

BILL NO. 24-24

ORDINANCE NO. 4.677

AN ORDINANCE AMENDING THE CITY CODE REGARDING ALARM SYSTEMS AND USER PERMITS.

WHEREAS, the City Council desires to amend the Code regarding alarm systems and user permits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 105, Alarm Systems, of Title V, Business and Occupations, is hereby amended to read as follows:

CHAPTER 105. - ALARM SYSTEMS

Sec. 5.105.010. - Definitions.

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

Alarm coordinator means the individual designated by the chief of police to enforce the provisions of this chapter.

Alarm signal means a detectable signal, audibly, visually or both, to which the police department is expected to respond on an emergency basis, generated by an alarm system, indicating the commission of, or attempt to commit, a crime, presence of medical emergency or other emergency.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other emergency activity requiring immediate attention and to which the police department is expected to respond.

Alarm user means any person in possession of any building, structure or facility, or part thereof, who purchases, leases, contracts for or otherwise obtains an alarm system; any person who contracts for the servicing or maintenance of an alarm system; any person who contracts with or hires an alarm business to monitor an alarm system.

Automatic dial protection device means an electrically operated instrument composed as sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion or an emergency message indicating a need for emergency response.

Calendar year means each 12-month period beginning on January 1 and ending on December 31. The starting date for new systems shall be the date of the first false alarm reported by the system and the ending date shall be December 31.

Chief of Police means the chief of police of the city, or their designated representative.

False alarm means an alarm signal eliciting a response by the police department when a situation requiring an immediate response does not in fact exist, such as when no breach of security has been attempted or committed, or no emergency exists. An alarm will not be considered a false alarm if it is determined that the alarm was caused by:

- (1) Natural or manmade catastrophe or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions;
- (2) Vandalism causing physical damage to the premises;
- (3) Telephone line outage;
- (4) Attempted entry of a location causing visible, physical or other evidence of damage to the location;
- (5) Severe weather causing physical damage to the premises;
- (6) The test of a local alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds and when the city police department has been notified of the test.

Local alarm system means an alarm system which when activated causes an audible and/or visual signaling device to be activated only on the premises within which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

Multiple false alarms means multiple false alarms on any one system, occurring within a 24-hour period of time, shall be considered as one false alarm.

System means both local alarm systems and alarm systems.

(Code 1974, § 2.1-1; Ord. No. 4.558, § 1(Exh. A), 6-14-2021)

Cross reference— Definitions generally, § 1.100.020.

(Code 1974, § 2.1-3)

Sec. 5.105.040. - Local alarm systems; length of alarm.

- (a) *Residentially zoned property*. Local alarm systems or alarm systems located within an area zoned residential or within 500 feet of an area zoned residential shall automatically discontinue emitting an audible sound within 15 minutes of activation.
- (b) *Property not zoned residential*. Local alarm systems or alarm systems located within an area not zoned residential and not within 500 feet of an area zoned residential shall automatically discontinue emitting an audible sound within 30 minutes of activation.

(Code 1974, § 2.1-4)

Sec. 5.105.050. - Automatic dial protection devices prohibited.

- (a) *Report of recorded message.* No automatic dial protection device shall be used to report, or cause to be reported, any recorded message directly to the city police department, without the prior permission of the chief of police.
- (b) *Exception.* Direct dial systems in place as of the effective date of the ordinance from which this chapter is derived.

(Code 1974, § 2.1-5; Ord. No. 4.558, § 1(Exh. A), 6-14-2021)

Sec. 5.105.080. - Review of false alarm determinations.

- (a) *Notice.* At the time of the sixth false alarm for any alarm user within any calendar year, the alarm coordinator shall notify the alarm user by personal service upon the addressee, or given by United States mail of such occurrence and that additional false alarms during the calendar year may require the alarm user's appearance in municipal court.
- (b) *Review of false alarm determinations.* The city police department alarm coordinator shall, when requested by an alarm user, review the determination that an alarm was false. Such review may be done by the alarm coordinator only if the alarm user requests such a review within 15 days of the mailing or other delivery of the notice of the sixth false alarm determination. A request for a determination by the alarm coordinator shall include at least the following information:
 - (1) Alarm user name;
 - (2) Address at which alarm is installed;
 - (3) Date(s) of alarm or alarms being contested;
 - (4) Facts upon which the request for a review of determination is made.

(Code 1974, § 2.1-8; Ord. No. 4.558, § 1(Exh. A), 6-14-2021)

Sec. 5.105.090. - Violations.

- (a) It shall be unlawful for any person to violate any provision of this chapter.
- (b) It shall be unlawful to use an alarm system or local alarm system which reports, or causes to report, seven or more false alarms within a calendar year. Such violations shall be subject to the penalties outlined in subsection 5.105.100(b).

(Code 1974, § 2.1-9)

Sec. 5.105.100. - Penalties.

- (a) Any person convicted of violating any provision of this chapter shall, unless the specific penalties of subsection (b) of this section apply, be punished by a fine of not less than \$50.00 or more than \$500.00, or by imprisonment for a period not to exceed 180 days, or by both such fine and imprisonment.

(b) Any alarm system which has recorded more than six false alarms within a calendar year shall be subject to the following fines:

- (1) Seven through ten false alarms, \$25.00 each.
- (2) Eleven through 15 false alarms, \$50.00 each.
- (3) Sixteen through 20 false alarms, \$75.00 each.
- (4) Twenty-one and each subsequent false alarm, \$100.00 each.

(c) Each day of violation of any provision of this chapter shall constitute a separate offense.

(Code 1974, § 2.1-10)

SECTION 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 3. That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 22ND DAY OF JULY 2024.

Tina M. Spallo, Mayor

ATTEST:

Becky Jarrett, Deputy City Clerk

First Reading: July 22, 2024

Second Reading: July 22, 2024