

CITY OF CONCORD

In the year of our Lord two thousand and eighteen

AN ORDINANCE amending the CODE OF ORDINANCES; Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-11, Police False Alarm Charge

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES; Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-11, Police False Alarm Charge, as follows:

15-11-1 - Definitions.

Alarm Systems: Means any assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which the Police Department **may**[is expected to] respond.

~~[Digital Encoder Alarms: Digital encoder alarms are those alarm systems which automatically seize a telephone line and dial a specified number signaling the Police Alarm System by means of sequential toning.]~~

~~[Direct Dialer Tape Alarms: Direct dialer tape alarms are those alarm systems which automatically seize a telephone line connected to Police Headquarters and reproduce a prerecorded voice message indicating the existence of the emergency situation the alarm is designed to detect.]~~

False Alarm: False alarm means the activation of an alarm system through mechanical failure, accidental tripping, misoperation, malfunction, misuse, or the neglect of the owner or lessee of an alarm system, or of his employees or agents, **which necessitates a response by the Police Department**. Upon failure of the Police Department to find any evidence of intrusion or other legitimate need, [or] legitimate cause **or any cause beyond the control of the owner or lessee of the alarm system**, for activating an alarm system, a conclusive presumption of false alarm will be made. ~~[False alarm shall not include alarms caused by earthquakes, violent winds, or external causes beyond the control of the owner or lessee of the alarm system.]~~

15-11-2 – False Alarm Charge.

Any person who maintains or has an alarm **system**, ~~[connected to the Police Alarm System, to an alarm agent, alarm business or a person responding to audible alarms,] which [has caused any signal, message or alarm to be transmitted to the] **causes a Police Department response that**~~

~~has been [either by direct telephone or other communication and which is proven to be] conclusively presumed to be a false alarm, shall pay a false alarm charge to the City of Concord in accordance with the City's Non-Ordinance Based Fees, Fines & Penalties Schedule. [as follows:~~

~~(a) The service charge per calendar year for false alarms shall be:~~

~~First three (3) alarms No charge~~

~~Fourth through six false alarm, per alarm \$50.00~~

~~Seventh through ninth false alarm, per alarm 100.00~~

~~Tenth and subsequent false alarm, per alarm 200.00]~~

~~[15-11-3 Notice of Disconnect for Excess False Alarm.~~

~~Whenever a particular alarm system has resulted in twelve (12) or more false alarms during a period of twelve (12) consecutive months the Chief of Police shall send to the party responsible for that alarm system a notice that the alarm will be disconnected from the Police Alarm System. Any person receiving such a disconnect notice shall have thirty (30) days to show just cause why that alarm should not be disconnected. In the absence of just cause the alarm will be disconnected at the end of the thirty day period.]~~

~~15-11-4 – [Notice of Disconnect—]Failure to Pay.~~

~~In the event that any person responsible for the operation of an alarm system fails to pay within thirty (30) days the false alarm charges assessed against him in accordance with the [above Sections] *City's Non-Ordinance Based Fees, Fines & Penalties Schedule, the City may commence a collection action to recover payment.* [The Chief of Police shall cause to be sent to that person a notice that the alarm will be disconnected from the Police Alarm System. Any person receiving such a disconnect notice shall have thirty (30) days to show just cause why that alarm should not be disconnected. In the absence of just cause, the alarm will be disconnected at the end of the thirty day period.]~~

~~[15-11-5 Tape Dialer Prohibited.~~

~~The use of direct dialer tape alarms within the City of Concord is prohibited. The Police Department shall not respond to direct dialer alarms, and any person responsible for the use of such alarm shall be guilty of a violation of this Article.]~~

~~15-11-6 - Appeals Board.~~

~~Any person aggrieved by a decision to impose a fee under the provisions of this Article *and the City's Non-Ordinance Based Fees, Fines & Penalties Schedule* may appeal that decision to an Appeals Board consisting of the Chief of Police, Fire Chief and two (2) members who shall be appointed by the City Manager. [and confirmed by the City Council, one of whom shall have expert knowledge of alarm systems and one of whom shall be a member of the general public.]~~

SECTION II: This ordinance shall take effect upon its passage.

Explanation: Matter inserted into the current ordinance appears in *bold and italics*.

Matter removed from the current ordinance appears in [brackets and struck through].