

**CITY OF ALBANY, GEORGIA**

**DIVISION 2. FALSE ALARMS\***

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**\*State law references:** Restrictions on operation, installation, maintenance, etc., of electronic security systems by counties and municipalities, O.C.G.A. § 36-60-12.

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**Sec. 38-66. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm administrator* means a person or designee designated by the code enforcement director to administer, control and review false alarm reduction efforts.

*Alarm registration* means the alarm registration is the notification by an alarm company or an alarm user to the alarm administrator that an alarm system has been installed and is in use.

*Alarm system* means an alarm system is a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the city police department, city fire department or the county EMS, including local alarm system. Alarm system does not include an alarm installed on a vehicle or person unless the vehicle or personal alarm is permanently located at a site.

*Code enforcement department* means the department responsible for the enforcement of the false alarm ordinance.

*False alarm* means a false alarm is the activation of a fire, burglary and/or robbery or personal alarm by other than a medical emergency, fire, unintentional smoke, forced entry or attempted forced entry to the premises and at a time when no fire has occurred, no emergency medical treatment is needed or no burglary, theft, robbery or forcible entry is being committed or attempted on the premises. False alarms shall include negligently activated alarms, alarms which are the result of equipment which has been improperly installed or maintained, and alarms which are purposefully activated to summon the police, firemen or EMTs in nonemergency situations, but does not include an alarm caused by violent weather conditions, acts of God.

*Key holder* means the key holder is an individual, designated by the alarm user, as the person who will be able to and has agreed to receive notification of an alarm activation at any time; respond to the alarm site; and deactivate the alarm system if such becomes necessary.

*Multiple alarm sites* means more than one alarm system on the premises.

*Panic or personal alarm* means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring EMS, fire, or law enforcement response.

(Code 1985, § 17-46; Ord. No. 00-131, § 2, 7-11-2000)

**Sec. 38-67. Responsibility of the alarm administrator.**

(a) The alarm administrator monitors the provisions of this division, and will make notification of a violation to any owner or occupier of the premises where the offending alarm or burglar system is installed.

(b) The alarm administrator will issue a written notice of all false alarms to alarm users. This notice is in addition to the notice issued to the key holder answering the false alarm. (Code 1985, § 17-49; Ord. No. 00-131, § 5, 7-11-2000)

**Sec. 38-68. Registration (or permit).**

(a) *Registration required.* It shall be unlawful to maintain within the city, an alarm system on commercial or residential premises unless the person owning or operating the business or residential location, where such alarm system is maintained, shall file with the alarm administrator, a valid alarm registration issued by the alarm administrator or designee. A separate registration is required for each alarm site (multiple alarm sites). Fire alarms, burglary or robbery alarms, or panic alarms (any combination) on one site will be considered as one registration.

(b) *Completed application.* Upon receipt of a completed application form, the alarm administrator shall register the applicant and assign an alarm index number unless the applicant has failed to pay a prior fi. fa. assessment or, had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(c) *Alarm registration application.* Each alarm registration must include the following information:

(1) The name, complete address, and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this division;

(2) The classification of the alarm site as either residential, commercial, government entity or apartment;

(3) For each alarm system located at the alarm site, the classification of the alarm system, i.e., fire, burglary, holdup, panic or other, for each purpose whether audible or silent;

(4) Mailing address if different from the alarm site;

(5) Any dangerous or special conditions present, i.e., attack dog, at the alarm site;

(6) Name and telephone numbers of at least two individuals who will be designated as key holders; both of whom are able and have agreed to receive notification of an alarm activation at any time, respond to the alarm site within 30 minutes, and will deactivate the alarm system if such becomes necessary;

(7) Type of business conducted at the alarm site; and

(8) That law enforcement, fire, or EMS response may be based on factors such as: availability of police units, fire or EMTs, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(d) *False application.* Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(e) *Transferability.* An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any information listed on the registration application within five business days.

(Code 1985, § 17-47; Ord. No. 00-131, § 3, 7-11-2000)

**Sec. 38-69. Responsibility of alarm installers, monitoring companies and alarm users.**

(a) Any commercial premises employing an alarm or system shall post in a prominent or conspicuous place notice of an alarm control company and alarm index number sticker. This index number, which is assigned by the alarm administrator, will correspond with a named representative who can be notified at all times and who is authorized to enter the premises and deactivate the alarm system or who can contact a person who can deactivate the system if there are no means of access to the premises.

(b) It shall be unlawful for any person to activate any alarm system for the purpose of summoning the police, except in the event of an actual or attempted robbery or burglary. It shall also be unlawful for anyone to notify the police of an activated alarm and fail to disclose to the police their knowledge or apparent knowledge that the alarm system has been activated due to some electrical or other malfunction of the alarm system.

(c) All alarm users shall be required to respond to the location where the alarm is activated or when requested by the police department, fire department or public safety communications center (911 communications center). The key holder will be given 30 minutes from the time the officer or firemen arrive at the premises to respond to the alarm, unless other arrangements are made through public safety communications center (911 communications center). Upon activation, the alarm shall not sound any longer than 15 minutes.

(d) Alarm installers, monitoring companies, business owners and residents shall register the alarm system within three business days of installation or acquiring the alarm systems in any business, residence and/or buildings having an alarm system installed. Alarm installers, monitoring companies, alarm companies, business owners, and residents will ensure that anytime their registration information has changed that they will notify their alarm installer, monitoring alarm company, and the false alarm administrator of the changes within five business days.

(e) All burglar alarm companies who install, monitor or acquire alarm systems for commercial, government or residential alarm systems will register their burglar alarm companies with the city false alarm administration using the registration form furnished by the city.

(Code 1985, § 17-48; Ord. No. 00-131, § 4, 7-11-2000; Ord. No. 04-116, §§ 1, 2, 5-25-2004; Ord. No. 09-141, § 6, 12-15-2009)

**Sec. 38-70. Exemptions.**

(a) There shall be a 30-day grace period following the installation of any new alarm system during which period false alarms shall not be counted. This grace period is provided to allow the installing company or other installer and the user to take necessary corrective action with regard to the operation of the alarm system. A responsible person at the premises where the alarm or burglary system is installed must maintain written proof, in the form of an invoice, of the date of installation of an alarm system for exemption under this section.

(b) An alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, or public safety communications center (911 communications center) to test the system.

(c) All United States, State of Georgia, Dougherty County and City of Albany governmental buildings within the City of Albany, Georgia, shall be exempt from

assessments for false alarms. Notices will be sent to the responsible director for each and every false alarm. Directors will make every effort to reduce false alarms at the facilities for which they are responsible.

(d) False alarms caused by beam alarms on business owners fenced-in equipment areas that the law enforcement officer is unable to determine the alarm activation will be cleared as alarm undetermined and no false alarm assessment will be charged. Notices of fence alarm activations will be sent to the responsible business owner for all fence alarm false alarms.

(Code 1985, § 17-50; Ord. No. 00-131, § 6, 7-11-2000)

**Sec. 38-71. Offenses.**

(a) Upon the police, fire, or EMS responding to the fifth false alarm, the owner or occupier of the premises where said alarm or burglary system is maintained shall be given a written notice that a response to a false alarm has occurred. The first one to five false alarms in a calendar year will have no assessments charged. Any additional false alarms would result in the alarms administrator assessing a service fee due and payable within 30 days following the notice thereof. The violation would result in fees being imposed in increments of six to ten, 11 to 15 and 16 or more. The amounts of the fees shall be established by ordinance or resolution of the board of city commissioners, from time to time, and made available for public examination in the office of the city clerk and the office of the code enforcement director.

(b) Upon the police or fire department responding to each false alarm, the responding key holder will be advised of the false alarm. If the key holder fails to respond to any false alarm, the responding officer or fireman will notify the public safety communications center (911 communications center), and the alarm administrator will assess a fee to the owner or occupier for violation of this division. If the key holder fails to respond to any false alarm after the fifth false alarm, the alarm administrator will issue an additional assessment. One assessment will be for the owner or occupier for violation of this subsection (b) of this section, and one assessment will be issued for the owner or occupier for violation of subsection (a) of this section. The violation of this section would result in an assessment the same as for the number of false alarms six through ten.

(c) In the event that an owner or occupier fails to register their alarm system, the alarm administrator will assess a fee to the owner or occupier for violation of this division. The violation of this section would result in an assessment the same as the number of false alarms 16 or more.

(d) In the event that an owner or occupier fails to comply with this division, they may be summoned to city municipal court. In the event that an owner or occupier is a corporation or government entity, the summons will be addressed to the corporation or government entity and made to the attention of a designated individual. It will be the corporation's or government entity's responsibility to inform the alarm administrator who the designated individual will be.

(Code 1985, § 17-50.1; Ord. No. 00-131, § 7, 7-11-2000; Ord. No. 02-111, § 1, 4-23-2002; Ord. No. 04-116, §§ 3, 4, 5-25-2004; Ord. No. 05-126, § 1, 10-25-2005)

**Sec. 38-72. Appeals.**

(a) In the event that a location is assessed a false alarm fee, and the owner, business or legal entity does not agree that the alarm activation should be classified as a false alarm, the owner, business or legal entity to appeal the ruling through the proper process as follows:

- (1) The proper representative of the owner, business, or legal entity having or maintaining the alarm system may appeal the ruling in writing within ten days of the notice to the false alarm administrator.
- (2) The false alarm administrator will contact the head of the agency that responded to the alarm (fire, police, or EMS) and schedule an appeal hearing, sending by certified mail, a written notice to the aggrieved party.
- (3) Should the aggrieved party fail to respond or does not attend the appeal meeting then all fees will be considered valid and no further appeals will be considered on the appeal presented.

(b) The alarm administrator may adjust the count of false alarms based on written request and evidence that the false alarm was caused by:

- (1) Evidence that a false alarm was caused by an act of God;
- (2) Evidence that a false alarm was caused by the action of the telephone company;
- (3) Evidence that a false alarm was caused by a power outage lasting longer than four hours;
- (4) Evidence that the alarm dispatch was not a false alarm;
- (5) Evidence that the law enforcement officer response was not completed in a timely manner; or

(6) Evidence that the false alarm was a result of inadvertent pull of the fire alarm activation pull station by person other than the owner/owner employees or resident.

(c) In determining the number of false alarms, multiple alarms occurring in any 24-hour period shall be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

(d) In the event that the owner, business or legal entity (proper representative) and the chief of police, fire chief or director of EMS are not able to resolve and agree on the alarm classification, the proper representative may request a meeting with the city commission public safety committee or committee of the whole to appeal the ruling. The alarm administrator will present any documentation on behalf of the city or county.

(e) The ruling of the public safety committee or committee of the whole will be final.

(Code 1985, § 17-50.1; Ord. No. 00-131, § 8, 7-11-2000; Ord. No. 04-116, §§ 5, 6, 5-25-2004)

**Sec. 38-73. Alarm response disclaimer.**

Registration of an alarm system by an alarm user under the requirements of this division is not intended to and does not create a contract, duty, or obligation, either express or implied, of response by members of law enforcement, public safety communications center employees, city officials, or city employees. Any and all liability and consequential damage resulting from a failure to respond to notification is disclaimed by the city, and the city retains governmental immunity as provided under state law. Secs. 38-74--38-120. Reserved.