a signal, message, warning or other indication of an occurrence requesting police or fire department response. The owner or lessee of any such alarm system in operation on the effective date of this article shall disconnect or have disconnected such alarm system or be in violation of this section.

(Ord. of 3-9-87, § III)

Section 12-29 Unfounded calls for service.

Responsibility for unfounded calls for service under this article shall be borne by the alarm system user for each of the user's separate alarm systems. For each response by the city police or fire department to any unfounded call for service, the alarm system user shall be subject to the following regulating procedure:

- (1) There shall be no fee charged for the first two (2) unfounded calls for service days within the period of any one (1) calendar month. For any person who maintains an alarm system at each of two (2) or more separate locations, the provisions of this paragraph shall apply to each separate location. For all succeeding responses to unfounded calls for service to premises within the same

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one (1) month period a fee of twenty dollars (\$20.00) shall be charged for each such response. The determination of whether an unfounded call for service has taken place shall be made by the chief of police and there shall be no appeal from this determination.

- (2) Where a determination has been made that an unfounded call for service has taken place, the chief of police shall notify the alarm system user in writing of the fee assessed for the unfounded call for service. The notification shall be sent by regular U.S. mail to the alarm system user at the address maintained by the police department for the alarm system user. Upon a failure of a user to pay any fee specified in subsection (1) within ten (10) days after the date of the written notification of the fee assessed, the deputy city marshal shall draw a fi.fa. against the delinquent user in the past due amount, and collect same after proper levy, advertisement and public sale.
- (3) The provisions of this section shall also apply to those alarm system users whose alarm systems are not connected directly to a monitoring device at the city police department but are instead connected to a monitoring device maintained by an alarm system business. If an unfounded call for service is received by the city police department by way of call from an alarm system business then it shall be treated the same as an unfounded call for service received by way of input directly to the monitoring device at the city police department. Upon a failure of such an alarm system user who fails to pay any fee specified in subsection (1) within ten (10) days after the date of the written notification of the fee assessed, the deputy city marshal shall draw a fi.fa. against the delinquent user in the past due amount and collect same after proper levy, advertisement, and public sale.

(Ord. of 3-9-87, § III)

Section 12-30 Information to be provided by alarm system users.

Each alarm system user who operates an alarm system within the city shall list with the police department and fire department the names, addresses and telephone numbers of at least two (2) persons who can be notified to turn off, repair or service the alarm including a local alarm system and secure the premises during any hour of the day or night that the alarm may be activated. In addition, each alarm system user shall provide the police department with the user's current mailing address for the purposes of notification as referred to in section 12-29. (Ord. of 3-9-87, § III)

Section 12-31 Discontinuance.

After March 9, 1987, the city will accept no new lines into the alarm system monitoring device located at the city police department, except such lines as may be required by law. As lines are removed from that monitoring device through actions of alarm system users or otherwise, the city police department will accept no lines to replace those so removed, except such lines as may be required by law. Effective July 1, 1992, the city police department shall discontinue monitoring alarm systems through the monitoring device referred to herein or through any other monitoring device, except as such monitoring may be required by law, and any such monitoring device, except as required by law, shall be removed from the city police department as soon as practicable after that date.

(Ord. of 3-9-87, § III; Ord. of 11-25-91(2), § I)

Section 12-32 12-32--12-50. Reserved.

Section 12-50A ARTICLE III. FIRE PREVENTION AND PROTECTION

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Section 12-50D DIVISION 1. GENERALLY

Section 12-51 Appeals from decision of fire chief.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a license or permit applied for, when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the code have been misconducted or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision.

(Code 1958, § 11-7)

Section 12-52 Calls to fire department to report fires.

It shall be unlawful for any person to call over the telephone the number designated to report a fire except to call the fire department out to a fire. The person, either calling for or endeavoring to call such phone number, shall be guilty of violating this Code and punished as prescribed in section 1-6 of this Code.

(Code 1958, § 11-1)

Section 12-53 False alarm; tampering with alarm box.

It shall be unlawful for any person to maliciously give or cause to be given any false alarm of fire by telephone or messenger or by turning in an alarm from any of the fire-alarm telegraph-signal boxes or in any other manner or to break or cause to be broken or in any manner injure, cut or damage or cause to be injured, cut or damaged any of the fire-alarm- signal boxes, poles, wires, or other apparatus or to in any manner interfere with such boxes, poles, wires or other apparatus or any part thereof or the working of such boxes, poles, wires or other apparatus or any part thereof, unless by the consent of or under the direction of the chief of the fire department.

(Code 1958, § 12-53)

Section 12-54 Storage of inflammable material.

It shall be unlawful for any person to keep or have stored in any basement, storeroom, outhouse or other place within the fire limits of the city any rubbish, rakings or sweepings consisting of paper, trash, boxes or parts of boxes, excelsior or any article or thing or substance of like kind or not or inflammable or combustible material where the material increases or tends to increase the fire risk or is likely to endanger from fire any building or other property after notice to remove the material from the chief of the fire department or any officer of the police force. Such person shall have twenty-four (24) hours after receiving such notice to remove the material. Any person failing to comply with the order of the chief of the fire department within the time mentioned shall be summoned to appear before the municipal court of the city, and shall upon conviction be punished as provided in section 1-6 of this Code. (Code 1958, § 11-9)

Section 12-55 Firewood storage within fire district.

It shall be unlawful for any person to accumulate or retain cord wood or any other wood product used for fuel purposes, in an amount in excess of ten (10) cords, at any point within the fire district of the city as defined in section 5-1 of this Code. (Code 1958, § 11-10)

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Section 12-56 12-56--12-70. Reserved.

Section 12-70D DIVISION 2. FIRE PREVENTION CODE*

***Editor's note--**Section I of an ordinance adopted April 13, 1992, repealed former Div. 2, §§ 12-71--12-75, relative to the fire prevention code, and enacted a new Div. 2 to read as herein set out. The provisions of former Div. 2 derived from Code 1958, §§ 11-1--11-6, 11-8, and 11-13.

Section 12-71 Adopted.

There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, a certain code known as the Standard Fire Prevention Code, 2000 Edition with State Amendments, the entire 2000 Edition being adopted. One (1) copy of such code is on file in the office of the building inspection department, and the code is hereby adopted and incorporated as fully as if set out at length herein. The provisions thereof shall be controlling within the limits of the city.

(Ord. of 4-13-92, § I; Ord. of 10-23-95, § VIII; Ord. of 01-30-02)
(2002-12-71, Amended, 01/30/2002)

Section 12-72 Enforcement.

The fire prevention code adopted in section 12-71 shall be enforced by the chief of the fire department.

(Ord. of 4-13-92, § I)

Section 12-73 Reserved.

Section 12-74 Penalties for violations.

(a) Any person who shall violate any of the provisions of the fire prevention code adopted in section 12-71 or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, upon conviction therefor before the municipal court, be punished as provided in section 1-6 of this Code.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. of 4-13-92, § I)