

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 208

AN ORDINANCE to reduce the incidence of false alarms within the City of Lookout Mountain, Georgia, to establish fines for false alarms exceeding the limit set by this ordinance, and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and IT IS HEREBY ORDAINED:

Section 1. Findings and Purpose. The Council of the City of Lookout Mountain, Georgia, finds that the resources of the City and, in particular, the Police Department have been unnecessarily expended in responding to false alarms caused by the inadvertence, negligence and/or omissions of users of alarm systems. The time and resources of police personnel and equipment have been unnecessarily diverted and expended in responding to burglar alarm signals in situations where, in fact, no illegal entry or other intrusion had taken place. The purpose of this ordinance is to preserve the resources of the City, particularly the Police Department, for situations and incidents in which those services are truly needed by residents of the City by requiring alarm users to exercise reasonable care in the operation of their alarm systems. Toward this end, this ordinance places a reasonable limit on the number of false alarms which may occur at any one location during the calendar year and establishes fines for false alarms in excess of that number.

Section 2: Definitions. For purposes of this ordinance, the following words and phrases shall have the meaning given herein:

(a) *Burglar alarm system* means any mechanical or electronic device which is designed to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which city police are expected to respond with emergency personnel or equipment. The term shall include automatic and manual hold-up alarm systems, burglar alarm systems of all types and designs, direct-dial telephone devices, sound monitoring systems, audible alarms, and proprietor alarms.

(b) *False alarm* means an alarm signal to which the City police respond with any emergency service personnel or equipment when a situation requiring a response by the police does not in fact exist, and which signal is caused by the inadvertence, negligence, other failure to

act, or intentional act or omission of an alarm company or alarm user, or a malfunction of the alarm. The following shall not be considered false alarms:

(1) Alarms caused by the testing, repair, or malfunction of telephone equipment or lines, provided that the owner, user or operator first gives notice to the City Police Department prior to testing and repairing such equipment or lines.

(2) Alarms caused by an Act of God, including earthquakes, floods, windstorms, thunder or lightning.

(3) Alarms caused by an attempted illegal entry of which there is visible evidence or which the Police Department determines to be the result of an intrusion attempt or alarm tampering by a third party.

(4) Alarms caused by the testing, repair, or malfunction of electrical utility equipment or lines by the Electric Power Board.

(c) *Location* means the property from which any alarm signal originates.

(d) *Owner, user, or operator of a burglar alarm system* means the person in control of premises wherein an alarm system is maintained.

Section 3. Notice of Person Responsible. It shall be unlawful to operate a burglar alarm system without first giving written notice to the Chief of Police of the name and telephone number of two individuals who shall assume the responsibility for cutting off the alarm system when advised to do so by the Police Department. It shall likewise be unlawful for the owner, user or operator of an alarm system not to keep such information current and correct at all times after the installation of the system.

Section 4. Limit on false alarms. It shall be unlawful for the owner, user, or operator of a burglar alarm system to have more than four (4) false alarms from any one location with the City during a calendar year.

Section 5. Notice of false alarms. The Chief of Police or his designee shall give to each owner, user, or operator of a burglar alarm system written notice of each false alarm attributed to that person within ten (10) days of such false alarm. Any fourth notice within a calendar year to the same person shall bear the following legend: "This is the fourth false alarm received from this location within this calendar year. Any further false alarms received from this location within this calendar year shall subject the owner, user, or operator of the alarm system to fine as a violation of the City of Lookout Mountain's Ordinance No. 208."

Section 6. Grace Period. The provisions of Section 4 of this ordinance shall not take effect as to any owner, user, or operator of a burglar alarm system for thirty (30) days after completion of a system installation to allow for equipment failure, adjustment, subscriber education and possible environmental problems that cannot be detected prior to installation.

Section 7. Penalty for Violation. The Chief of Police or any police officer of the City may issue citations for violations of this ordinance which shall be punishable by fines of not less than \$25.00 nor more than \$100.00 for each violation. Each incident or occasion on which the City police respond to a false alarm will be considered a separate violation by the owner, user or operator of the burglar alarm system even if the violations occur on the same date.

Section 8. Part of Code of Ordinances. It is the intention of the Council of the City of Lookout Mountain, Georgia, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

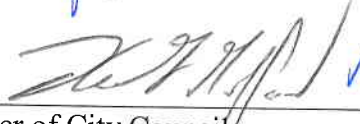
Section 9. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. Savings Clause. It is hereby declared to be the intention of the Council of the City of Lookout Mountain, Georgia, that 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 invalid by the decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 11. Effective date. This ordinance shall be effective ten (10) days after its adoption and approval by at least three members of the Council of the City after two (2) readings at least one (1) week apart.

APPROVED on the first reading July 17, 2003.


Member of City Council


Member of City Council

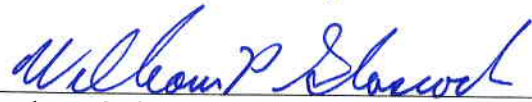

Member of City Council

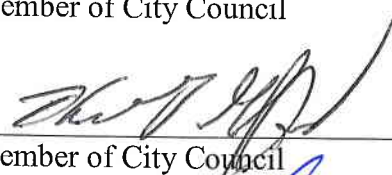

Member of City Council

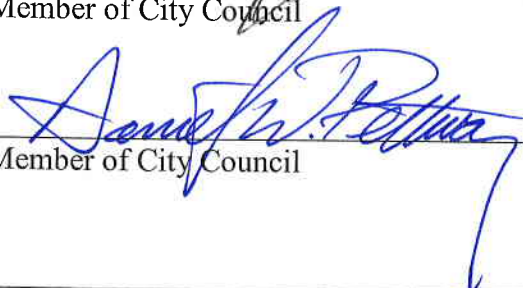

Member of City Council


Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on August 21, 2003.

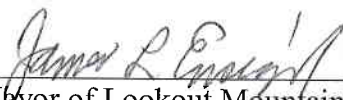

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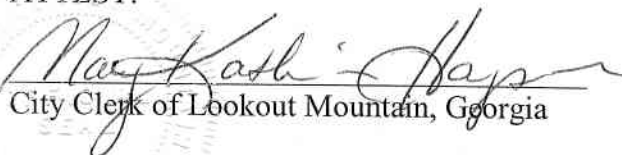

Member of City Council

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Mayor of Lookout Mountain, Georgia

ATTEST:


City Clerk of Lookout Mountain, Georgia