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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 70 - 2011

6
7 AN ORDINANCE AMENDING SECTIONS 771.01, 771.02, 771.03,
8 771.04, AND 771.05 OF PART SEVEN OF THE CODIFIED
9 ORDINANCES, RELATING TO ALARM SYSTEMS AND FALSE
10 ALARMS, AND DECLARING AN EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State
13 of Ohio, that:

14
15 Section 1. Sections 771.01, 771.02, 771.03, 771.04, and 771.05 of the Codified
16 Ordinances of the City of Cuyahoga Falls are hereby amended to read in full as follows (new text
17 underlined; deleted text in ~~strikethrough~~):

18
19 771.01 DEFINITIONS.

20 As used in this chapter:

21 (a) "Alarm Administrator" means the Chief of Police or his designated agent.

22 (b) "Alarm Monitoring Business" means any individual, partnership, corporation or other
23 entity engaged in the business of monitoring alarm systems and summoning safety forces in
24 response to activation of an alarm system or otherwise.

25 (c)(b) "Alarm notification" means any notification from any person, including an Alarm
26 Monitoring Business, intended to summon, or that would reasonably be expected to summon or
27 result in the summoning of, police or fire service of the City, which notification is the result of the
28 activation or operation of an alarm system.

29 (d)(e) "Alarm system" means any device, means or system that upon activation emits,
30 transmits or relays an audible, visual or electronic signal intended to be used to summon, or that
31 would reasonably be expected to summon or result in the summoning of, police or fire service of
32 the City. "Alarm system" does not include:

33 (1) ~~An alarm installed on a vehicle unless the vehicle is permanently located at a~~
34 ~~site;~~ ~~nor~~

35 (2) ~~An alarm designed to alert only persons located inside a building or structure~~
36 ~~located on the premises of the alarm.~~

37 (e)(d) "Alarm user" means a person, firm, partnership, association, corporation,
38 company, or organization of any kind in control of a building, structure, facility, or any portion
39 thereof, where an operational alarm system is located.

40 (e) "~~Direct connect alarm system~~" ~~means any alarm system that is directly connected in~~
41 ~~any physical or technological manner whatsoever with any facility owned or operated by the City~~
42 ~~and which emits a direct signal to the City owned facility.~~

43 (f) "False alarm" means an activated alarm notification to which police and/or fire
44 personnel respond and find no evidence of fire, smoke, burglary, vandalism, unauthorized
45 intrusion, medical emergency, or any other valid reason for the request for police and/or fire
46 services.

47
48 771.02 ALARM SYSTEM REGISTRATION LICENSE; FEES.

49 (a) ~~No person alarm user shall install, have installed, or operate~~ maintain any
50 operational alarm system ~~of any type on other than one serving a residential dwelling unit, upon~~
51 any premises in the City, property without an alarm license being first granted by the City to the
52 alarm user registering the alarm system with the Alarm Administrator in accordance with this
53 Chapter. If a single alarm system serves more than one premises and emits a distinct signal for
54 each premises served, a separate license must be purchased for each premises served by the
55 alarm system. A separate registration shall be required for each premises served by an alarm
56 system.

57
58 (b) ~~Any person desiring the issuance or transfer of a license as required by this chapter~~
59 ~~shall file with the Alarm Administrator a written application, Registration of an alarm system~~
60 ~~shall be made on a form to be provided to the Alarm Administrator, correctly containing and/or~~
61 ~~having attached the following information:~~

62 (1) The full name, street address and mailing address of the applicant alarm user;

63 (2) The common name and street address of the alarm premises where the alarm
64 system is installed;

65 (3) The name and contact information of any Alarm Monitoring Business engaged to
66 monitor the alarm system ~~address of the person installing, maintaining and/or owning the alarm~~
67 ~~system;~~

68 (4) ~~A description of the system's operation, and, in the case of a direct connect alarm~~
69 ~~system, a floor plan of the premises served by the alarm system on paper or in electronic format~~
70 ~~acceptable to the Alarm Administrator;~~

71 (5) The names and addresses of contact information of any persons the alarm user
72 wishes to be contacted in case of an alarm and/or a malfunction;

73 (6) Any additional, relevant information specifically requested by the Alarm
74 Administrator.

75 ~~The application form provided to the applicant shall be accompanied by a copy of this~~
76 ~~chapter.~~

77
78 (c) Each initial registration of an alarm system shall be accompanied by Concurrent with
79 the filing of the application provided for in paragraph (b) above, the applicant shall pay a one-time
80 fee of fifty dollars (\$50.00). It shall be the duty of the alarm user to amend the registration to
81 reflect any change of information provided in the initial registration. No fee shall be charged for
82 such amendment, except that a change in the identity of the alarm user shall be deemed a new
83 initial registration.

84
85 ~~(d) Upon compliance with the foregoing, and upon approval of the Alarm Administrator,~~
86 ~~the alarm license shall forthwith be issued to the applicant by the Department of Records and~~
87 ~~Personnel.~~

88
89 ~~(e) The alarm user of a direct connect alarm system shall pay a monthly monitoring fee~~
90 ~~of forty dollars (\$40.00) to the City of Cuyahoga Falls. Said monthly fee shall be due the first day~~
91 ~~of each calendar month during which the license is in effect, the first monthly payment being due~~
92 ~~the first day of the calendar month following the issuance of the license. The failure to promptly~~
93 ~~pay the monthly monitoring fee shall constitute just cause for the revocation and/or non-renewal~~
94 ~~of the license.~~

95
96 ~~(d)(f) Licenses issued Registrations recorded pursuant to the provisions of this chapter~~
97 ~~shall remain in effect until canceled by the alarm user or revoked by the City, but only upon a~~
98 ~~new registration by a new alarm user or satisfactory evidence that there is no operational alarm~~
99 ~~system at the premises. provided, however, that licenses for direct connect alarm systems shall~~
100 ~~be subject to annual renewal and shall run from January 1 through December 31 unless~~
101 ~~otherwise canceled or revoked. Users of direct connect alarm systems shall, upon license~~
102 ~~renewal, pay a license renewal fee of fifty dollars (\$50.00).~~

103
104 (e) Each Alarm Monitoring Business operating within the City shall provide a copy of
105 this Chapter to new customers located in the City.

106
107 771.03 LICENSE-REVOCATION; FALSE ALARMS; CIVIL PENALTY.

108 (a) ~~A license may be revoked or renewal of same denied if information of a false or~~
109 ~~fictitious nature is found, as offered by the applicant, or for good cause shown. It shall be the~~
110 ~~duty and responsibility of each alarm user to ensure that false alarms do not occur. Each false~~
111 ~~alarm shall be deemed a violation of this subsection.~~

112
113 (b) ~~A licensee may be subject to warnings or fees depending on the number of false~~
114 ~~alarms emitted from an alarm system over a twelve month period based upon the following~~
115 ~~schedule.~~

116

117 NUMBER OF FALSE ALARMS	ACTION TAKEN
118 1-2	Warning letter sent by regular U.S. mail.
119 3 or more	An administrative fee of \$50.00 for each false
120	alarm.
121	
122	

123 Each violation of subsection (a) of this Section shall be deemed a noncriminal infraction
124 for which a civil penalty of fifty dollars (\$50) shall be assessed against the alarm user. However,

125 a civil penalty Any administrative action may be waived by the Alarm Administrator upon
126 satisfactory showing by the licensee alarm user that the alarm notification was not a false alarm.
127 If the alarm administrator determines that the alarm notification was not a false alarm, such
128 alarm notification shall not be counted as a false alarm for the purpose of enhancing any future
129 false alarm administrative action.
130

131 (c) Notice of any action taken liability for a civil penalty assessed pursuant to this
132 section, with the exception of a warning letter, shall be personally served or sent by certified first-
133 class mail to the licensee's last known alarm user's address as shown on the alarm system
134 registration. If the certified mail notice is returned unclaimed or refused, notice shall be sent by
135 regular U.S. mail. Payment of any fee A civil penalty assessed under this section must be paid
136 within ten thirty (30) days of the sending of the notice. Failure to timely pay any assessed fee or
137 file an appeal shall be considered cause for the revocation or non-renewal of the license. Any
138 amount not paid may be referred to the Law Department for collection as in a civil action. Civil
139 penalties that have not been timely paid will accrue interest at the rate of 1.5% per month from
140 the due date to the date of payment in full. Unpaid civil penalties and interest shall be deemed
141 debts owed to the City, and may be collected by initiation of a civil action or any other lawful debt
142 collection procedure.
143
144

145 (d) Upon revocation of, termination of, or denial of license renewal, the alarm user of a
146 direct connect alarm system shall forthwith arrange for the removal of all equipment connecting
147 that system to the City-owned facility. If removal is not completed within thirty days, the Alarm
148 Administrator is authorized to cause the removal of such equipment. Notice of the cost of such
149 removal shall be sent by regular U.S. mail to the alarm user who shall, within ten days of sending
150 of the notice, pay the cost of removal of the equipment. Any amount not paid may be referred to
151 the Law Department for collection as in a civil action.
152

153 (e) Application for reinstatement of any license which has been revoked or denied
154 renewal pursuant to this section shall be considered by the issuing authority upon compliance
155 with Section 771.02 (b) and payment of any amounts owed under the provisions of this chapter.
156 Upon approval of any application for reinstatement, the applicant shall pay a reinstatement fee of
157 one hundred dollars (\$100.00).
158

159 (f) The imposition of any given administrative action provided by this section shall not
160 be a prerequisite for the imposition of any subsequent or enhanced degree of administrative
161 action.
162

163 771.04 APPEALS.

164 Any person denied the issuance of an alarm license, or any alarm user whose license has
165 been revoked or renewal of same has been denied, or any alarm user who has been charged an
166 administrative fee assessed a civil penalty for a false alarm an alarm notification may, within ten
167 days of such action, appeal to City Council by filing with the Clerk of Council a signed written
168 statement briefly setting forth his grounds for appeal. The Clerk of Council shall schedule a
169 public hearing and notify the appellant by regular U.S. mail. The appellant may appear before
170 City Council in person, or by his attorney. The decision of City Council may be appealed to
171 Common Pleas Court in the manner provided for by the Ohio Revised Code.
172

173 771.05 POLICE LIABILITY; RECORDED MESSAGES.

174 (a) The acceptance of any alarm system by the Chief of Police as provided herein shall in
175 no manner place upon the Police Department, or the City, any additional liabilities other than
176 those incurred by statute with the police function.
177

178 (b) No person shall install, cause to be installed or permit to be installed, any alarm
179 device, by whatever name known, which automatically selects a telephone line for the purpose of
180 playing a recorded message to report any emergency, on any telephone dedicated to the Police
181 Department for voice communications.
182

183 Section 2. Any alarm license issued under Chapter 771 of the Codified Ordinances prior
184 to the effective date of this Ordinance and which is valid as of the effective date of this Ordinance
185 shall be deemed a valid alarm system registration on and after the effective date of this
186 Ordinance, without any further action on the part of the alarm user. However, each alarm user

187 shall be under the duty set forth in Section 771.02(c) to provide updated and accurate
188 information to the Alarm Administrator as necessary to maintain compliance with Chapter 771.

189
190 Section 3. Existing Sections 771.01, 771.02, 771.03, and 771.04 of the Codified
191 Ordinances, as amended by Ord. No. 94-1994, passed July 11, 1994, are hereby repealed.
192 Existing Section 771.05, of the Codified Ordinances, as enacted by Ord. No. 229-1976, passed
193 November 22, 1976, is hereby repealed.

194
195 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
196 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
197 herewith and which have not previously been repealed are hereby ratified and confirmed.

198
199 Section 5. It is found and determined that all formal actions of this Council concerning
200 and relating to the passage of this ordinance were taken in an open meeting of this Council and
201 that all deliberations of this Council and of any committees that resulted in those formal actions
202 were in meetings open to the public, in compliance with all legal requirements including Chapter
203 107 of the Codified Ordinances.

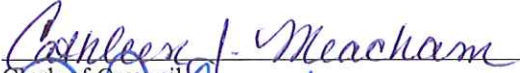
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205 Section 6. This ordinance is hereby declared to be an emergency measure necessary for
206 the preservation of the public peace, health, safety, convenience and welfare of the City of
207 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-
208 thirds of the members elected or appointed to Council, it shall take effect and be in force
209 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
210 force at the earliest period allowed by law.

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Passed: 7-25-11

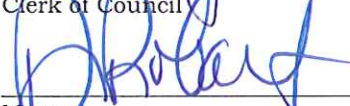


President of Council



Clerk of Council

Approved 8/9/11



Mayor

7/11/11
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