

Sandusky, OH Code of Ordinances
CHAPTER 717
Excessive and Nuisance False Alarms

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CROSS REFERENCES

False alarms - see Ohio R.C. 2917.32/S.C.O. 509.07
Inducing panic - see Ohio R.C. 2977.31
Townships - see charge for false alarm (Fire) Ohio R.C. 505.391; charge for false alarm (Police) Ohio R.C. 505.511

717.01 PURPOSE AND SCOPE.

(a) The purpose of this chapter is to protect the emergency services of the Police and Fire Departments of the City from misuse, by responding to defective alarm systems, excessive false alarms and nuisance 9-1-1 telephone calls.

(b) This chapter governs alarm systems, alarm users, telephone subscribers with access to emergency 9-1-1 services and businesses that provide on-premise public pay telephone service. It provides for violations and penalties for excessive false alarms.

(Ord. 04-203. Passed 12-13-04.)

717.02 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section:

“Alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal audibly, visibly or electronically to a location outside the structures protected by the system or to a monitoring station which in turn notifies the appropriate agency, the occurrence of an illegal entry or other activity requiring urgent attention to which the Police Department or Fire Department is expected to respond, but shall not include alarms installed in motor vehicles.

“Alarm user” means the person, partnership, corporation or any other entity in control of any building, structure or facility, or any portion thereof, which is intended to be protected by an alarm system.

“Audible alarm” means any alarm system which is designed to emit its signal by bell, whistle, siren or other device to the immediate area near the structure which it protects. An audible alarm shall be considered as such whether or not it transmits a signal to an additional location.

“False alarm” means an alarm system, a signal or message eliciting an urgent response by the Fire Department or Police Department when a situation requiring such response by the Police or Fire Department does not in fact exist; but does not include extraordinary circumstances not reasonably subject to control by the alarm user. An alarm which has been activated as a result of testing or repair shall not be considered as a false alarm if prior notification has been given as to the time and day of such repairs or test to the agency which the alarm would signal. An

alarm which has been activated shall not be considered as a false alarm if the responding department receives a request to cancel. Such request shall be made to the same location as the request for service and shall be received prior to the dispatch of the responding Police or Fire unit.

(Ord. 04-203. Passed 12-13-04.)

717.03 ALARM VALIDITY DETERMINATION.

(a) Whenever an alarm is activated requiring an emergency response to the location by the Fire Department or Police Department, a police officer or firefighter who responds to the alarm address shall inspect the areas protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system.

(b) If the inspecting police officer or firefighter determines the signal to be a false alarm, the police officer or firefighter shall make a report of the false alarm to the respective Records Section. A notification of the false alarm report shall be mailed or delivered to the alarm user, at the address of the alarm system, advising the user of the false alarm.

(Ord. 04-203. Passed 12-13-04.)

717.04 APPEAL OF FALSE ALARM DETERMINATION.

(a) Upon receipt of any false alarm report from the Fire Department or Police Department, the alarm user may elect to respond in writing to explain the actual cause of such alarm. Such response shall be made to the issuing agency within ten days from the date of the receipt of the false alarm report. If the Chief of the issuing agency upholds the false alarm determination, the alarm user shall have thirty days from the date of notification in which to request an appeal to the City Manager.

(b) The City Manager, or designee, shall hear appeals from the alarm user on the issue of whether the alarm system in question activated a false alarm as determined by the police officer or firefighter at the scene of such activated alarm.

(c) At the hearing, which shall be scheduled within fifteen days from the date the request for the hearing is received, the alarm user shall have the right to present evidence and testimony that a false alarm did not occur.

(d) The City Manager or designee shall make a decision whether to uphold or disallow the false alarm report and shall notify the alarm user and the Records Section of the respective Department within ten days from the date the hearing is concluded.

(Ord. 04-203. Passed 12-13-04.)

717.05 EXCESSIVE FALSE ALARMS; CHARGES.

(a) If more than two false alarms occur at a particular location in any calendar year, then the Fire Chief or Police Chief shall invoice the alarm user as defined in Section 717.02 for reimbursement of a portion of the costs of responding to the third and subsequent false alarms pursuant to the following schedule:

<u>Number of Excessive False Alarms</u>	<u>Fee</u>
3rd	\$25.00
	0
4th	50.00

5 or more

100.0
0

(b) Such violations shall continue for each successive false alarm until the calendar year has elapsed. Each calendar year the record shall be cleared and the next false alarm shall be deemed the first false alarm.

(c) As used in this section, a “particular location” means a property or a group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name.

(d) The charges stated in this division shall be due and payable by the alarm user upon receipt of the invoice.

(Ord. 04-203. Passed 12-13-04.)

717.99 PENALTY.

(a) If any alarm system produces three or more false alarms in any calendar year the civil penalty prescribed in Section 717.05 shall be assessed to the alarm user. Failure to pay this civil penalty within thirty days of receipt shall be a minor misdemeanor.

(b) Each violation of Section 717.05(a) shall be a minor misdemeanor.

(c) If the offender has previously been convicted of a violation of any section of this chapter, each subsequent violation of this chapter shall be a fourth degree misdemeanor.

(Ord. 04-203. Passed 12-13-04.)