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FAULKNER COUNTY

RHONDA WHARTON

FAULKNER COUNTY CIRCUIT CLERK

Fees \$35.00

By _____

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D. C.



**City of Conway, Arkansas
Ordinance No. O-16-45**

AN ORDINANCE AMENDING CHAPTER 7.36 OF THE CONWAY MUNICIPAL CODE REGARDING ALARM SYSTEMS; AMENDING ORDINANCE NO. O-05-82, THE ALARM SYSTEMS ORDINANCE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, the Conway Police Department desires to amend and clarify certain provisions of Chapter 7.36 of the Conway Municipal Code and Ordinance No. O-05-82, regarding Alarm Systems; and

Whereas, false alarms continue to place a substantial burden on the City of Conway's emergency services departments; and

Whereas, the Conway City Council has determined that clear and functional regulations regarding Alarm Systems and false alarms are essential to the protection of public peace, health and safety.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. Chapter 7.36 of the Conway Municipal Code and Ordinance No. O-05-82 are hereby amended to read in their entirety as follows:

**Chapter 7.36
ALARM SYSTEMS**

Sections:

- 7.36.01 Purpose
- 7.36.02 Definitions
- 7.36.03 Alarm System Permit Required
- 7.36.04 Installation and Response
- 7.36.05 False Alarm; Fees
- 7.36.06 Payment of Fees for False Alarms
- 7.36.07 Appeals of Fees for False Alarms
- 7.36.08 Municipal Liability

7.36.01 Purpose The City of Conway, Arkansas, has determined a problem exists within the City of Conway with false alarms from systems that are not installed, maintained, or operated properly. This problem has resulted in increased service calls by the Conway emergency services creating a hazard to the members of those departments and to the general public. Therefore, it is the City Council's purpose to require alarm users, installers and monitors to properly maintain operational effectiveness of alarm systems in order to improve reliability of alarm systems and reduce or eliminate false alarms.

This article governs alarm systems intended to summon emergency services, requires a permit for alarm systems, provides penalties for violations, and sets conditions to appeal the imposition of charges for violations.

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

Alarm System means any device or series of devices arranged, designed, or used to transmit or emit a signal indicating the occurrence of a criminal offense, fire emergency, or medical emergency and intended to summon, either directly or through a third party, emergency services response. Alarm system does not include an alarm installed on or in a vehicle. Alarms in separate structures are to be counted as separate systems even though owned by the same person(s) or entity.

Alarm user means any person responsible for the location where the alarm is installed.

False alarm means the activation of any alarm system eliciting a response by emergency services to a nonemergency situation. Alarms resulting from the following conditions are not considered false alarms for purposes of this section:

- A. Criminal activity or unauthorized entry;
- B. Telephone line malfunction verified in writing to the City by at least a first-line telephone company supervisor;
- C. Electrical service interruption verified in writing to the City by local power company;
- D. Communication that no emergency exists requiring an emergency services response to the appropriate emergency service department and/or 9-1-1 communication center before a unit is sent to investigate;
- E. An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense is in progress; or
- F. Any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to control of the alarm user.

Dispatch means the process by which the 9-1-1 communication center instructs the appropriate emergency services to respond to an alarm.

Response by Emergency Services means the instant any branch of emergency services is informed of an alarm activation through dispatch.

7.36.03 Alarm System Permit required

- A. No person shall operate, or cause to be operated, an alarm system at any location without a valid permit. A separate permit is required for each alarm site.
- B. No permit fee will be charged by the City of Conway.
- C. To receive a permit a person must fully complete the permit application for each alarm site. Failure to fully complete the permit application or providing false information could result in the denial of a permit request or the cancellation of a permit, and subject the applicant to monetary penalties.
- D. An alarm permit is specific to a person and alarm site. An alarm permit cannot be transferred to any other person or alarm site.
- E. If any information provided in the alarm permit application changes, it is the expressed and sole responsibility of the alarm user to update the permit application within five (5) business days of the change.

- F. Violators of this section will be issued a citation by law enforcement and assessed civil penalty in the amount of \$150.00 per occurrence.

7.36.04 Installation and Response

- A. No alarm system shall be placed in service after installation in any dwelling, business, or place within the City of Conway until such time as a permit application is approved and a permit issued. The police chief shall have the right, either personally or through a designated representative, to verify the type and installation of any alarm system being installed. Any alarm business or company which installs or maintains alarm systems in a dwelling, business, or place within the City of Conway which has not been granted a permit shall be fined the sum of \$100.00 per occurrence.
- B. The alarm system application must be filled out completely to be considered. Updates shall be made as necessary. Upon approval and issuance of the alarm system permit, a copy shall be sent to the Conway Police Department prior to activation of the alarm.
- C. Verified Response: Prior to reporting an alarm to the Conway Police Department, the Monitoring Company or its representative will attempt to contact the alarm site or alarm user or other responsible party listed in the permit application by telephone or other electronic means, to determine whether an alarm signal is valid before requesting an emergency services response in an attempt to avoid a false alarm. If dispatch is necessary, once notified either by emergency services or the monitoring company, it is the obligation of the alarm user to meet emergency services personnel at the alarm site to secure said building and to reset the alarm.
- D. Should alarm user, when notified of its activation, refuse or fail to respond pursuant to subsection (c) hereof, the police units on the scene shall check the property thoroughly and secure the location as much as possible. The Conway Police Department shall not be required to make any further responses to that building, dwelling, or place until such time as said alarm system has been properly checked and reset.
- E. If an alarm is activated and the building appears to have been entered unlawfully, and the owner or his designee cannot be located or will not come to the location, the Conway Police Department may choose to either attempt to secure the location or contact an off-duty police officer to guard the premises until the next business day or until the owner or his designee shall respond whichever comes first. The minimum rate shall be two (2) hours overtime. A statement of charges will be sent in accordance with chapter.

7.36.05 False Alarms; Fees

- A. No alarm system shall be allowed to report, remit or communicate a false alarm.
- B. If a false alarm occurs, the alarm user shall be liable for fees in the following amounts based on the number of false alarms within a calendar year upon demand by the City:

# of False Alarms	Fee for Violations
1	\$0
2	\$0
3	\$0
4	\$50 per responding agency
5	\$100 per responding agency
6 or more	\$250 per responding agency

7.36.06 Payment of Fees for False Alarms All amounts billed to alarm users for false alarms shall be paid in full within thirty (30) days. Failure to pay the entire amount will result in late penalties of \$50.00 per month. In addition to remedies provided in this chapter, the City shall have all other rights available for collecting the charges billed, including filing legal action against any person who fails to pay the amounts billed by the City under this chapter.

7.36.07 Appeals of Fees for False Alarms All persons billed for false alarms under this chapter shall be entitled to an informal hearing with the chief of police and/or fire chief or their respective designee(s) regarding each false alarm for which they are billed. The hearing can be held independently or contemporaneously based on the availability of the respective emergency services personnel and details of the charges for which they are billed. At said hearing, the violators may offer evidence relevant to the violation for which they have been billed and show the steps taken to ensure another violation will not happen in the future. The hearing must be requested in writing by certified mail to chief of police and/or the fire chief within seven (7) days after the mailing of the statement for false alarm fees. Failure to request a hearing shall constitute admission that the fees billed for the false alarms by the City are accurate, justified and payable to the City and shall constitute an irrevocable waiver of such hearing.

7.36.08 Municipal Liability The city and its officers, agents, employees or assignees shall not be liable for any defects in the equipment or operation of alarm systems. The city shall not be held liable for any damages, consequential or otherwise, for any claim or dispute arising out of or in connection with an alarm system, including but not limited to responding to any alarms, securing locations or contacting the alarm user or other responsible party.

Section 2. Any ordinance which conflicts with this ordinance, or Section 7.36 of the Conway Municipal Code as herein revised, is hereby repealed to the extent of the conflict.

Section 3. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Passed this 26th day of April, 2016

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer



CERTIFICATE

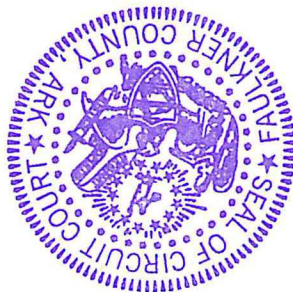
**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 26th day of April, 2016 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 18th day of May, 2016.


CITY CLERK-TREASURER

Seal



CERTIFICATE OF RECORD

Doc# 2016-7557

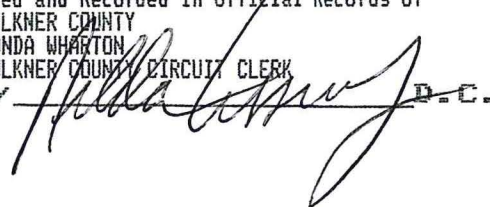
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