



Legislation Text

File #: 03405, Version: 2

**Fiscal Note**

This Ordinance revision will result in a decrease in the number of false alarm responses by Police and a decrease in General Fund revenue from citations for false alarms. It will decrease the amount of time spent by police officers responding to and administering citations for mechanically activated false alarms and allow more time to be spent on the delivery of other policing services. It is estimated that about \$13,500 was collected in 2005 for false alarm citations.

**Title**

AMENDED - Repealing and recreating Section 5.08 of the Madison General Ordinances to clarify Madison Police Department's response to private alarm systems and provide minimum user and operational requirements for private alarm users and alarm companies and amending Section 1.08(3)(a) of the Madison General Ordinances to modify bail deposit amounts.

**Body**

DRAFTER'S ANALYSIS: This ordinance updates and replaces the prior sec. 5.08, Regulating and Controlling Private Alarms. The ordinance provides that the Madison Police Department will respond to mechanically activated alarms only after there has been verification of evidence of criminal activity at the alarm site. The ordinance provides a forfeiture penalty for false alarms. The ordinance also provides minimum user and operational requirements for private alarm users and alarm companies.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 5.08 entitled "Regulating and Controlling Private Alarm Systems" of the Madison General is hereby repealed and Section 5.08 entitled "Regulation of Private Alarm Systems" is recreated to read as follows:

**"5.08 REGULATION OF PRIVATE ALARM SYSTEMS.**

(1) Findings and Purpose. The Madison Police Department (MPD) has historically responded to all alarm activations within the City of Madison. The incidence of false alarms has increased on an annual basis and is expected to continue to increase as the City grows and the number of alarm installations grows with it. Today, the false alarm rate is approximately ninety seven percent (97%). In 1983, in response to a false alarm rate of ninety eight percent (98%), the Madison Common Council enacted Sec. 5.08, MGO, with a provision to penalize businesses and residences for false alarm calls responded to by MPD. The ordinance established a graduated penalty structure based upon the number of false alarm calls in a twelve (12) month cycle. The MPD crime prevention office handles the compiling of data related to false alarms and the citation paperwork. The crime prevention office has had to dedicate increasing hours to handling false alarms. This increase has reduced the Crime Prevention Officer's ability to focus on the primary goals of the Crime Prevention Unit, which are outreach and education relative to personal safety and property security. The time spent responding to and searching locations where false alarms are activated may endanger the public by preventing, diverting or delaying police officers from patrolling a neighborhood, responding to calls for service, including bona fide emergencies, and investigating and solving crimes. Time spent responding to false alarms also reduces the amount of time officers can devote to important community policing efforts. Based upon these findings, the City of Madison Police Department will now respond to certain alarm devices only when the response has been verified as set forth in this ordinance.

The purpose of this section is to establish standards and controls of the various types of emergency alarm signals from alarm devices or systems that require a police response. This section applies to any person, business, firm, corporation or any commercial entity owning, operating or maintaining any alarm devices or alarm systems designed to summon the police to any location in response to a signal or other transmission generated or produced by such devices.

(2) Definitions. For the purpose of this ordinance, the following definitions shall apply:

"Alarm" means any sound, signal or message generated by an alarm system, alarm user or other person, to which police or fire personnel are expected to respond.

"Alarm user" means the person, partnership, corporation or other entity of any kind in control of any building, structure or facility or portion thereof, wherein an alarm system is in operation.

"Alarm System" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle or a medical alert alarm. An alarm system or alarm device may consist of one or more components (e.g. motion detector, window breach detector or similar components) all reporting to a central alarm station.

"Automatic dial device" means any device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police personnel are expected to respond.

"Central alarm station" means a facility having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel and upon receipt of emergency signals indicating fires, burglaries or robberies, may relay a message to the fire or police department and may notify an alarm agent for the purpose of responding to the alarm signal.

"Control" means the power or authority to manage, superintend, direct or oversee a building, structure, or facility or portion thereof.

"False Alarm" means the reporting of, or activation of, any monitored or non-monitored alarm system where police arrive at the premises and determine that there is no evidence of intrusion, commission of any unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation. An alarm shall be presumed to be false if the responding police do not locate evidence of intrusion, commission of an unlawful act, or emergency on the premises that might have caused the alarm to sound. When responding police find unsecured doors or windows where there is no evidence of forced entry or other evidence of criminal intent, the alarm is presumed to be false. False alarm includes an alarm caused by a power outage, but shall not include alarms activated by unusually severe weather conditions or other causes which are identified by the Chief of Police or his or her designee to be beyond the control of the Alarm User.

"Human Activated Alarm" includes robbery alarms, duress alarms, Varda alarms, panic alarms and also any system, device or mechanism activated by an individual on or near the premises to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

- a) The system is installed on real property;
- b) It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
- c) It transmits a telephonic, wireless, electronic, video or other form of message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside the protected premises; and
- d) It is intended to summon police assistance to the premises.

"Mechanically activated alarm" includes property alarms, intrusion alarms and burglary alarms and any other system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system, which may be activated by sensors or other techniques and, when activated, transmits a telephonic, wireless, electronic, video or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

"Police" and "Police Department" means the City of Madison Police Department and its personnel and includes other law enforcement agencies assisting the Madison Police Department.

"Responder" means a private guard, alarm company guard, private entity, or person contacted by an alarm system monitoring company, or any other person, who verifies that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation of a property. Responders for alarm system monitoring companies requesting police response will notify the police dispatcher what alarm system monitoring company requested them to respond. Responders will meet police at the premises.

"Year" means the period of time commencing upon the occurrence of a first and initial false alarm and terminating one calendar year thereafter.

3. Alarm Requirements.

- (a) Alarm system user responsibility. It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the

- provisions of this chapter, and to maintain the alarm in proper working order. The alarm user shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Any special codes, combinations, or passwords must not be included in these instructions.
- (b) Response required. The alarm system user or designee shall respond to the premises following activation of an alarm at the premises after being requested to do so by the Police Department. The response shall be made within a reasonable time and, in any event, not later than thirty (30) minutes after being requested to do so by the Police Department.
  - (c) Audible Alarms. Police personnel may silence any audible alarm that has continued to emit sound after forty five (45) minutes and shall not be liable to the alarm user for any damage to the alarm system caused thereby or for any other matter arising out of silencing the alarm.
  - (d) Automatic Dial Alarms. No person shall install or use any device, which, when activated, automatically dials a public telephone line of the Police Department or the Dane County 911 Dispatch Center. All automatic dial systems shall dial a private answering service, such as a central alarm station run by an alarm business.
  - (e) Simulated Alarms. No person shall install or use any alarm system that emits a sound similar to that of an emergency vehicle, siren or civil defense warning system.
4. Alarm Companies And Private Responders.
- (a) Every alarm company shall provide its alarm customers with a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms, including the forfeiture amounts, and written guidelines on how to prevent false alarms.
  - (b) Every alarm company shall provide training to its alarm customers in the proper use of the alarm system, including instructions on how to prevent false alarms.
  - (c) After responding to a Property, Intrusion or Burglary alarm signal or notification and visually verifying that evidence of criminal activity exists at the alarm site, a Responder shall personally, or through an alarm company, report the verified Property, Intrusion or Burglary alarm notification to the Police Department and remain at the alarm site until responding police officers arrive and release the Responder.
5. Police Response To Alarm Notifications.
- (a) Police will not respond to Mechanically Activated Alarms. Police officers will be dispatched to an alarm site only after a Responder has verified evidence of an intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation of a property.
  - (b) Police will respond to any Human Activated Alarms, including, but not limited to, those emitted from a holdup, panic, or duress alarm, any alarm system installed by law enforcement and any other alarm system that is activated by a human being.
6. Misuse of Alarm System. Use of an alarm system in the absence of an actual emergency situation, which results in the response of police or emergency service personnel; or use of an alarm system rather than a telephone to summon police or emergency service personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons; or use of an alarm system to summon police to incidents where all suspects are believed to have left the scene, is a false alarm and misuse of the alarm system. Misuse of an alarm system is unlawful.
7. Penalty For False Alarm. Alarm users shall not have, permit or allow false alarms to occur at any building, structure, facility or portion thereof under their control and where an alarm system is in operation. The Police Department shall notify the Alarm User of the existence of a false alarm within ten (10) days of its occurrence or it shall be deemed not to be a false alarm. A forfeiture of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) shall be imposed for each false alarm generated from an alarm system at a building, structure, facility or portion thereof, under the control of an Alarm User:
8. Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof, which owns, operates and maintains its own alarm equipment.
9. Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.
10. Penalty. An alarm company, a private responder, an alarm user, or a person in control of an alarm system commits an offense if he or she violates any provision of this section by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him or her by this ordinance and is subject to a forfeiture of not more than two hundred fifty dollars (\$250) for each offense unless another penalty is herein provided.
11. This ordinance shall be effective January 1, 2007."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

"False alarm.	5.08(67)	<u>Number in Any One</u> <u>Year Period</u> \$172
		1st-3rd: \$50
		4th-7th: \$100
		8th- \$200
		10th: \$400"
		11th/mo
		re:

EDITOR'S NOTE:

1. Section 5.08(6) currently reads as follows:

**"5.08 REGULATING AND CONTROLLING PRIVATE ALARM SYSTEMS.**

(1) Purpose. The purpose of this ordinance is to establish control of the various types of intrusion, hold-up, fire extinguishment, smoke detection, and other emergency signals from telephone or electronic devices that now require police or fire response, investigation, and safeguarding of property at the location of an event reported by a signal which is transmitted by telephone or radio, or which is otherwise relayed to the police or fire by an alarm device requiring investigation or other action by any person acting in response to a signal actuated by an alarm device, including such devices already in use within the City. A further purpose is to control and regulate the incidence of false alarms which increasingly consume police resources and to provide penalties for the generation of false alarms. (Am. by Ord. 8059, 6-17-83)

(2) Definitions. For the purpose of this ordinance, the following definitions shall apply.  
Central Alarm Station. Any facility operated by a business that owns or leases a system of police or fire alarm devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the police or fire when appropriate.

False Alarm. Any report received by the Police or Fire Department from any source resulting in a response by the Police or Fire Department to the premises on which an alarm system is located, where an emergency situation does not exist.

Fire Department. Fire Headquarters and other enclosures housing privately or publicly owned equipment serving the Fire Department.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Police Department. Police Headquarters and other enclosures housing privately or publicly owned equipment serving the Police Department.

Premise or Local Alarm. Any alarm which produces an audible or visible signal designed to notify persons within audible or visible alarm range of the signal.

Private Alarm System. Any system which, when actuated by a criminal act, fire or other emergency requiring Police or Fire Department response, transmits a pre-recorded message or other signal by telephone, radio or other means to a central alarm station.

Responsible Party. Any person, firm, corporation or association or any owner, lessee or operator of premises on which an alarm system is installed or maintained, or the agents or representatives of the aforementioned, which or who utilizes an alarm system on premises located within the City of Madison. (Cr. by Ord. 8059, 6-17-83)

Telephone or Electronic Device. Any device which is a telephone device or telephone attachment, that automatically or electronically selects a telephone line connected to a central alarm station and reproduces a pre-recorded message to report a criminal act, fire or other emergency.

Year. The period of time commencing upon the occurrence of a first and initial false alarm, and terminating one calendar year thereafter. (Cr. by Ord. 8059, 6-17-83)

(3) No person shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department or Fire Department of the City of Madison, and then reproduces any pre-recorded message to report any burglary, fire or other emergency.

(4) Any person, firm or corporation owning, leasing, or operating a private alarm system programmed to a central alarm station shall also maintain a patrol and maintenance service during the hours that such a system is in operation and immediately dispatch a company representative to the location of any alarm transmitted to the central alarm station.

- (5) Any owner or proprietor having installed a premise or local alarm system shall file with the communications officer of the Madison Police Department, and the communications officer of the Madison Fire Department, a list of persons, not to exceed three (3), who are authorized to respond to the location of the premise alarm, such list to include name, address and telephone number and to be kept current by owner or proprietor by timely notification of communication officers of any changes.
  - (6) False Alarms. No responsible party of any premises within the City of Madison shall have or permit a false alarm at said premises. The Police Department or the Fire Department shall notify the responsible party of any premises of the existence of a false alarm within 10 days of its occurrence or it shall be deemed not to be a false alarm. The following forfeitures shall be imposed for each false alarm generated from each premise:
    - (a) For the first three false alarms in any one year period, a forfeiture of not less than \$25 nor more than \$50 for each violation.
    - (b) For the fourth to the seventh false alarms in any one year period, a forfeiture of not less than \$50 nor more than \$100 for each violation.
    - (c) For the eighth to the tenth false alarms in any one year period, a forfeiture of not less than \$100 nor more than \$200 for each violation.
    - (d) For eleven or more violations in any one year period, a forfeiture of not less than \$200 nor more than \$500 for each violation.
  - (7) Exceptions. None of the provisions of this ordinance shall apply to any official governmental body or subdivision thereof which owns, operates and maintains its own alarm equipment.
  - (8) Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases might be declared invalid.
  - (9) Penalty. Any person who violates any provision of this ordinance shall be subject to a forfeiture which shall not be in excess of two hundred fifty dollars (\$250) for each offense unless another penalty is herein provided."
2. New or amended bail deposits must be approved by Municipal Judge prior to adoption. These deposits have been so approved.