

WHEREAS, on February 19, 1990, the Foley City Council adopted Ordinance 427-90 providing for the regulation of alarms and penalties for violations, and

WHEREAS, there is a need to amend Ordinance 427-90 to provide for advanced technology.

BE IT ORDAINED that the Foley City Council amends Ordinance 427-90 as follows:

SECTION 1. Delete Section 3 Permit/Registration Required; Expiration; Fees, which is Section 11-52 in the City of Foley Code of Ordinances.

SECTION 2: Delete Section 4 (B) "The office of the Chief of Police or Fire Inspector will make available copies of this ordinance to all alarm users at the time that an alarm permit is approved. The Fire Inspector and Police Chief shall also make available copies of amendments or additions to this ordinance to insure that all users are properly notified of such changes." This is referenced under City of Foley Code of Ordinances Section 11-53(b).

SECTION 3: Delete "(Grandfather existing alarms.) under Section 5. Required Equipment/Information (A)(1) and (Grandfather existing systems.) under same section (A)(2). This is also referenced under City of Foley Code of Ordinances Section 11-54 (a)(1) and (2).

SECTION 4: Replace Section 6. Response to Alarms "B. If the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm." with "If the police or fire department personnel at the scene of the activated alarm system determines the alarm to be false, such officers shall make a report of the false alarm and notify the alarm user of the response." This is also referenced under City of Foley Code of Ordinances Section 11-55 (b).

SECTION 5: Replace Section 6. Response to Alarms "C. The Chief of Police or Fire Inspector or his designee of the City of Foley shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. The Chief of Police or Fire Inspector will notify the company so it or it's agent may be present at the time of inspection." with "C. The Chief of Police or Fire Chief shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. The Chief of Police/Fire Chief, or designee, will notify the company so it or its agent may be present at the time of inspection. This is referenced under the City of Foley Code of Ordinances Section 11-55(c).

SECTION 6: Under Section 7. Notifications of Alarms: delete "the City of Foley central dispatch" and amends the paragraph to read "When a private central monitoring system, a third party, or an individual, is alerted by any means of an alarm of any type, they shall without delay notify the police/fire dispatch of such alarm so the proper emergency equipment can be dispatched. Failure to comply with this section will be punishable by a fine of not less than one hundred dollars (\$100.00) and otherwise punished as provided in City of Foley Code of Ordinances, Section 1-8 General penalty; violations of Code, ordinance or state law.

SECTION 7: Amends Section 9. Excessive False Alarms & Fee Assessment: (A) as follows: "If any alarm system produces three (3) false alarms in any calendar year, the Chief of Police/Fire Chief, or designee of the involved department shall initiate an investigation as to the

cause and circumstances surrounding the false alarms. If deemed necessary, the Chief of Police/Fire Chief, or designee, shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the user to take corrective action in regard to false alarms and informing user of the false alarm fee schedule provided herein.” This is referenced under the City of Foley Code of Ordinances Section 11-58(a).

SECTION 8: Amends Section 9. Excessive False Alarms & Fee Assessment: C. as follows: After an investigation and failure of an alarm user to correct known problems with their alarm system, any alarm system producing a fourth, fifth, or sixth false alarm in a calendar year, shall result in a fee of twenty-five dollars (\$25.00) per false alarm charged to the user.” The second sentence and the remaining items (1) through (5) remain the same. This is referenced under the City of Foley Code of Ordinances Section 11-58(c).

SECTION 9: Replaces Section 9. Excessive False Alarms & Fee Assessment: D. as follows: All fees assessed must be paid to the City of Foley within thirty (30) days. This is referenced under the City of Foley Code of Ordinances Section 11-58(d).

SECTION 10: Replaces Section 10. Appeal of False Alarms with Section 10. Appeal of False Alarms; Notices as follows:

- A. Any user who has been notified of a false alarm or assessed a false alarm fee may appeal to the Chief of Police/Fire Chief, or designee, by giving written notice within seven (7) days of receipt of the notification. Upon receipt of the appeal notice, a time shall be set for a hearing.
- B. The appellant shall be given reasonable notice of such hearing. Failure of the appellant to appear at such hearing shall result in application of the false alarm fee assessed by the City.
- C. The Chief of Police and Fire Chief or the designees of either shall serve on a three (3) person board consisting of the Chief of Police, Fire Chief, and the City Administrator, which shall serve as an appeal board, and the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in this article. The make up of this board may be changed by the Mayor with notification of the change to be provided to the City Council at its next regular meeting.
- D. After receipt of all relevant evidence, the appeal board shall, within three (3) days, render its decision. If the appeal board determines that the appellant has met the burden of proof, then it shall rescind the false alarm determination. If the appeal board determines that the appellant has not met the burden of proof, then the alarm fee shall be assessed by the City and/or enter such alarm as a false alarm.

This is referenced in the City of Foley Code of Ordinances Section 11-59 – Appeal of False Alarm; notices.

SECTION 11: Deletes “fail to obtain the permits and perfect the registration as required” from Section 14 Penalties also referred to in City of Foley Code of Ordinances Section 11-60 Penalties. The paragraph shall read as follows: “Should any “user” fail to provide the proper equipment or carry out the instruction set out in this article; violate any of the provisions of this article; fail to pay fee assessed for excessive false alarms; violating any o the other terms or condition of this article in any of said events the “user” will be guilty of violating the article and may, on conviction, be fined not less than fifty (\$50.00) dollars or more than five hundred

(\$500.00) dollars, or they be confined in the city or county jail for a term not to exceed six (6) months, either or both.

SECTION 12. "The terms and provisions of this ordinance are severable. If any part or portion of this ordinance is declared invalid, void, or unconstitutional, that portion shall be deemed severed, and the remaining portions of the ordinance shall remain in full force and effect."

SECTION 13. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION 14. This ordinance shall become effective upon its publication as required by law.