

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

1. GENERALLY.
2. ENUMERATED.
3. FALSE ALARMS.

CHAPTER 1

GENERALLY

SECTION

- 11-101. Misdemeanors of the state adopted.
- 11-102. Possession of weapons at meetings unlawful.

11-101. Misdemeanors of the state adopted. Pursuant to Tennessee Code Annotated, § 16-18-302(a), the municipal court for the City of Springfield possesses jurisdiction in and over cases for violation of the laws and ordinances of the municipality; or arising under the laws and ordinances of the municipality; and the City of Springfield municipal court also possesses jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute if, and only if, the state criminal statute duplicated or cross referenced is a class C misdemeanor. (1981 Code, § 10-101, as replaced Ord. #06-21, Oct. 2006)

11-102.<sup>1</sup> Possession of weapons at meetings unlawful. (1) It shall be unlawful for any individual or employee to possess a weapon at meetings conducted by, or on premises owned, operated, managed or under control of the City or Springfield. Notice of such prohibition shall be posted or otherwise noticed to all affected employees. (Public Chapter No. 943, SECTION 9. TCA Code 39-17-1315)

(2) This prohibition does not apply to any certified law enforcement officer of the State of Tennessee who is charged with the enforcement of the laws of this state.

(3) Any person found to be in violation of this section shall be brought before the city court of the City of Springfield with a fine not to exceed the maximum allowed by state law. (Ord. 094-14, §§ 1--3, Sept. 1994)

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<sup>1</sup>Ord. #094-14 (Sept. 1994) added these provisions as section 11-107. However, since there was only one section in title 11, chapter 1, these provisions were added as section 11-102.

## CHAPTER 2

ENUMERATED

## SECTION

- 11-201. Assault and battery.
- 11-202. Disorderly conduct.
- 11-203. Indecent or improper exposure or dress.
- 11-204. Escape from custody or confinement.
- 11-205. Resisting or interfering with city personnel.
- 11-206. Impersonating a government officer or employee.
- 11-207. Weapons and firearms generally.
- 11-208. Throwing of missiles.
- 11-209. False emergency alarms, reports, etc.
- 11-210. Trespassing on trains.
- 11-211. [Repealed.]
- 11-212. Abandoned refrigerators, etc.
- 11-213. Curfew for minors.
- 11-214. Malicious mischief.
- 11-215. Trespassing.
- 11-216. Posting notices, etc.
- 11-217. Drinking beer, etc., on streets, etc.
- 11-218. Coercing people not to work.
- 11-219. Caves, wells, cisterns, etc.
- 11-220. Interference with traffic.
- 11-221. Anti-noise regulations.
- 11-222. Fortune telling, etc.
- 11-223. Criminal trespass.
- 11-224. Trespass by motor vehicle.

11-201. Assault and battery. An "assault" is an unlawful attempt, coupled with a present ability, to commit a bodily injury on the person of another.

(1) It shall be unlawful to beat, strike, wound, imprison or inflict violence on another where the circumstances show malice.

(2) It shall be unlawful to assault another with intent to commit murder, rape, mayhem, robbery or larceny.

(3) It shall be unlawful to assault another with a lethal or dangerous weapon, instrument or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice. (1981 code, § 10-201)

11-202. Disorderly conduct. It shall be unlawful for any person within the area of the City of Springfield, Tennessee, to violate any of the following subsections of this section:

(1) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health; or

(2) Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or

(3) Any person who shall disturb the peace of others by conduct or "fighting words" calculated to provoke violence or violation of the law.

(4) Any person who shall cause, provoke, or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

(5) Any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices; or

(6) Any person who shall accost or attempt to force his company upon any female or attempt to pick up any female; or

(7) Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates a turmoil; or

(8) Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation; or

(9) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the city police or other lawful authority.

Any person who shall violate any subsection of this section may be charged with the offense of "disorderly conduct," and on conviction thereof, may be found guilty of disorderly conduct. (1981 code, § 10-202)

11-203. Indecent or improper exposure or dress. It shall be unlawful for any person publicly to appear naked or in any indecent or lewd dress, or otherwise to make any indecent exposure of his or her person. (1981 code, § 10-206)

11-204. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1981 code, § 10-209)

11-205. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1981 code, § 10-210)

11-206. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1981 code, § 10-211)

11-207. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1981 code, § 10-212)

11-208. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1981 code, § 10-214)

11-209. False emergency alarms, reports, etc. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act. It shall also be unlawful for any person knowingly to make to the police department any other false, misleading, or unfounded report, or knowingly to offer any false, misleading, or unfounded information of any type whatsoever, for the purpose of interfering with the operation of the police department or with the intention of misleading any police officer. (1981 code, § 10-217)

11-210. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1981 code, § 10-221)

11-211. [Repealed.] This section was repealed by Ord. #99-11, § 2, May 1999. (1981 code, § 10-222, as repealed by Ord. #99-11, § 2, May 1999)

11-212. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1981 code, § 10-223)

11-213. Curfew for minors. It shall be unlawful for any person under the age of eighteen (18) years to idle, wander, stroll, remain or play on or upon the

public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, eating places, or vacant lots between the hours of 12 midnight and 5:00 A.M. the following day, unless the minor is accompanied by his parent or parents, guardian, or other adult person having the care and custody of the minor, or the minor is returning directly home from a meeting, entertainment, recreational activity, dance, or place of employment. (Ord. # 85-04, Sept. 1985)

11-214. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1981 code, § 10-225)

11-215. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1981 code, § 10-226)

11-216. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1981 code, § 10-227)

11-217. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1981 code, § 10-229)

11-218. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It expressly is not the purpose of this section to prohibit peaceful picketing. (1981 code, § 10-230)

11-219. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without placing thereon an adequate cover or safeguard. (1981 code, § 10-231)

11-220. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1981 code, § 10-232)

11-221. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to

begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the municipality, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the city recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1981 code, § 10-233)

11-222. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1981 code, § 10-234)

11-223. Criminal trespass. (1) A person commits criminal trespass who, knowing he does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

(a) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;

(b) Fencing or other enclosure obviously designed to exclude intruders; or

(c) Posting reasonably likely to come to the attention of intruders.

(2) It is a defense to prosecution under this section that:

(a) The property was open to the public when the person entered and remained;

(b) The person's conduct did not substantially interfere with the owner's use of the property; and

(c) The person immediately left the premises upon request.

(3) For purposes of this section, "enter" means intrusion of the entire body. (1981 code, § 10-236, as replaced by Ord. # 094-19, Oct. 1994)

11-224. Trespass by motor vehicle. (1) Any person who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions is guilty of a trespass. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any



authorized agent or representative thereof, including, but not limited to, private security guards hired to patrol the property.

(2) As used in this section, "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motor bike, mo-ped, go-cart, all terrain vehicle, dune buggy, and any other vehicle propelled by motor.

(3) A property owner, lessee or other person having the right to the use or control of property may post signs or other notices upon a parking area, driving area or roadway giving notice of this section and warning that violators will be prosecuted; provided, however, that the posting of signs or notices shall not be a requirement of prosecution under this section and failure to post signs or notices shall not be a defense to prosecution hereunder. (as added by Ord. # 094-19, Oct. 1994)

## CHAPTER 3

FALSE ALARMS<sup>1</sup>

## SECTION

- 11-301. Definitions.
- 11-302. Classification of alarm systems.
- 11-303. Nonconforming systems.
- 11-304. Class I alarm system.
- 11-305. Class II alarm system.
- 11-306. Class III alarm system.
- 11-307. Alarm system requirements, generally.
- 11-308. Permits required.
- 11-309. Permit application.
- 11-310. Issuance of permit and decal.
- 11-311. Permit fees.
- 11-312. Term of permit and renewal.
- 11-313. Inspection of alarm systems.
- 11-314. Current information required.
- 11-315. False alarm fees.
- 11-316. Appeals.
- 11-317. Fee assessment.
- 11-318. Notices.
- 11-319. Penalty.

11-301. Definitions. As used in this chapter, unless the context otherwise requires:

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

(2) "Alarm user." 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." That part of an alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.

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<sup>1</sup>These provisions were taken from Ord. #095-20. Section 5 of Ord. #095-20 provides "That this ordinance shall take effect February 1, 1996 after its passage upon third and final reading, the public welfare and the welfare of the city requiring it." This ordinance passed third and final reading November 21, 1995.

(4) "Audible annunciator." 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 or more outside of any building in which it is mounted.

(5) "Automatic dialer." 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.

(6) "Chief." The chief of police of the City of Springfield or a police officer under his jurisdiction designated by him to exercise any power or duty conferred under this chapter.

(7) "Department." The City of Springfield Police Department.

(8) "Springfield Police Department telephone line." A telephone line which rings or terminates on the premises of the Springfield Police Department.

(9) "False alarm." 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) Alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions,

(c) Fire causing structural damage to the protected premises verified by the fire department,

(d) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven 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. Entries in the police department computer system shall be prima facie evidence of the facts stated therein with regard to alarms and responses.

(10) "On-premise annunciator." 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.

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

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

(13) "Remote annunciator." An annunciator located at a terminal not a part of the protected premises.

(14) "Sensor." That part of an alarm system which is designated to detect the happenings of some event or existence of some condition indicative of criminal activity or unauthorized entry.

(15) "Visual annunciator." An annunciator installed entirely on the protected premises and which gives inaudible warning by means of a flashing light or other visible signal.

(16) "Calendar year." January 1 through December 31. (As added by Ord. #095-20, § 1, Nov. 1995)

11-302. Classification of alarm systems. (1) A Class I Alarm System is one which incorporates a remote annunciator installed at a place other than on the premises of the city, which does not incorporate an automatic dialer.

(2) A Class II Alarm System is one which incorporates an automatic dialer not programmed to select Springfield Police Department telephone line.

(3) A Class III Alarm System is one which the only annunciator is an audible annunciator located at the protected premises, and which does not incorporate an automatic dialer.

(4) Exempt alarm systems are: (a) those which incorporate only an on-premises annunciator, a visual annunciator, or any combination thereof, (b) alarm systems owned, maintained and monitored by any government law enforcement agency to protect their premises, and (c) alarm systems protecting property of the City of Springfield. (As added by Ord. #095-20, § 1, Nov. 1995)

11-303. Non conforming systems. (1) It shall be unlawful for any person, natural or corporate, to sell, offer to sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the City of Springfield Police Department.

No automatic telephone dialer shall be programmed to dial any telephone number of the Springfield Police Department.

(2) It shall be unlawful for any person, natural or corporate, to sell, offer to sell, install, maintain, lease or operate or assist in the operation of an alarm system which terminates at the Springfield Police Department through an annunciator panel. (As added by Ord. #095-20, § 1, Nov. 1995)

11-304. Class I alarm system. (1) Any person reporting to the police on any alarm from a Class I Alarm System shall give the following information:

(a) The alarm system permit number, and principal of business name;

(b) The type of premises (warehouse, residence, etc.) and the name, if any, by which the premises are known;

(c) The address of the protected premises, which shall be repeated a second time at the end of the message;

(d) The name and telephone number of some responsible person having access to the protected premises; and

(e) The type of criminal activity indicated, e.g., burglary in progress, robbery, etc.

(2) If the Class I Alarm System incorporates an audible annunciator, it shall be subject to the requirements specified in section 11-306. (As added by Ord. #095-20, § 1, Nov. 1995)

11-305. Class II alarm system. (1) Any person reporting to the police on any alarm from a Class II Alarm System shall give the information specified in section 11-304.

(2) No Class II Alarm System shall be programmed to select any telephone line the user of which has not previously given consent to such programming.

(3) If the Class II Alarm System incorporates an audible annunciator, it shall be subject to the requirements specified in section 11-306. (As added by Ord. #095-20, § 1, Nov. 1995)

11-306. Class III alarm system. (1) Each Class III Alarm System shall be so programmed that each audible annunciator will automatically silence within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(2) No test of a Class III Alarm System shall be so conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

(3) The chief of police may, by written notice, require the posting of the information required by subsection (1) of section 11-304. (As added by Ord. #095-20, § 1, Nov. 1995)

11-307. 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 of any applicable statute, law or administrative regulation of the United States of America, the State of Tennessee, or any administrative rulemaking body thereof.

(2) The alarm user shall be responsible for training and re-training all employees, 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. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered.

(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.

(5) The application for a Class I, Class II and Class III Alarm System Permit 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. The principal shall immediately notify the Springfield Police Department of any changes in this information. (As added by Ord. #095-20, § 1, Nov. 1995)

11-308. Permits required. (1) It shall be unlawful for any person to use or maintain any alarm system without a current valid permit therefor.

(2) City police may refuse to respond to an alarm from a system without a permit.

(3) No permit shall be required for an exempt alarm system as defined in section 11-302 and the provisions of this chapter shall not apply to such systems.

(4) Violation of this provision shall be an infraction. Each day during which the violation is maintained or continued shall be deemed a separate infraction.

(5) 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.

(6) If an alarm user has one or more alarm systems protecting two or more structures having different addresses, a separate permit will be required for each structure. (As added by Ord. #095-20, § 1, Nov. 1995)

11-309. Permit application. Each application for an alarm system permit shall be made on a form prescribed by the chief of police 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 annunciators 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 section 11-311. (As added by Ord. #095-20, § 1, Nov. 1995)

11-310. Issuance of permit and decal. (1) Upon receipt by the Springfield Police Department of the permit application and fee, the chief shall undertake whatever investigation he deems necessary. If it appears to the chief that the proposed system will comply with the provisions of this chapter, he shall so notify his designee who shall issue to the applicant a permit bearing an identifying number specifying the class of alarm system for which it is issued and setting forth the expiration date of the permit. The city shall not, by the issuance of any alarm system permit, be obligated to respond or accord any priority to an alarm from such system.

(2) A decal with the alarm user's permit number will be issued with the alarm permit. This decal must be permanently posted on or near the front entrance to the premises so that the information provided on the decal is visible from the outside of the structure. (As added by Ord. #095-20, § 1, Nov. 1995)

11-311. Permit fees. The fees for alarm system permits and renewals shall be as follows:

- Class I       \$ 25.00 - Bi-Annually
- Class II      \$ 25.00 - Bi-Annually
- Class III     \$ 10.00 - One time only (As added by Ord. #095-20, § 1, Nov. 1995)

11-312. Term of permit and renewal. (1) Class I and Class II Alarm System Permits shall expire on December 31 of the second calendar year following the year of issue.

(2) Class III Alarm System Permits have no expiration date and shall be valid until terminated or suspended.

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

(4) Renewal permits shall be dated January 1. The renewal permit will not be issued until the fee is paid and a late charge of \$5.00 per month will be assessed on all permit holders who do not pay the renewal fee prior to expiration of their existing permits. The renewal application shall contain the principal's signed statement that there have been no changes in principal, protected premises or class of alarm systems. (As added by Ord. #095-20, § 1, Nov. 1995)

11-313. Inspection of alarm systems. Prior to issuing an alarm system permit, and at any time thereafter during the term thereof, the chief of police 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. (As added by Ord. #095-20, § 1, Nov. 1995)

11-314. Current information required. Within ten days following any change of circumstances which renders obsolete any of the information submitted pursuant to section 11-309, 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 section 11-312. Failure to comply with this section shall constitute grounds for revocation of the permit. (As added by Ord. #095-20, § 1, Nov. 1995)

11-315. False alarm fees. (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.

(3) The chief of police shall have the right to inspect any alarm system on the premises to which a response has been made and he may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter. (As added by Ord. #095-20, § 1, Nov. 1995)

11-316. 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 days, orally or in writing, to request a hearing before the said hearing officer.

(3) At the hearing, which must be scheduled and concluded within 15 days from the date the request for same 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 days from the date the hearing is concluded.

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

(6) Until all of the steps set forth in this section 11-316 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. (As added by Ord. #095-20, § 1, Nov. 1995)

11-317. Fee assessment. (1) It is hereby found and determined that all false alarms constitute a public nuisance. The permit holder will be billed a \$25.00 service charge per false alarm occurrence after the third such false alarm in any calendar 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 payment within thirty (30) days of receipt of the bill shall result in the user's permit being revoked.

(2) Any permit revoked shall not be reinstated until all outstanding false alarm service charges are paid in full together with a \$50.00 reinstatement fee. There shall be no refund of any unused portion of a permit fee. (As added by Ord. #095-20, § 1, Nov. 1995)

11-318. 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 or payment under this chapter shall be effective when received at the appropriate city office. (As added by Ord. #095-20, § 1, Nov. 1995)

11-319. Penalty. Any person who shall violate or fail to comply with any provision of this chapter shall be fined a definite sum not exceeding the

maximum fine for the violation of any Springfield Municipal Ordinance. Each day during which violation is maintained or continued shall be deemed a separate offense. (As added by Ord. #095-20, § 1, Nov. 1995)