

TITLE 20

MISCELLANEOUS

CHAPTER

1. HOUSE OR STREET ADDRESS NUMBERS.
2. BURGLARY AND ROBBERY ALARMS.

CHAPTER 1

HOUSE OR STREET ADDRESS NUMBERS

SECTION

20-101. House or street address numbers required.

20-101. House or street address numbers required. Each dwelling or commercial building must have house numbers or street address numbers posted in a conspicuous location to the building. The numbers shall be of such a size, color and material to be readable from the street in front of such building. (1987 Code, § 4-501)

CHAPTER 2

BURGLARY AND ROBBERY ALARMS

SECTION

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20-201. Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities, indicative of felony and criminal conduct requiring urgent attention and to which the police department is expected to respond, but does not include alarms installed in motor vehicles or fire alarms.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility or portion thereof, wherein an alarm system is maintained.

(3) "Annunciator" means that part of an alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.

(4) "Answering service" means a telephone answering service providing, among its services, the receiving, through trained employees, of emergency signals from alarm systems and the relaying of the message by live voice to the communications center of the Baxter Police Department.

(5) "Audible annunciator" means an annunciator which gives alarm by means of a bell, siren, buzzer or similar sound producing device mounted at some location, other than wholly within a building; or which, when activated, is clearly audible at a distance of fifty feet (50') or more outside of any building in which it is mounted.

(6) "Automatic dialer" means a device, which is programmed to select a telephone number and deliver a warning message or signal over standard telephone lines using telephone voice communication equipment.

(7) "Chief" means the Chief of Police of the City of Baxter, or a police officer under his jurisdiction designed by him to exercise any power or duty conferred under this chapter.

(8) "City of Baxter telephone line" means a telephone line, which rings or terminates on the premises of the City of Baxter, or dispatch center for the City of Baxter Police Department.

(9) "Department" means the City of Baxter Police Department.

(10) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

(a) Criminal activity or unauthorized entry.

(b) Earthquake causing structural damage to the protected premises.

(c) Tornado winds causing structural damage to the protected premises.

(d) Flooding of the protected premises due to overflow of natural drainage.

(e) A lightning bolt causing physical damage to the protected premises.

(f) Fire causing structural damage to the protected premises verified by the fire department.

(g) Telephone line malfunction verified in writing upon the request of the chief of police or his designee to the department by at least a first line telephone company supervisor within seven (7) days of the occurrence.

If the alarm, when communicated to the department before an officer is dispatched to investigate is clearly identified to the department as resulting from authorized entry, authorized system test, or other non-criminal cause, it shall not be considered as a false alarm. If police units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false.

(11) "Fiscal year" means June 30th through July 1st.

(12) "Hearing officer" means an employee of the City of Baxter designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of the herein chapter.

(13) "Malicious false alarm" means the intentional false reporting to the police of a police emergency condition, or the intentional setting off of an alarm which will cause another to report the signal to the police. However, this

definition is not to include the testing of an alarm system when proper notification has been made to the police department.

(14) "On-premise annunciator" means an annunciator which is designed to give warning only to a person or persons on the protected premises, and which is neither an "audible" or "remote" annunciator as those terms are defined in this section.

(15) "Person" means any natural person or individual or any firm, partnership, association, limited partnership, sole proprietorship or corporation of any business entity.

(16) "Protected premises" means that all of that contiguous area, including buildings, protected by a single alarm system and under common ownership and use.

(17) "Remote annunciator" means an annunciator located at a terminal not a part of the protected premises.

(18) "Sensor" means that part of an alarm system which is designed to detect the happenings of some event or existence of some condition indicative of criminal activity or unauthorized entry.

(19) "Special trunk line" means a telephone line leading into the communications center of the police department and having the primary purpose of handling emergency or messages originating either directly or through a central location from an automatic dialer.

(20) "Telephone company" means the publicly regulated industry that furnishes telephone communication services to the City of Baxter.

(21) "Visual annunciator" means an annunciator installed entirely on the protected premises and which gives inaudible warning by means of a flashing light or other visible signal. (Ord. #2002-12, Feb. 2003)

20-202. Alarm system requirements, generally. (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code, or any applicable statute, law or administrative regulation of the United States of America, the State of Tennessee, or any administrative rule-making body thereof.

(2) The alarm user shall be responsible for the actions and omissions of family members and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system, and for the repair or replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.

(4) All alarm systems shall have a back-up power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company. (Ord. #2002-12, Feb. 2003)

20-203. Permits required. (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit therefore:

(2) No permit shall be required for an exempt alarm system as defined in § 3 (no exemptions provided and no § 3 in ordinance - need instruction from city), and the provisions of this chapter shall not apply to such systems.

(3) In the event police investigate an alarm, the permit holder or an agent shall cooperate by promptly coming to the premises upon request. Refusal shall constitute grounds for suspension or revocation of a permit.

(4) If an alarm user has one (1) or more alarm systems protecting two (2) or more structures having different addresses, a separate permit will be required for each structure.

(5) On or after the adoption of this chapter, a permit will not be issued for any alarm system wherein the protected premises is located outside the corporate limits of the City of Baxter. (Ord. #2002-12, Feb. 2003)

20-204. Permit application. Each application for an alarm system permit shall be made on a form prescribed by the chief, and shall contain the following information:

(1) The name, address, and telephone number of the principal of the protected premises.

(2) The type of premises (home, office, variety-store, etc.) and any business name by which the premises is known.

(3) The address of the protected premises; including, if it is in a residential, commercial or industrial complex (office building, apartment house, shopping center, etc.), any name by which the complex is commonly known.

(4) The names, addresses and telephone numbers, including home phone numbers, of all agents.

(5) The number and type of annunciator and automatic dialers which the alarm system incorporates, the location of all remote annunciators, and the names and phone numbers of all persons or businesses which are or may be preselected for automatic dialer contact.

(6) Each application shall list an emergency telephone number of the alarm user or his representative to permit prompt notification of alarm calls and facilities assisting the police in the inspection of the property. Changes in emergency telephone numbers shall be kept current, and failure to provide updated information may constitute grounds for revocation of the permit.

(7) The application shall be accompanied by the fee prescribed under § 20-205.

(8) The application for all alarm systems shall list the name and phone number of at least one (1) responsible person (other than the principal or a member of his household) having access to the premises who may be notified and assist the police in the event the alarm is activated. Said person must reside in Putnam County. The principal shall immediately notify the chief of police of any changes in this information. (Ord. #2002-12, Feb. 2003)

20-205. Permit fees. The fees for alarm system permit and renewals shall be as follows:

(1) The initial registration fee for all alarms shall be fifteen dollars (\$15.00).

(2) An annual renewal fee of fifteen dollars (\$15.00) shall be paid for all alarm systems having more than three (3) false alarms during the fiscal year.

(3) Said registration fees are payable to the City of Baxter and are separate and distinct from any fees which may be payable to alarm companies maintaining alarm user systems. (Ord. #2002-12, Feb. 2003)

20-206. Term of permit and renewal. (1) Alarm system permits shall expire on June 30 of each year.

(2) Those alarm users whose systems have not been the source of more than three (3) false alarms in the previous twelve (12) month period shall have their permit automatically renewed without further application and shall have their annual renewal fee waived.

(3) An alarm system permit shall automatically terminate upon any change of principal or protected premises. No permit may be transferred to another principal or protected premises. No refunds will be given on termination or suspension of any permit for any reason.

(4) Renewal permits shall be dated July 1. The renewal application shall contain the principal's signed statement that there have been no changes in principal or protected premises.

(5) Permits shall not be renewed if outstanding fines, fees or late charges, which have been incurred as a result of the use of the system, have not been paid. If the fines, fees or late charges are being processed through administrative channels or court system, then a permit may be issued or renewed.

(6) Any alarm user who operates an alarm system without first obtaining a permit as required by this section, or who, after having a permit revoked or suspended and after exhausting his rights of appeal fails to disconnect his alarm system, shall be in violation of this chapter. (Ord. #2002-12, Feb. 2003)

20-207. Inspection of alarm systems. Prior to issuing an alarm system permit, and at any time thereafter during the term thereof, the chief of police, or his designee, may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformance with the provisions of this chapter. (Ord. #2002-12, Feb. 2003)

20-208. Current information required. Within ten (10) days following any change of circumstances which renders obsolete any of the

information submitted pursuant to § 20-204, the alarm user shall file an amendment to his application setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit as provided in § 20-206(3). Failure to comply with this section shall constitute grounds for revocation of the permit. (Ord. #2002-12, Feb. 2003)

20-209. Determination of false alarm. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police officer at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user, at the address of the said alarm system installation location, advising alarm user of the false alarm. (Ord. #2002-12, Feb. 2003)

20-210. Malicious false alarm. Any person who shall maliciously cause a false alarm to be reported shall be in violation of this chapter. (Ord. #2002-12, Feb. 2003)

20-211. Appeals. (1) A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by a police officer at the scene of such activated alarm.

(2) Upon receipt of any false alarm report from the city, the alarm user shall have ten (10) days to request, in writing, a hearing before the said hearing officer.

(3) At the hearing, which must be scheduled and concluded within fifteen (15) days from the date the request for said hearing is received, the alarm user shall have the right to present evidence and testimony.

(4) The hearing officer shall make written findings available to the alarm user and the chief of police within ten (10) days from the date the hearing is concluded.

(5) A decision by the chief of police, or his designee, to uphold or to cancel the false alarm report which is the subject of the herein section must be made within ten (10) days from the receipt of the above findings by the chief of police.

(6) Until all of the steps set forth in this section have been completed, the false alarm in question will be considered to have been genuine and will not be considered the basis for the prima facie presumption that the involved alarm

system is malfunctioning, except as to any proceedings that may be instituted in the city court for a violation of this chapter.

(7) The imposition of fees, actions and procedures for enforcement and regulation herein are declared to be cumulative and in addition to such court procedures as may be herein created or previously existing. Nothing in this section or in any other provisions of this chapter shall alter, control or modify the jurisdiction and procedure of the city court in those cases where one is charged with any act or omission which this chapter prohibits, declares to be unlawful, describes as a misdemeanor or is designated as a violation of this chapter. (Ord. #2002-12, Feb. 2003)

20-212. Fee assessment. (1) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a twenty-five dollar (\$25.00) service charge per false alarm occurrence after the third such false alarm in any fiscal year. Each service charge incurred shall be billed and payment shall be made within thirty (30) days from the date of receipt thereof. Failure to make payments within thirty (30) days from the date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises described in the alarm user's permit until payment is received. Failure to make payment within sixty (60) days of receipt of the bill shall result in the user's permit being deemed to thereby be revoked.

(2) Any permit revoked shall not be reinstated until all outstanding false alarm service charges are paid in full together with a fifteen dollar (\$15.00) reinstatement fee. There shall be no refund of any unused portion of a permit fee. (Ord. #2002-12, Feb. 2003)

20-213. Notices. (1) Notice or billing from the city to any permit holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, prepaid addressed to the permit holder at the address shown in the city's permit records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts stated therein with respect to such notice.

(2) Notice to the city and payment under this chapter shall be effective when received at the appropriate city office. (Ord. #2002-12, Feb. 2003)

20-214. Penalty. Any person who shall violate or fail to comply with any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined accordingly. Each day during which violation is maintained or continued shall be deemed a separate offense. (Ord. #2002-12, Feb. 2003)