

ORDINANCE #59

AN ORDINANCE RELATING TO FALSE ALARMS IN THE CITY OF ARCADIA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
ARCADIA, MISSOURI, AS FOLLOWS:

SECTION 1. DEFINITIONS.

Except where otherwise indicated by context, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

A. "Alarm" means the sound emitted, signal transmitted, or message transmitted when the alarm system is activated.

B. "Alarm system" means any mechanical or electrical device that is designed to be activated manually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any building, structure, facility, or premises through the emission of a sound or transmission of a signal or message.

C. "Alarm user" means any person who uses an alarm system to protect any building, structure, facility, or premises.

D. "False alarm" means any activation of an alarm system intentionally, by inadvertence, negligence, unintentional act or malfunction of the alarm system to which the city or county police respond when there is no unauthorized entry, intrusion or emergency; provided that the following shall not be considered false alarms:

(1) Alarms caused by the malfunction of equipment located in the police department;

(2) Alarms caused by an attempted illegal or unauthorized entry of which there is visible or demonstrated evidence;

(3) Alarms caused by damage, provided that such incidents are promptly reported to the company providing the means of transmission;

(4) Alarms caused by acts over which the user has no control, such as windstorm, thunder, lightning or other similar phenomena.

(5) Alarms intentionally caused by a person acting under a reasonable belief that a need exists to summon police, for which purpose the alarm was installed. Indiscriminate use of the alarm system to summon the police shall be considered a violation of this chapter

(6) Alarms occurring on a repeated basis without apparent cause but where reasonable effort in judgment of the police chief or his designated representative is being made by the alarm system, alarm user, company that installed or monitors the alarm, or any other concerned person to correct the malfunction expeditiously.

SECTION 2. FALSE ALARMS.

A false alarm is declared a violation of this Ordinance. Upon determination by the police department that a false alarm has occurred there shall be no penalty for the first two (2) false alarms during a twelve (12) month period. Thereafter, the penalty for false alarms shall be as provided in Section 6 of this Ordinance.

SECTION 3. NONLIABILITY OF THE CITY.

The city shall not be liable for any defects in operation of alarm systems or for any failure or neglect to respond appropriately upon receipt of an alarm from any source, nor for the failure or neglect of any alarm user or company installing or monitoring the alarm system.

SECTION 4. ALARM USER RESPONSIBILITY.

The alarm user shall be responsible for maintaining the alarm system in good repair to assure reliability of operation.

SECTION 5. SEVERANCE CLAUSE.

That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this ordinance; the Board of Aldermen hereby declares that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.

SECTION 6. PENALTY FOR VIOLATION OF THIS ORDINANCE.


Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00), and in addition shall pay all costs and expenses involved in the case. In the event of violation of Section 2 of this Ordinance, for all false alarms after the second (2nd) false alarm in any twelve (12) month period, the alarm user, in lieu of a court appearance,

may pay to the Clerk of the City Court, a penalty of Thirty-five dollars (\$35.00) per occurrence.

SECTION 7. REPEALING CONFLICTING ORDINANCES:

That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 12th day of December, 2000.


Philip Cheaney, Mayor

ATTEST:


Mary Johnson, City Clerk