

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance No. 2023-12

Introduced By: Mayor Roath

Date Introduced: June 6, 2023

Amendments Adopted: N/A

Date Adopted: July 6, 2023

Date Effective: July 26, 2023

AN ORDINANCE concerning

ALARM DEVICES

FOR the purpose of establishing certain requirements for persons installing, operating and maintaining alarm devices within the Town of Perryville; providing for fees and penalties for false alarms involving the Perryville Police Department and/or certain fire companies; providing for the collection of fees and fines; and generally relating to the use of alarm devices in the Town of Perryville.

BY adding

Chapter 25 Alarm Devices
Sections 25-1 through 25-6
Code of the Town of Perryville

<p>EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW ((Double Parenthesis)) indicate matter deleted from existing law.</p>

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that new Sections 25-1 through 25-6 be and they are hereby added to the Town of the Code of Perryville, to be under the new Chapter 25, Alarm Devices, to follow immediately after Chapter 20, Zoning Board of Appeals, and to read as follows:

CHAPTER 25
ALARM DEVICES

§ 25-1. DEFINITIONS.

THE FOLLOWING WORDS AND TERMS, WHEN USED IN THIS CHAPTER, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

- A. "ALARM DEVICE" - ANY DEVICE WHICH WHEN ACTIVATED IS INTENDED TO TRANSMIT A SIGNAL DIRECTLY OR INDIRECTLY TO REQUEST POLICE AND/OR FIRE SERVICES TO RESPOND ON AN EMERGENCY BASIS, INCLUSIVE OF AUDIBLE SIGNALS AT OR NEAR THE EXTERIOR OF THE PROTECTED PREMISES AND/OR DEVICES THAT TRANSMIT VIA TELEPHONE, CABLE, OR BY OTHER MEANS A REQUEST FOR POLICE AND/OR FIRE SERVICES TO A PRIVATE OR GOVERNMENT OPERATED CENTRAL ALARM STATION FOR THE PURPOSE OF RELAYING A REQUEST FOR POLICE AND/OR FIRE SERVICES, AND/OR A DEVICE WHICH TRANSMITS A REQUEST FOR EMERGENCY SERVICES DIRECTLY TO A POLICE AND/OR FIRE COMPANY. ALARM DEVICES IN MOTOR VEHICLES ARE NOT INCLUDED UNDER THIS DEFINITION.

- B. "ALARM USER" - ANY PERSON UPON WHOSE PREMISES AN ALARM DEVICE IS INSTALLED WITHIN THE TOWN.

- C. "CHIEF OF POLICE" - THE CHIEF OF POLICE OF THE PERRYVILLE POLICE DEPARTMENT.

- D. "PERRYVILLE POLICE DEPARTMENT: - THE POLICE DEPARTMENT OF THE TOWN OF PERRYVILLE.

- E. "FIRE CHIEF" – THE CHIEF OF THE FIRE COMPANY.

- F. "FIRE COMPANY" – THE COMMUNITY FIRE COMPANY OF PERRYVILLE, STATION 6, 920 PRINCIPIO FURNACE ROAD, PERRYVILLE AND STATION 16, 16 G.R. DAWSON DRIVE, PERRYVILLE, AND/OR ANOTHER ORGANIZATION PROVIDING EMERGENCY FIREFIGHTING SERVICES WITHIN THE TOWN'S CORPORATE LIMITS.

- G. "FALSE ALARM" - THE ACTIVATION OF AN ALARM DEVICE OR OTHER COMMUNICATION EQUIPMENT, INCLUDING TELEPHONE, FAX, OR INTERNET WHICH RESULTS IN THE RESPONSE BY POLICE AND/OR FIRE COMPANY PERSONNEL TO ANY ALARM USER'S PREMISES WITHIN THE TOWN WHERE NO POLICE AND/OR FIRE EMERGENCY SERVICES ARE REQUIRED, AS

DETERMINED BY POLICE AND/OR FIRE COMPANY PERSONNEL OR THE CHIEF OF POLICE AFTER INVESTIGATION. A FALSE ALARM SHALL NOT INCLUDE ALARM SIGNALS WHICH RESULT FROM HURRICANE, GALE, TORNADO OR OTHER WEATHER CONDITIONS, EARTHQUAKE OR ANY MAJOR DISRUPTION OF ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITY FAILURE OR TRANSIENT INTERRUPTION.

§ 25-2. FALSE ALARM INVESTIGATION AND REPORT.

WHENEVER A RESPONDING POLICE OFFICER OR FIRE COMPANY PERSONNEL SHALL DETERMINE THAT A FALSE ALARM HAS BEEN TRANSMITTED, A WRITTEN REPORT SHALL BE SUBMITTED BY SUCH OFFICER AND/OR FIRE COMPANY PERSONNEL TO THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE STATING THE NAME OF THE ALARM USER AND THE ALARM USER'S ADDRESS AND TELEPHONE NUMBER, TOGETHER WITH A STATEMENT OF THE CIRCUMSTANCES SURROUNDING SUCH ALARM AND THE OFFICER'S AND/OR THE FIRE COMPANY PERSONNEL'S OPINION AS TO THE LIKELY CAUSE OF THE ALARM.

§ 25-3. DEACTIVATION OF AUDIBLE ALARMS.

NO ALARM USER SHALL INSTALL, OPERATE AND MAINTAIN AN ALARM DEVICE THAT EMITS AN UNINTERRUPTED AUDIBLE SIGNAL FOR A PERIOD LONGER THAN FIFTEEN (15) MINUTES. POLICE RESPONDING TO AN AUDIBLE ALARM ARE HEREBY AUTHORIZED TO DISABLE AN ALARM DEVICE WITHOUT LIABILITY FOR ANY DAMAGE TO SUCH DEVICE IF THE AUDIBLE SIGNAL SOUNDS FOR MORE THAN FIFTEEN (15) MINUTES WITHOUT INTERRUPTION. ANY SUCH ALARM DEVICE WHICH HAS A MECHANISM TO RESET THE ALARM SHALL BE EQUIPPED SO THAT THE SUCCESSIVE SOUNDING OF THE ALARM DEVICE SHALL BE LIMITED TO NO MORE THAN THREE FIFTEEN (15) MINUTE INTERVALS. THE SOUNDING OF AN ALARM DEVICE FOR MORE THAN FIFTEEN (15) MINUTES OR FOR MORE THAN THREE (3) FIFTEEN-MINUTE INTERVALS SHALL CONSTITUTE A FALSE ALARM, WHETHER OR NOT AN ACTUAL EMERGENCY ON THE ALARM USER'S PREMISES TRIGGERED THE ALARM DEVICE.

§ 25-4. OTHER REQUIREMENTS FOR ALARM USERS.

- A. AN ALARM USER'S PREMISES SHALL PROMINENTLY DISPLAY AN ADDRESS AND/OR BUILDING NUMBER AND BUSINESS PREMISES NAME SIZED AND ILLUMINATED BY STREET OR OTHER LIGHTING SO AS TO BE CLEARLY VISIBLE FROM THE STREET FRONTAGE OR PARKING LOT. THE SIZE OF ADDRESS NUMBERS SHALL BE A MINIMUM OF 6 INCHES AND HAVE CONTRASTING COLORS TO THE LOCATION DISPLAYED ON THE STRUCTURE.
- B. ALARM DEVICES SHALL BE EQUIPPED WITH A STANDBY POWER SOURCE SUFFICIENT TO MAINTAIN THE DEVICE IN AN ARMED STATE FOR AT LEAST EIGHT (8) HOURS IN THE EVENT OF A PRIMARY ELECTRICAL SERVICE POWER FAILURE.

C. NO DIRECT CONNECTION OF THE ALARM DEVICE WITH THE PERRYVILLE POLICE DEPARTMENT SHALL BE PERMITTED WITHOUT WRITTEN AUTHORIZATION FROM THE CHIEF OF POLICE.

§ 25-5. FALSE ALARM FEE COLLECTION; DISBURSEMENT OF FEES.

A. IF THE PERRYVILLE POLICE DEPARTMENT AND/OR THE FIRE COMPANY RESPONDS TO TWO (2) FALSE ALARMS A WRITTEN WARNING SHALL BE SENT TO THE OWNER OF THE ALARM USER'S PREMISES. IF THE PERRYVILLE POLICE DEPARTMENT AND/OR THE FIRE COMPANY RESPONDS TO MORE THAN THREE (3) FALSE ALARMS AT THE PREMISES OF AN ALARM USER, THAT ALARM USER SHALL BE CHARGED A FALSE ALARM RESPONSE FEE. THE FEE IS BASED ON THE NUMBER OF FALSE ALARMS AT THE ALARM USER'S PREMISES DURING A ROLLING TWELVE (12) CALENDAR MONTH PERIOD AND AS FOLLOWS:

1.	THIRD THROUGH SIXTH FALSE ALARMS	\$100.00 FOR EACH FALSE ALARM
2.	SEVENTH THROUGH TENTH FALSE ALARM	\$150.00 FOR EACH FALSE ALARM
3.	ELEVENTH OR MORE FALSE ALARMS	\$250.00 FOR EACH FALSE ALARM

B. THE CHIEF OF POLICE IN CONSULTATION WITH THE FIRE CHIEF OR FIRE CHIEF'S DESIGNEE SHALL DETERMINE WHETHER A FALSE ALARM HAS OCCURRED AND THE FREQUENCY OF SUCH FALSE ALARMS. THE ALARM USER SHALL BE NOTIFIED BY THE PERRYVILLE POLICE DEPARTMENT EACH TIME THAT AN ALARM OCCURS AT THE ALARM USER'S PREMISES.

C. THE TOWN'S FINANCE DEPARTMENT SHALL NOTIFY ALARM USERS OF AMOUNTS OWED TO THE TOWN AND SHALL MAKE DEMAND FOR PAYMENT THEREFORE, PURSUANT TO THE PROVISIONS OF THIS CHAPTER. INVOICES FOR FALSE ALARM RESPONSE FEES SHALL BE PAID WITHIN THIRTY (30) DAYS OF THE INVOICE DATE AND DEEMED DELINQUENT IF NOT PAID. DELINQUENT FALSE ALARM RESPONSE FEES SHALL BEAR INTEREST AT THE RATE OF 1.5% PER MONTH UNTIL PAID.

D. FALSE ALARM RESPONSE FEES FOR ALARM USERS WHO ARE OWNERS OF THE PREMISES ON WHICH A FALSE ALARM OCCURS SHALL BE TREATED IN THE SAME MANNER AS PROPERTY TAXES FOR ENFORCEMENT OF PAYMENTS. ANY ADMINISTRATIVE COSTS AND/OR LEGAL FEES THE TOWN INCURS IN THE COLLECTION OF THE FALSE ALARM RESPONSE FEES SHALL BE THE RESPONSIBILITY OF THE ALARM USER.

E. TENANTS WHO HAVE INSTALLED ALARM SYSTEMS SHALL BE RESPONSIBLE

FOR FALSE ALARM RESPONSE FEES.

- F. NONPAYMENT OF A FALSE ALARM RESPONSE FEE THAT IS NINETY (90) DAYS IN ARREARS SHALL CONSTITUTE A MUNICIPAL INFRACTION AND ANY VIOLATOR SHALL BE FINED THE AMOUNT OF THE UNPAID FALSE ALARM FEE, INCLUDING INTEREST, PLUS ANY ADMINISTRATIVE COSTS AND/OR LEGAL FEES THE TOWN INCURS IN THE COLLECTION OF THE FEES. EACH UNPAID FALSE ALARM RESPONSE FEE SHALL CONSTITUTE A SEPARATE OFFENSE.
- G. IN ADDITION TO OTHER REMEDIES, THE TOWN MAY PROCEED BY A SUIT IN A COURT OF COMPETENT JURISDICTION TO COLLECT UNPAID FALSE ALARM RESPONSE FEES, INTEREST, COSTS AND LEGAL FEES FROM AN ALARM USER AFTER DEMAND FOR PAYMENT HAS NOT BEEN SATISFIED.

§ 25-6. SEVERABILITY.


IF ANY SECTION, PARAGRAPH, CLAUSE, PROVISION OR PORTION OF THIS CHAPTER SHALL BE ADJUDGED INVALID, UNENFORCEABLE OR HELD UNCONSTITUTIONAL, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE BALANCE OF THIS ORDINANCE AS A WHOLE OR ANY PART OR PROVISION OTHER THAN THE PART HELD TO BE INVALID, UNENFORCEABLE OR UNCONSTITUTIONAL.

SECTION 2. AND BE IT FURTHER ENACTED that this Ordinance shall take effect twenty (20) days following approval by the Mayor and Commissioners.

ADOPTED this 6th day of July, 2023, by a vote of 5 yeas, 0 nays, and 0 abstentions.

SEAL:

**MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE**

By: 
Matt Roath, Mayor

ATTEST:


Tara Blevins, Acting Town Clerk

Date: 7/6/23

