

RECORD OF ORDINANCES

Dayton Legal Blank Co.-10116

Ordinance No. 1996-07

Passed September 17 1996

AN ORDINANCE ENACTING CHAPTER 98, ALARM SYSTEMS, OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, false alarms impact the peace, tranquility and well-being of the community; and

WHEREAS, false alarms consume resources, both dollars and staff, that can be better expended on legitimate emergency situations; and

WHEREAS, the Council of the Municipality of Brookville deems it necessary to enact this Ordinance to reduce the number of false alarms within this community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO;

SECTION I: That Chapter 98 of the Code of Ordinances of the Municipality of Brookville, entitled "Alarm Systems," is hereby enacted to read as follows:

98.01 DEFINITIONS

(A) "Alarm system" means any mechanical or electrical device which, when activated, emits a sound or transmits a signal or message and is designed or used for the detection of fire, smoke or heat within a building, structure or facility.

(B) "False alarm" means the activation of an alarm system which results in an unnecessary response by the Fire Department.

(C) "Unnecessary response" means a response by Fire personnel to any location generated by a false alarm, and no person or property was in need of the services rendered by the Fire Department.

(D) "Alarm User" means any person, firm, partnership, association, corporation, company or organization which owns, occupies or has any kind of control over any building, structure or facility wherein an alarm system is maintained.

98.02 EXCESSIVE FALSE ALARMS PROHIBITED

(A) In the event that more than (3) false alarms are produced by any alarm system in a twelve (12) month period, an administrative fee of One Hundred Dollars (\$100.00) shall be

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assessed against the alarm user for the fourth false alarm. An administrative fee of One Hundred Fifty Dollars (\$150.00) shall be assessed against the alarm user for the fifth false alarm within a twelve (12) month period. An administrative fee of Two Hundred Dollars (\$200.00) shall be assessed against the alarm user for the sixth false alarm within a twelve month period. An administrative fee of Two Hundred Dollars (\$200.00) shall be assessed against the alarm user for each successive false alarm in excess of six false alarms within a twelve (12) month period. The administrative fees will continue for each successive false alarm until twelve (12) months have elapse during which time no false alarms have been recorded. At that time the record will be cleared and the next false alarm shall be deemed to be the first false alarm of a new twelve (12) month period.

(B) An alarm activated by any person or entity conducting an authorized fire or emergency drill, or who causes an alarm to be activated while under a reasonably based belief that an emergency is occurring which requires fire department assistance is not a false alarm.

(C) An alarm activated by a disruption or disturbance of local telephone facilities, motor vehicle/utility pole disturbances, or weather conditions is not a false alarm.

(D) An alarm user shall not be charged with a false alarm under this Ordinance in the event that the alarm is activated by an unauthorized person in violation of Ohio Revised Code Section 2917.32.

98.02 NOTICE AND APPEAL

(A) In the event of a false alarm, a notice shall be mailed to the alarm user notifying the alarm user of the date, time and location of the false alarm, the number of false alarms in the last twelve (12) months by that alarm user, and the administrative fee assessed.

(B) Any alarm user provided notice of a false alarm pursuant to 98.02(A) may appeal, in writing, to the Municipal Manager within ten (10) days of the date of the notice. The appeal must include the reasons for objecting to the notice and/or fee, and must include the name, address, telephone number, and signature of the person submitting the appeal. The Municipal Manager may respond in writing to the appeal, upholding, cancelling or modifying the notice and/or fee, or, in the alternative, the Municipal Manager may schedule a hearing on the matter. The

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Fire Chief, or his designated representative, shall attend the hearing. The Municipal Manager may uphold, cancel or modify the notice and/or fee assessed upon completion of the hearing, and shall issue a written decision within seven (7) days after the hearing.

SECTION 2: That this Ordinance shall revoke and rescind all Ordinances and parts of Ordinances, and Resolutions and parts of Resolutions in conflict herewith.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville by addressing false alarms which adversely impact upon fire protection in the community, and this Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of Council as provided for in the Charter of the Municipality of Brookville, Ohio.

PASSED this 17th day of September, 1996.

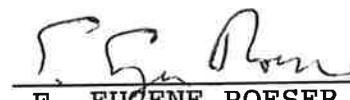
ATTEST:


E. EUGENE ROESER, CLERK


THOMAS L. DAFLER, MAYOR

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1996-07, passed by the Council of the Municipality of Brookville, Ohio on the 17th day of September, 1996.


E. EUGENE ROESER, CLERK

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CERTIFICATE OF POSTING

The undersigned, Clerk of the Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1996-07 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 17th day of September, 1996 to the 17th day of October, 1996, both days inclusive.



E. EUGENE ROESER, CLERK