

## Chapter 74

### ALARM SYSTEMS

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**[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 3, Ch. 4, of the 1996 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire Department — See Ch. 30.

Police Department — See Ch. 50.

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#### § 74-1. Title.

This chapter shall be known as the “Village of Iola Alarm Systems Ordinance.”

#### § 74-2. Purpose.

The purpose of this chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

#### § 74-3. Definitions.

Within this chapter, the following terms, phrases and words and their derivations have the means given herein:

**ALARM SYSTEM** — Any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, or for the detection of a fire, which, when activated, produces a signal, visual or audible, or both, which signal is caused to be transmitted by said system to the Village of Iola Police or Fire Departments.

**ALARM SYSTEM OPERATOR** — Any person in the business of operating a receiving device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, or for the detection of a fire which, when activated, produces a signal, visible or audible, or both, which signal is caused to be

transmitted to the operator of the alarm system, who, in turn, by telephone or other means, transmits such information to the Village of Iola Police or Fire Department.

**APPROVED ALARM SYSTEM** — An alarm system which is Underwriters' Laboratories listed or equivalent, except that the Village Board may approve a system not having the Underwriters' Laboratories listing when said system is being tested by the Underwriters' Laboratories.

**FALSE ALARM** — Any of the following:

- A. The activation of an alarm system through the negligence of the owner or lessee of an alarm system or of his or her employees or agents.
- B. The activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user.
- C. The activation of an alarm system because of improper installation and/or use of the equipment by the alarm business. NOTE: Such terminology does not include false alarms caused by weather conditions, violent conditions or by prior arrangements for testing of the alarm system.

**SELF-CONTAINED ALARM SYSTEM** — Any device designed for the detection of unauthorized entry on the premises or for alerting others of the commission of an unlawful act, or both, or for the detection of a fire which, when activated, produces a signal, visible or audible, or both, which signal is caused to be transmitted to the general area surrounding the premises so as to give notice to the general public.

#### § 74-4. Administrative rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

#### § 74-5. Testing.

- A. No alarm business or alarm system designed to transmit emergency messages to the Police or Fire Department shall be tested or demonstrated without prior notification and approval of the Police or Fire Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- B. No alarm system relayed through intermediate services to the Police or Fire Department will be tested to determine the Police or Fire Department's response without first notifying the appropriate authority. However, the Police or Fire Department may inspect or test on-site alarm systems authorized under this chapter.
- C. Alarm systems shall be in compliance with all pertinent response policies of the Police or Fire Department.

**§ 74-6. Notification.**

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

**§ 74-7. Permits and fees.**

- A. Permit required. No alarm system which is connected directly to the Village Police and Fire Departments shall be installed in any building unless the property owner has been issued a permit by the Police and Fire Chief, respectively, in accordance with the provisions of this chapter. The installation, operation and maintenance thereof shall be at the expense of the property owner. Such alarms shall have a separate line to the Department and shall not be connected to existing telephone numbers, except as provided in Subsection A(3) below:
- (1) All owners of alarm systems connected directly to the Police and Fire Departments must obtain a permit.
  - (2) All owners of alarm systems are responsible to make themselves available to the Police or Fire Department within a reasonable period of time for the purpose of resetting any alarm system installed in accordance with the provisions of this chapter.
  - (3) Certain alarm systems include a dialer so that when the system is activated the dialer automatically dials an emergency number and repeats continuously a recorded message. No person shall have installed or operate such an automatic dialer that selects such emergency number connected to the Police or Fire Department unless connection to that number has been specifically approved by the Police Chief or Fire Chief. The owner of any such dialer that is in operation on the effective date of this chapter shall cause said system to be in compliance with the terms of this section within 60 days after said effective date.
  - (4) No person shall operate, solicit or otherwise engage in the operation of an alarm system business as defined in § 74-1 herein, unless a permit shall first be obtained as provided herein.
- B. Licensing authority. The Chief of Police and the Fire Chief, respectively, shall be the licensing authority and are herewith required to grant a revocable license to any applicant complying with the provisions of this chapter.
- C. Revocation of license. The Police Chief or Fire Chief may revoke a license on the following conditions:
- (1) The application for a license contains a statement of a material fact, which statement is false.
  - (2) A licensee has repeatedly failed to comply with the provisions of this chapter.
  - (3) An alarm system which repeatedly actuates false alarms.

- (4) Repeated failure of the licensee, his or her agent and/or alarm service representative to respond when notified by the Police or Fire Department of their alarm being actuated.

D. Licensee fees.

- (1) A fee of \$50 per calendar year shall be paid to the Police Department of the Village of Iola by each license holder for an alarm system in the Village of Iola. If such fee has not been received by the Police Department within 30 days after January 1 of each year, said license shall be revoked and any services connected to the Police or Fire Department consoles shall be discontinued at the licensee's expense.<sup>1</sup>
- (2) Fees for new licenses granted during the year shall be prorated by the quarter year.

- E. Denials and revocation appeals. A license under this chapter may be denied or revoked by the licensing authority if such application contains false information, or for any other reasons under this chapter. Appeals may be made upon denial or revocation within 30 days, in writing, to the Village Board, at which time the Village Board will set a date, time and place for the appeal to be heard.

**§ 74-8. Fee for answering alarms.**

- A. Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the village. Such false alarms constitute a public nuisance and must be abated.
- B. Intentional. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- C. False alarms; administrative charges.
  - (1) Any person, business, corporation or other entity having permissible alarm system with alarm one or more locations in accordance with this chapter shall pay to the village a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:
    - (a) For the first false alarm in a calendar year, resulting in the dispatching of police or fire personnel, the licensee, or his or her agent, shall be given a written warning.
    - (b) For the second false alarm in the same calendar year, the licensee shall be subject to an administrative charge of not to exceed \$20.
    - (c) For the third false alarm in the same calendar year, the licensee shall be subject to an administrative charge of not to exceed \$40.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

- (d) For each false alarm violation thereafter during the same calendar year, the licensee shall be subject to an administrative charge of not to exceed \$45.
- (2) This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department has responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "false alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection D hereof for violation of this section for allowing or maintaining condition(s) or act(s) violative of the intent of this section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.
- D. Other violations. Any person, corporation or other entity violating this chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection A of this section, shall be subject to forfeiture as provided in Chapter 1, General Provisions, § 1-17, of this Code. When any premises located in the village is owned, leased or occupied by two or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this chapter are complied with, and each person may be subjected to a penalty on violation of this section. Such costs shall be assessed against the real estate as a separate charge.<sup>2</sup>
- E. Default of payment for forfeiture and/or costs. On default of payment of forfeiture and/or costs under the immediately preceding Subsections C and/or D, such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six months.

#### § 74-9. Village liability.

The Village of Iola shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms. The issuance of a permit and installation of an alarm system as outlined herein shall not grant to the licensee any additional rights or create any additional liability on the part of the village.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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