

ORDINANCE NO. 1453

AN ORDINANCE TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE  
OF THE CITY OF FAIRHOPE, ALABAMA, BY ADOPTING A FALSE ALARM  
ORDINANCE AND REPEALING ORDINANCE NO. 1335

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE,  
ALABAMA, as follows:

**SECTION 1. PURPOSE**

- (A.) *Purpose of regulations.* The purpose of this section is to place responsibility on the alarm user to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms.
- (B.) *Scope of regulations.* This section will apply to areas within the Fairhope Police and Fire jurisdiction.

**SECTION 2. DEFINITIONS**

In this Ordinance, the following terms and phrases shall have the following meanings:

- (A.) **Alarm Company** means any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in, or on, any building, structure or facility. An alarm company and/or alarm monitoring company shall be properly licensed in accordance with Alabama Statutes. An alarm company shall have an appropriate occupational license pursuant to the Code of Alabama and the Code of Ordinances for the City of Fairhope.
- (B.) **Alarm User** means any person or other entity that owns, possesses, controls, occupies, or manages any premises as defined below.
- (C.) **Burglar Alarm System** means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles. If a fire alarm system is connected to a burglar alarm system, this section shall not apply to false alarms that the alarm user proves were generated by the fire alarm portion of the system.
- (D.) **False Burglar Alarm** means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation is unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that (1) an individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate

response existed; (2) the alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system or (3) if the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by the Power Company or other applicable provider.

- (E.) **Premises** means the building or structure or portion of a building or structure upon which is installed or maintained a burglar alarm system.

### **SECTION 3. REGISTRATION OF ALARM SYSTEM AND FEE**

- (A.) *Registration of burglar alarm systems.* All burglar alarm systems which operate at locations within the Police and Fire jurisdiction shall be registered with the Fairhope Police Department by the user. The user shall complete and submit to the Fairhope Police Department an initial registration or an annual registration renewal with the appropriate fee. All systems must be registered on or before January 1, 2012. Initial registration shall be necessary to register any system which is not currently registered with the Department or upon a change in the user of an alarm which may occur anytime throughout the year.
- (B.) *Registration fee.* Effective with registrations beginning on or after January 1, 2012, there shall be a registration fee of \$25.00 for all alarm registrations that result from a false burglar alarm response and two week grace period in which the owner fails to register. Separate alarm systems require separate registrations. The registration period will be for one year.
- (C.) *Change in registration information.* In the event of a change in any of the information required as part of the initial or annual registration, the user shall notify the Fairhope Police Department of the change. An updated registration shall be filed within ten (10) days of any change.
- (D.) *Application of funds.* Funds collected under this section shall be applied to the operational costs and enforcement of this ordinance, to reduce the number of false alarms received by the Fairhope Police Department, and to reduce the time spent by Fairhope Police Department handling false alarm calls.

### **SECTION 4. REQUIRED EQUIPMENT IN A BURGLAR ALARM**

A burglar alarm user shall not use a burglar alarm system unless that burglar alarm system is equipped with:

- (A.) A backup power supply that will become effective in the event of power failure or outage; and
- (B.) A device that automatically silences the alarm within fifteen (15) minutes after activation.

**SECTION 5. ALARM COMPANIES RESPONSIBILITIES**

- (A.) It shall be the responsibility of any licensed person selling and/or monitoring any alarm system to provide the user with the registration form and the City of Fairhope False Alarm Ordinance Information form. The registration form provided to the user shall include the said person's name, address, and State of Alabama burglar alarm contractor's license number as required on the registration form. An alarm company may not charge a customer a fee, other than the required registration fee, to register any alarm system with the Fairhope Police Department. A copy of the current/valid contractor's license must be on file with the Fairhope Police Department.
- (B.) Any person within the Fairhope Police jurisdiction which sells burglar alarm systems to a potential user must include a copy of the City of Fairhope False Alarm Ordinance Information form and registration form and with each system sold.
- (C.) Any person testing and/or working on an alarm system shall promptly cancel any activation so that police will not be dispatched.

**SECTION 6. ALARM VERIFICATION CALLS REQUIRED**

All residential or commercial intrusion/burglar alarms, that have central monitoring, must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting the Fairhope Police Department for dispatch. This does not apply to panic or holdup type alarms. Alarm monitoring companies will make available to the Fairhope Police Department upon request, records providing proof that the monitoring company made the verification calls.

**SECTION 7. CANCELLING FALSE BURGLAR ALARM CALLS**

Alarm monitoring companies shall notify the Fairhope Police Department to cancel dispatches to alarm calls the company initiated within ten (10) minutes of being notified that the alarm is false by the alarm user or his authorized representative. However, Police will not cite the company for failure to meet the ten-minute criterion if notification of a false alarm is received before an Officer arrives on the scene. Alarm monitoring companies will make available to the Fairhope Police Department records providing proof that the police department was contacted within the ten-minute criterion. An emergency line has been provided by the Fairhope Police Department to call in and/or cancel panic or holdup type alarms. Use of this line for non-emergency alarm calls is prohibited.

**SECTION 8. FALSE BURGLAR ALARMS PROHIBITED**

No burglar alarm user shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.

**SECTION 9. PENALTIES**

(A.) Each violation of this section shall be punished as follows:

1. For a first violation of Section 3 or 4, by a fine of fifty dollars (\$50)
2. For a second and each additional violation of Section 3 or 4, by a fine of one hundred dollars (\$100).

3. For the fourth false burglar alarm in the user's registration period, by a fine of fifty dollars (\$50.00).
4. For the fifth false burglar alarm in the user's registration period, by a fine of one hundred dollars (\$100.00).
5. For the sixth and each additional false burglar alarm in the user's registration period, by a fine of two hundred dollars (\$200.00).
6. For each violation of Section 5, 6 and 7, by a fine of one hundred dollars (\$100.00).

All citations for violations set forth in this section shall be issued, and may be appealed, in accordance with, and shall be governed by the procedures set forth in the City of Fairhope's code.

- (B.) An alarm user shall not be fined more than two hundred dollars (\$200.00) for false alarms that occur at the same premises in any twenty-four-hour period.
- (C.) No penalty specified hereunder shall be imposed or assessed against any entity that qualifies as tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code provided that the premises is used exclusively by said entity for such tax exempt purposes.

#### **SECTION 10. NOTIFICATION OF FALSE ALARMS**

It is the responsibility of each alarm user to monitor the occurrences of false alarms on its premises. The Fairhope Police Department shall notify the alarm user of each false alarm. Such notice shall be provided by posting a notice on the premises; or by mailing notice to the alarm user.

#### **SECTION 11. LIMITATIONS TO POLICE RESPONSE**

(A.) Police are not required to respond:

1. To burglar alarms at locations where six (6) or more false alarms occurred in the user's registration period. After sustaining the first Police response termination in a registration period for accruing six (6) false alarms, the alarm user will sustain subsequent response terminations for every three (3) additional false alarms occurring in the same registration period.
2. To burglar alarms at locations where a burglar alarm fine was not paid within sixty (60) days of a civil violation notice; or
3. To location where required alarm registration information was not filed within thirty (30) days of a civil violation notice for failure to file alarm information.

(B.) Nothing herein shall:

1. Preclude the Police Department from responding to panic or ambush alarm signals, calls describing emergencies or crimes in progress, or routine calls for service (excluding Section 11(A.) 1, 2, & 3);
2. Limit the Police Department from issuing civil violation notices for alarms in violation of this ordinance; or
3. Be construed to create a duty to respond in any circumstances where such a duty does not exist pursuant to the statutory or common law of Alabama.

(C.) A notice that Police response will be discontinued, for any of the above reasons, will accompany a civil violation notice, be posted at the affected location, or be sent to the user by certified mail at least thirty (30) days prior to discontinuing service.

(D.) Police response will continue while an appeal is pending under the code of the City of Fairhope, for a civil violation notice issued for violation of Ordinance No. 1453.

#### **SECTION 12. RESTORING POLICE RESPONSE TO TERMINATED LOCATIONS**

To regain Police response to burglar alarms at terminated locations, the alarm user must:

(A.) When Police response has been discontinued pursuant to Section 11 (A.)1., submit a written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is functioning properly. In addition, the alarm user must pay all outstanding burglar alarm ordinance fines;

(B.) When Police response has been discontinued pursuant to Section 11 (A.)2., submit burglar alarm registration information and pay all outstanding burglar alarm ordinance fines.

#### **SECTION 13. ENFORCEMENT**

In addition to all remedies otherwise available, this section shall be enforced by the code enforcement provisions of the Code of the City of Fairhope.

#### **SECTION 14. SCHEDULE OF CIVIL PENALTIES**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Ordinance No. 1453  
Page 6

*Code*

*Section Description of Violation Civil Penalty*

\* \* \*

21-276(4) Failure of user to file alarm registration or pay registration fee	\$ 50.00
21-276(4) Second and subsequent violation by the alarm user	\$100.00
21-276(5) Use of burglar alarm without required equipment	\$ 50.00
21-276(6) Failure to provide required forms and registration and/or failure to comply with company requirements	\$100.00
21-276(7) Failure to verify alarm signal prior to contacting Fairhope Police Department personnel	\$100.00
21-276(8) Failure of an alarm monitoring company to notify the Fairhope Police Department within ten minutes of notice that an alarm alarm was false	\$100.00
21-276(9) Fourth false burglar alarm during registration period	\$ 50.00
21-276(9) Fifth false burglar alarm during registration period	\$100.00
21-276(9) Sixth and each additional false burglar alarm during registration period	\$200.00

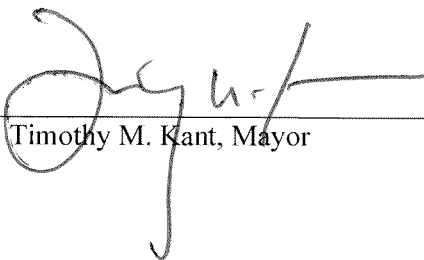
**SECTION 15. SEVERABILITY**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

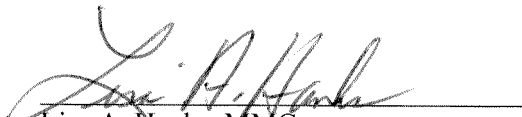
**SECTION 16. EFFECTIVE DATE**

This ordinance shall take effect January 1, 2012 and upon its due adoption and publication as required by law.

ADOPTED THIS THE 25th DAY OF JULY, 2011

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Ord. No. 1453  
Published in  
FAIRHOPE COURIER  
on Wednesday August 3, 2011  
City Clerk

## INSPECTION CERTIFICATE

THIS IS TO CERTIFY that the alarm system located at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Registration No.: \_\_\_\_\_

Was fully inspected and repaired, if necessary, on \_\_\_\_\_, by the below-referenced licensed alarm business.

**THIS IS ALSO TO CERTIFY** that said alarm system is in good operating condition and that the operators of the alarm system have been instructed in its proper use.

\_\_\_\_\_  
Alarm User Signature

\_\_\_\_\_  
Alarm Business Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Alarm Business Name

\_\_\_\_\_  
State of Alabama License Number

\_\_\_\_\_  
Date

- THIS FORM MUST BE COMPLETED BY A LICENSED ALARM COMPANY.
- ONLY THE ORIGINAL OF THIS FORM WILL BE ACCEPTED.
- MAIL THE COMPLETED FORM TO THE ADDRESS LISTED ABOVE.
- FAILURE TO DO SO WILL RESULT IN TERMINATION OF POLICE RESPONSE TO ROUTINE BURGLAR ALARM CALLS AND THE ISSUANCE OF CIVIL CITATIONS.

**Fairhope Police Department**

False Alarm Enforcement Unit

107 North Section Street

Fairhope, AL 36532

(251) 928-2385

# \_\_\_\_\_

**REGISTRATION FORM**

THIS FORM **MUST BE UPDATED AND RETURNED** EVEN IF NO MONEY IS OWED. YOUR REGISTRATION **WILL BE CLOSED AND YOU MAY FORFEIT POLICE RESPONSE** IF YOU FAIL TO DO SO.

EXPIRES:

<b>LOCATION OF ALARM</b>		<b>RESPONSIBLE PARTY</b>	
NAME (LAST, FIRST OR BUSINESS NAME)		LAST, FIRST	
STR # STREET NAME APT/SUITE		STR # STREET NAME APT/SUITE	
CITY, STATE ZIP		CITY, STATE ZIP	
PHONE 1	PHONE 2	PHONE 1	PHONE 2
<b>CONTACT PERSON 1</b>		<b>CONTACT PERSON 2</b>	
NAME (LAST, FIRST)		NAME (LAST, FIRST)	
STR # STREET NAME APT/SUITE		STR # STREET NAME APT/SUITE	
CITY, STATE ZIP		CITY, STATE ZIP	
PHONE 1	PHONE 2	PHONE 1	PHONE 2
<b>SPECIAL CONDITIONS</b>			
<b>MONITORED BY:</b>		<b>INSTALLED BY:</b>	
COMPANY NAME		COMPANY NAME	
ADDRESS (STR # STREET NAME) APT/SUITE		ADDRESS (STR # STREET NAME) APT/SUITE	
CITY, STATE ZIP		CITY, STATE ZIP	
PHONE 1	PHONE 2	PHONE 1	PHONE 2
EMAIL ADDRESS: _____			
I do hereby solemnly swear that the aforementioned information is correct to the best of my knowledge.			
Signature _____		Date Signed _____	
<b>INTERNAL USE ONLY</b>			
Rcvd _____			
Approved _____			



**CITY OF FAIRHOPE, ALABAMA – UNIFORM CIVIL VIOLATION NOTICE**

DATE ISSUED*	CODE INSPECTOR NAME	DEPARTMENT	BADGE #	CASE #	CITATION #
--------------	---------------------	------------	---------	--------	------------

NAME OF VIOLATOR(S)

MAILING ADDRESS OF VIOLATOR (Street, City, State and Zip)

THIS NOTICE SUMMONS YOU TO ANSWER THE COMPLAINT THAT ON \_\_\_\_\_ AT \_\_\_\_\_

YOU COMMITTED A VIOLATION OF SECTION \_\_\_\_\_ CODE OF THE CITY OF FAIRHOPE TO WIT:

DESCRIPTION: **Sixth and each additional false burglar alarm during registration period**

LOCATION OF VIOLATION:

YOU SHALL:

- PAY THE CIVIL PENAL OF \$ \_\_\_\_\_, AND CORRECT THE ABOVE VIOLATION IMMEDIATELY UPON RECEIPT OF THIS NOTICE. A SURCHARGE OF \$10.00 HAS BEEN ADDED TO THE ABOVE CIVIL PENALTY PER CITY OF FAIRHOPE ORDINANCE # \_\_\_\_\_
- YOU MAY REQUEST AN ADMINISTRATIVE HEARING TO APPEAL THE DECISION OF THE CODE INSPECTOR OFFICER IN WRITING WITHIN 20 DAYS FROM RECEIPT OF THIS NOTICE.

\_\_\_\_\_ VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_ SERVICE: MAIL

Fairhope to pay the civil penalty and correct the violation or to file a request for administrative hearing within (20) days from receipt of this notice constitutes a waiver of your right to a hearing, and such waiver shall constitute an admission of the violation. (See instructions below). The Fairhope Police Department is not required to respond to routine burglar alarms at locations for the following reasons.

- Where six (6) or more alarms occur in the users registration year, and;
- Where burglar alarm fines were not paid within 60 days of receiving a civil violation notice, and;
- Where registration information was not filed within 30 days of receiving a civil violation notice for failure to file alarm registration information. Reinstatement of police service requires an inspection by a licensed alarm contractor, payment of unpaid fines, or filing of required alarm registration information.

**FINE SCHEDULE**

1-3 False Alarms . . . . .	no charge
4 <sup>th</sup> False Alarms . . . . .	\$ 50.00 + \$10.00 (clerk surcharge)
5 <sup>th</sup> False Alarms . . . . .	\$100.00 + \$10.00 (clerk surcharge)
6 <sup>th</sup> False Alarms . . . . .	\$200.00 + \$10.00 (clerk surcharge)
Failure to Register Burglar Alarm – 1 <sup>st</sup> Offense . . . . .	\$ 50.00 + \$10.00 (clerk surcharge)
Failure to Register Burglar alarm – 2 <sup>nd</sup> and subsequent offenses (each). . . . .	\$100.00 + \$10.00 (clerk surcharge)
Violation of any Alarm Company Responsibility . . . . .	\$100.00 + \$10.00 (clerk surcharge)
Annual Burglar Alarm Registration Fee. . . . .	\$ 25.00

**INSTRUCTIONS**

- Payments of penalties and requests for Administrative Hearings should be directed to:  
 Court Clerk  
 City of Fairhope  
 P. O. Box 429  
 Fairhope, Alabama 36533
- \*Appeal by Administrative Hearing of the notice of violation shall be accomplished by filing a request in writing to the above address within twenty (20) calendar days from the date issued. Failure of the violator to appeal this notice within the prescribed time shall constitute a waiver of the violator's right to any administrative hearing.
- You may appear with or without counsel and produce witnesses on your own behalf.
- You may be liable for reasonable costs of the administrative hearing upon a finding of guilty.
- You may be liable for the City's costs and expenses incurred as a result of investigation and enforcement should you be found guilty of the violation.
- Liens in the amount of unpaid penalties can be filed against your real or personal property and may be foreclosed.
- Burglar Alarm Registrations and \$25.00 Registration Fee should be directed to:  
  
 Fairhope Police Department  
 False Alarm Enforcement Unit  
 P.O. Box 429  
 Fairhope, Alabama 36533  
 (251) 928-2385

**CITY OF FAIRHOPE, ALABAMA – UNIFORM CIVIL VIOLATION NOTICE**

DATE ISSUED*	CODE INSPECTOR NAME	DEPARTMENT	BADGE #	CASE #	CITATION #
--------------	---------------------	------------	---------	--------	------------

NAME OF VIOLATOR(S)

MAILING ADDRESS OF VIOLATOR (Street, City, State and Zip)

THIS NOTICE SUMMONS YOU TO ANSWER THE COMPLAINT THAT ON \_\_\_\_\_ AT \_\_\_\_\_

YOU COMMITTED A VIOLATION OF SECTION \_\_\_\_\_ CODE OF THE CITY OF FAIRHOPE TO WIT:

DESCRIPTION: **Fourth false burglar alarm during registration period**

LOCATION OF VIOLATION:

YOU SHALL:

- PAY THE CIVIL PENAL OF \$ \_\_\_\_\_, AND CORRECT THE ABOVE VIOLATION IMMEDIATELY UPON RECEIPT OF THIS NOTICE. A SURCHARGE OF \$10.00 HAS BEEN ADDED TO THE ABOVE CIVIL PENALTY PER CITY OF FAIRHOPE ORDINANCE # \_\_\_\_\_
- YOU MAY REQUEST AN ADMINISTRATIVE HEARING TO APPEAL THE DECISION OF THE CODE INSPECTOR OFFICER IN WRITING WITHIN 20 DAYS FROM RECEIPT OF THIS NOTICE.

\_\_\_\_\_ VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_ SERVICE: MAIL

\_\_\_\_\_ CODE INSPECTOR NAME \_\_\_\_\_ DATE \_\_\_\_\_

Fairhope to pay the civil penalty and correct the violation or to file a request for administrative hearing within (20) days from receipt of this notice constitutes a waiver of your right to a hearing, and such waiver shall constitute an admission of the violation. (See instructions below). The Fairhope Police Department is not required to respond to routine burglar alarms at locations for the following reasons.

- Where six (6) or more alarms occur in the users registration year, and;
- Where burglar alarm fines were not paid within 60 days of receiving a civil violation notice, and;
- Where registration information was not filed within 30 days of receiving a civil violation notice for failure to file alarm registration information. Reinstatement of police service requires an inspection by a licensed alarm contractor, payment of unpaid fines, or filing of required alarm registration information.

FINE SCHEDULE	
1-3 False Alarms	no charge
4 <sup>th</sup> False Alarms	\$ 50.00 + \$10.00 (clerk surcharge)
5 <sup>th</sup> False Alarms	\$100.00 + \$10.00 (clerk surcharge)
6 <sup>th</sup> False Alarms	\$200.00 + \$10.00 (clerk surcharge)
Failure to Register Burglar Alarm – 1 <sup>st</sup> Offense	\$ 50.00 + \$10.00 (clerk surcharge)
Failure to Register Burglar alarm – 2 <sup>nd</sup> and subsequent offenses (each)	\$100.00 + \$10.00 (clerk surcharge)
Violation of any Alarm Company Responsibility	\$100.00 + \$10.00 (clerk surcharge)
Annual Burglar Alarm Registration Fee	\$ 25.00

**INSTRUCTIONS**

- Payments of penalties and requests for Administrative Hearings should be directed to:  
 Court Clerk  
 City of Fairhope  
 P. O. Box 429  
 Fairhope, Alabama 36533
- \*Appeal by Administrative Hearing of the notice of violation shall be accomplished by filing a request in writing to the above address within twenty (20) calendar days from the date issued. Failure of the violator to appeal this notice within the prescribed time shall constitute a waiver of the violator's right to any administrative hearing.
- You may appear with or without counsel and produce witnesses on your own behalf.
- You may be liable for reasonable costs of the administrative hearing upon a finding of guilty.
- You may be liable for the City's costs and expenses incurred as a result of investigation and enforcement should you be found guilty of the violation.
- Liens in the amount of unpaid penalties can be filed against your real or personal property and may be foreclosed.
- Burglar Alarm Registrations and \$25.00 Registration Fee should be directed to:  
  
 Fairhope Police Department  
 False Alarm Enforcement Unit  
 P.O. Box 429  
 Fairhope, Alabama 36533  
 (251) 928-2385

March 25, 2010

Jane Doe  
123 Any Place  
Wherever, AL 36532

Dear Jane Doe:

**Civil Citation for False Alarm # 6**

**Police response to your audible and silent intrusion alarms has been terminated.**

On March 1, 2010, the Fairhope Police Department was dispatched to the address shown above in response to an alarm activation. As per City of Fairhope Ordinance 1177, this alarm activation was determined to be a false alarm.

The City of Fairhope False Alarm Ordinance requires an alarm user to pay Civil Violation fines starting at the 4<sup>th</sup> false alarm during the user's registration period. Records indicate that the Fairhope Police Department has responded to 6 false alarm activations to this address in the last year. As a result, a Civil Violation in the amount of \$\_\_\_\_\_ is attached. The \$\_\_\_\_\_ fine must be paid within 60 days of this notice. In order to restore police response the following must be accomplished:

1. A written report from a licensed burglar alarm company certifying that the system has been inspected, repaired if required, and that it is in proper functioning order must be submitted to the False Alarm Enforcement Unit.
2. All outstanding Civil Violations must be paid.
3. The location must have a current registration on file with the Fairhope Police Department.

You may file a written appeal within 20 days with the Clerk of Courts. A separate request is required for each false alarm notice. When considering whether to file an appeal of a false alarm fine, please refer to the Appeal Guidelines, which are attached to this letter.

If you have any questions regarding this notice or the false alarm reduction program, please call the False Alarm Enforcement Unit at (251) 928-2385.

Sincerely,

False Alarm Enforcement Unit  
Fairhope Police Department

March 25, 2010

Jane Doe  
123 Any Place  
Wherever, AL 36532

Dear Jane Doe:

**Civil Citation for False Alarm # 4**

On March 1, 2010, the Fairhope Police Department was dispatched to the address shown above in response to an alarm activation. As per City of Fairhope Ordinance 1177, this alarm activation was determined to be a false alarm.

The City of Fairhope False Alarm Ordinance requires an alarm user to pay Civil Violation fines starting at the 4<sup>th</sup> false alarm during the user's registration period. Records indicate that the Fairhope Police Department has responded to 4 false alarm activations to this address within your current registration year. As a result, a Civil Violation is attached. The fine must be paid within 30 days of this notice.

You may file a written appeal within 20 days with the Clerk of Courts. A separate request is required for each false alarm notice. When considering whether to file an appeal of a false alarm fine, please refer to the Appeal Guidelines, which are attached to this letter.

If you have any questions regarding this notice or the false alarm reduction program, please call the False Alarm Enforcement Unit at (251) 928-2385.

Sincerely,

False Alarm Enforcement Unit  
Fairhope Police Department

## FAIRHOPE POLICE DEPARTMENT

### FALSE ALARM APPEAL GUIDELINES

An Administrative Officer assigned by the Clerk of the Court will conduct appeal Hearings.

According to the City of Fairhope False Alarm Ordinance, a false burglar alarm means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation are unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that:

- (1) An individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
- (2) The alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system or;
- (3) If the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by your power company or other applicable provider.

If emergency personnel respond and find no evidence of criminal activity or a medical need, the alarm call will be cleared as a false alarm.

An Alarm Dispatch Request, which is canceled by the Alarm Monitoring Company prior to the arrival of emergency responders, shall not be considered a False Alarm Dispatch.

When considering whether to file an appeal of a false alarm assessment, please note that the following will be considered false alarms by the Administrative Officer hearing the case:

1. Faulty, defective or malfunctioning equipment supplied by the alarm business.
2. Improper installation or maintenance by the alarm business.
3. Improper monitoring by the alarm business.
4. Alarm activations, which occur while alarm technicians are repairing, servicing or testing the alarm system.
5. An occurrence where no evidence of criminal activity is present.
6. Mistakes made by private contractors, maids, cleaning crews, realtors, etc.
7. Improper maintenance of the alarm system by the alarm owner (including neglect of backup power/battery supplies).
8. Items within the home or business which move and cause motion detectors to activate, i.e., curtains, signs, balloons, plants, pets, etc.
9. Glass break detectors, which activate due to noises or sounds other than actual glass breakage.
10. Doors and/or windows that become loose and cause a break in the contacts, which activate the alarm.
11. Caretakers who watch homes or businesses when owners are away.
12. Pets, rodents, wildlife.

March 25, 2010

Jane Doe  
123 Any Place  
Wherever, AL 36532

Dear Jane Doe:

**Notice of False Alarm Activation - # 3**

On March 1, 2010, the Fairhope Police Department was dispatched to the address shown above in response to the 3<sup>rd</sup> alarm activation within the location's registration period. As per City of Fairhope Ordinance 1177, this alarm activation was determined to be a false alarm.

This Ordinance states that *no burglar alarm use shall cause, allow, or permit the burglar alarm system to give four (4) or more false alarms in any registration period.* After the 3<sup>rd</sup> false burglar alarm within the user's registration period, fines will be assessed accordingly. Since you fall within the three-alarm limit, no charges have been assessed to you.

To prevent additional notifications and future false alarm service fees, you may wish to contact your alarm company to receive additional instructions on the proper use of your alarm system, keeping your system maintained in proper working order, and ways to prevent future false alarms. Alarm systems are a good and valuable tool in the fight of crime. However, the purpose of our Ordinance is to place responsibility on the alarm user and the alarm company to prevent, by use of appropriate mechanical, electrical, or other means, false burglar alarms and to reduce the time Police Officers respond to false alarms.

If you have any questions regarding this notice or the false alarm reduction program, please refer to the Appeal Guidelines, which are attached to this letter or contact the False Alarm Enforcement Unit at (251) 928-2385.

**You currently have an outstanding balance of: \$0.00.**

If an amount other than \$0.00 is shown, please contact our office immediately for additional information.

Sincerely,

False Alarm Enforcement Unit  
Fairhope Police Department