



City of Wheeling, West Virginia



POLICE ALARM ORDINANCE POLICY

WHEREAS, the purpose of this ordinance policy, finds that excessive false alarms unduly burden the Wheeling Police Department's limited law enforcement resources. The purpose of this ordinance policy is to establish reasonable standards for alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

SECTION 1: DEFINITIONS

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

Alarm Administrator means a person or persons designated by the City of Wheeling to administer the provisions of this ordinance.

Alarm Company means a person, company, firm, or corporation subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with City of Wheeling laws.

Alarm permit means a permit issued to an alarm user by the Wheeling Police Department allowing the operation of an alarm system within the City of Wheeling.

Alarm signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises. An "Alarm user" shall not include the United States, the State of West Virginia, the County of Ohio, the City of Wheeling, or their respective agencies or political subdivisions.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

City means the City of Wheeling or its agent.

False alarm means the activation of an alarm system when, upon inspection by the Police Department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Wheeling Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

Compliance Standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Verify means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

SECTION 2: ALARM PERMIT

- (a) **Permit required.** No person shall use an alarm system without first obtaining a permit for such alarm system from the City of Wheeling. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.
- (b) **Application.** The permit shall be requested on an application form provided by the City of Wheeling. An alarm user has the duty to obtain an application from the City of Wheeling.
- (c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (d) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City of Wheeling within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City a form requesting updated information. The permit holder shall complete and return this form to the City when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.
- (e) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

SECTION 3: DUTIES OF THE ALARM USER

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms; and
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).
- (c) Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Wheeling Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (e) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm system.

SECTION 4: DUTIES OF THE ALARM COMPANY

(a) Any person engaged in the alarm business in the City of Wheeling, shall comply with the following:

- 1) Obtain and maintain the required city license(s).
- 2) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within 2 hours.
- 3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.

(b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(c) Provide written information of how to obtain service from the alarm company for the alarm system.

(d) An alarm company performing monitoring services shall:

- 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

- 2) Provide alarm user registration number to the Wheeling – Ohio County 911 Communications Center to facilitate dispatch and/or cancellations.

- 3) Communicate any available information about the alarm.

- 4) Communicate a cancellation to the Wheeling – Ohio County 911 Communications Center as soon as possible following a determination that response is unnecessary.

SECTION 5: PROHIBITED ACTS

(a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

SECTION 6: ENFORCEMENT OF PROVISIONS

(a) **Excessive false alarms/Failure to register.** It is hereby found and determined that two or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

- First false alarm..... FREE
- Second false alarm.....\$50.00
- Third and fourth false alarm.....\$100.00
- Fifth and sixthfalse alarm..... \$200.00
- Seventh and eighth false alarm.....\$300.00
- Ninth and over false alarms.....\$400.00

(b)**Additional Fees**

- Failure to Register.....\$100.00
- Failure to Renew.....\$50.00

(c) **Other Civil Penalty(ies).** Violations will be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.

(d) **Payment of Civil Penalty(ies).** Civil penalty(ies) shall be paid within (30) days from the date of the invoice.

(e) **Civil Noncriminal violation.** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

SECTION 7: EXEMPTIONS

(a) Government Facilities

1. Government facilities are defined as facilities that are owned and operated by the United States, the State of West Virginia, the County of Ohio and the City of Wheeling and are within the municipal boundaries of the City of Wheeling.
2. Government facilities are subject to annual registration rules (ie. Providing contact information for the alarm system), but are exempt from payment of the annual registration fee described.

3. No cost recovery fees shall be charged for police response(s) to false alarms at government facilities.
4. Upon the fifth response to a false alarm in any permit year, a responsible party for the government alarm site shall meet with the alarm administrator and present a false alarm abatement plan.
5. The alarm administrator may make any other special rules and exceptions as are deemed necessary to assure that appropriate protection and accountability is maintained at government sites.

(b) Special Rules Applicable to Public Schools

1. Public Schools are defined as a site serving one or more children of grades K-12, owned and operated by the Ohio County School District and within the municipal boundaries of the City of Wheeling.
2. Public Schools are subject to annual registration rules (ie. Providing contact information for the alarm system).
3. No fee is charged for the first false alarm in a permit year.
4. The fee for the second false alarm in a permit year is waved, provided the site administrator (or designee) successfully completes a false alarm awareness class.
5. The third and subsequent false alarms in any permit year are charged at the standard service fee rate.
6. The alarm administrator may make any other special rules and exceptions as are deemed necessary to assure that appropriate protection and accountability is maintained at public school sites

SECTION 8: ALARM USER AWARENESS CLASS.

(a) ***Alarm User Awareness Class.*** The City of Wheeling Alarm User Awareness Class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City may grant the option of attending a class in lieu of paying one assessed fine.

SECTION 9: APPEALS

(a) ***Appeals process.*** Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Wheeling Police Department within 10 days after the date of notification of the assessment of civil

penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the City. The hearing officer's decision is subject to review in the court by proceedings in the nature of certiorari.

(b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

SECTION 10: CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City of Wheeling.

SECTION 11: GOVERNMENT IMMUNITY

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Wheeling Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 12: SEVERABILITY

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.