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8 Introduced December 11, 1990, by
9 Councilwoman Williams, seconded by
10 Councilman Callahan (by request)
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13 Item No. 90-10-1471
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ORDINANCE NO. 2361

An ordinance amending Chapter 12 3/4 Police Department establishing procedures for emergency reporting equipment.

WHEREAS, alarms and systems (ALARMS) are devices which aid and assist the police department of the City of Slidell (City) to protect the life and property of the citizens of the City; and

WHEREAS, the police department spends a disproportionate amount of time and effort responding to false alarm notifications; and

WHEREAS, police personnel who respond to false alarms are not available to carry out other police duties; and

WHEREAS, in the interest of using limited law enforcement most effectively, it is reasonable for the City to regulate alarms to reduce the number of false alarms in such a manner as not to discriminate against and/or deny equal protection to owners and/or users of alarms.

NOW THEREFORE BE IT ORDAINED by the Slidell City Council that Ordinance No. 2330 is hereby amended as follows:

Page 1, Line 45, add the following language:

"ARTICLE I. IN GENERAL"

BE IT FURTHER ORDAINED by the Slidell City Council that Chapter 12 3/4 Police Department is hereby amended by adding the following:

"ARTICLE II. EMERGENCY REPORTING EQUIPMENT AND PROCEDURES*

Sec. 12 3/4-3. Definitions.

A. ALARM NOTIFICATION - A notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion.

- 12 B. ALARM SITE - means a single premises or location (one
13 street address) served by an alarm system or systems
14 that are under the control of one owner.
15
16 C. ALARM SYSTEM - shall mean an assembly of equipment or
17 devices which is designed, arranged or used for the
18 detection of a hazardous condition or an
19 unauthorized entry or attempted entry into a
20 building, structure or facility, or for alerting
21 persons of a hazardous condition or the commission
22 of an unlawful act within a building, structure or
23 facility and which emits a sound, or transmits a
24 signal or message when activated, to which
25 annunciation, a law enforcement agency may be
26 summoned to respond.
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28 D. ALARM USER - The occupant, resident, tenant, and/or
29 lessee of the premises in which an alarm system is
30 installed.
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32 E. BURGLARY ALARM SYSTEM - An alarm system signaling an
33 entry or attempted entry into the area protected by
34 said system.
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36 F. FALSE ALARM - An alarm signal received and answered
37 by the Police Department of the City of Slidell when
38 a situation requiring a response by the Police
39 Department does not in fact exist at, in or about
40 the building, structure or facility described in the
41 permit and where an alarm system has been installed.
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43 G. HOLD-UP ALARM SYSTEM - An alarm system signaling a
44 robbery or attempted robbery in the area protected
45 by the said system.
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47 H. OFFICER - A member of the Slidell Police Department.
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49 I. PERSON - An individual, corporation, partnership,
50 association, organization or similar entity.
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12 J. MAYOR - The Mayor of the City of Slidell or his
13 authorized representative.
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16 K. ALARM BUSINESS - Any person who, for compensation or
17 anything of value, acts to install, maintain, alter,
18 move, repair, replace, or service alarm systems in
19 the City of Slidell; any person who monitors alarm
20 systems located in the City of Slidell; and any
21 person who sells, at retail, alarm systems for use
22 within the City.
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30 Sec. 12 3/4-4. Unlawful to Operate Alarm System Without
31 Permit.
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34 It shall be unlawful for any person to operate or
35 cause to be operated an alarm system without first
36 applying and possessing an alarm permit from the City of
37 Slidell. The City shall issue a numbered alarm permit
38 document which the permit holder must display.
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44 Sec. 12 3/4-5. Schedule of Fines for Failure to Possess Valid
45 Permit.
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47 Failure to possess a valid permit for an alarm
48 system shall make the user thereof liable for the
49 payment of penalties pursuant to the following schedule:
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54 A. First violation - a written warning to be posted
55 on the user's premises.
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57 B. Second violation \$25.00 fine.
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59 C. Third violation \$50.00 fine.
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61 D. Fourth violation \$75.00 fine.
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63 E. Fifth and each subsequent
64 violation \$150.00 fine.
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68 The fines provided above shall be paid to the
69 City of Slidell by the alarm user within thirty (30)
70 days of violation, failing which there shall be added
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thereto an additional amount equal to one-half of the applicable fine as a late penalty for each thirty (30) days following during which the fine, and late penalty, if any, remains unpaid.

Sec. 12 3/4-6. Initial Permit Fees and Application.

A. An initial permit fee shall be paid for by the applicant according to the following schedule:

(1) \$10.00 - per each residential alarm for each initial calendar year or portion thereof.

(2) \$25.00 - per each commercial alarm for each initial calendar year or portion thereof.

B. Upon receipt of a completed application form and the required fee, and/or any delinquent fees, if any, the Mayor shall issue an alarm permit to an applicant unless (i) the applicant has failed to pay a service fee assessed or (ii) has had an alarm permit for an alarm site revoked and the violation causing the revocation has not been corrected.

C. Each permit application must contain the following information:

(1) Name, address, and telephone number of the permit holder who will be responsible for the proper maintenance and operation of the alarm system and payment of fees imposed and or assessed under this chapter.

(2) Classification of the alarm site as either residential or commercial.

(3) For each alarm system located at the alarm site the purpose of the alarm system, i.e. burglary, or robbery.

12 (4) Other information required by the Mayor which
13 is necessary for the enforcement of this
14 chapter.
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- 18 D. Any false statement of a material matter made by an
19 applicant for the purpose of obtaining an alarm
20 permit shall be sufficient cause for refusal to
21 issue a permit.
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26 E. No alarm permit may be transferred to another alarm
27 system except by written authorization of the Mayor.
28 A permit holder shall inform the Mayor of any change
29 that alters any information listed on the permit
30 application within two (2) business days of such
31 change. No fee will be assessed for such changes.
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38 F. A permit holder shall surrender a permit for any
39 alarm system which is removed from an alarm site or
40 which otherwise ceases to satisfy the permitting
41 requirements of this section. Surrender shall be
42 accomplished by returning the permit to the Mayor.
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48 G. No permit may be issued or renewed "unless" all fees
49 due and owing by an applicant shall have first been
50 paid.
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54 Section 12 3/4-7. Permit Duration and Renewal.
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56 A permit shall initially be issued for one (1)
57 calendar year or portion thereof. Each permit shall be
58 renewed annually upon notice. It is the responsibility
59 of the permit holder to submit an application prior to
60 its expiration date. Fees for renewal of permits shall
61 be paid according to the following schedule:
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- 68 A. \$5.00 - per each residential alarm for each
69 calendar year or portion thereof.
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72 B. \$15.00 - per each commercial alarm for each
73 calendar year or portion thereof.
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12 Sec. 12 3/4-8. Tape Dialer Prohibited.
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14 It shall be unlawful to install and use "tape
15 dialers" and/or similar automatic telephonic systems
16 shall not be connected to any police facility.
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18 Sec. 12 3/4-9. Police Department Responses to Alarm
19 Notifications.
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22 Each police department's response to each alarm
23 notification shall be evidenced by written notice,
24 posted on the alarm user's premises, indicating the date
25 and time of the response.
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28 Records of the City relative to responses to alarm
29 notifications shall be prima facie evidence that notices
30 recorded therein were lawfully made and posted.
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32 Sec. 12 3/4-10. Service Fees for Alarm Notifications.
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35 A. Except as provided in Subsections (B), (C), (D) and
36 (E) below, the holder of an alarm permit shall be
37 assessed and pay a service fee for alarm
38 notifications pursuant to the following schedule:
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- 40 (1) One (1) through five (5) (inclusive) alarm
41 notifications in any calendar year - a written
42 warning posted on the permit holder's premises
43 for each police department response.
44
45 (2) Six (6) through ten (10) (inclusive) alarm
46 notifications in any calendar year - \$25.00 for
47 each police department response.
48
49 (3) Eleven (11) or more alarm notifications in any
50 calendar year - \$50.00 for each police
51 department response. For purposes of this
52 Section an alarm notification shall be
53 identified by the permit number of the alarm
54 user.
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- 12 B. If a person notifies the Mayor and applies for an
13 initial alarm permit, no service fee will be
14 assessed for the first sixty (60) days thereafter
15 and alarm notifications during that period will not
16 be counted towards the assessment of a service fee.
17
18 C. If the responding officer determines that an alarm
19 notification was caused by unauthorized intrusion,
20 attempted unauthorized intrusion, robbery or
21 attempted robbery, that notification will not be
22 counted in the assessment of a service fee, as
23 provided in Paragraph A of this Section.
24
25 D. An alarm notification will not be counted towards
26 the assessment of a service fee if written
27 notification is received that the alarm is
28 malfunctioning, the permittee can demonstrate that
29 the alarm notification was the result of a severe
30 weather condition, including but not limited to a
31 tornado, hurricane, earthquake or other weather
32 condition that causes physical damage to the alarm
33 site, or is the result of a malfunction in the
34 operation of telephone lines for the transmission of
35 alarm signals, proof of the latter to be documented
36 by telephone company work orders or time - stamped
37 records from the alarm company showing the period or
38 periods of interrupted service.
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40 E. An alarm notification will not be counted in
41 determining an assessment of a service fee if the
42 alarm notification is cancelled by the permit holder,
43 alarm company, or monitoring agency prior to the
44 Police Department arriving at the alarm site of the
45 permit holder.
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Sec. 12 3/4-11. City Monitoring Prohibited.

The City of Slidell shall not engage in the monitoring of any alarm systems. In the event such monitoring services are performed by the City of Slidell, all such monitored systems holders shall be notified that said services shall be discontinued within six (6) months of passage of this ordinance.

Sec. 12 3/4-12. Revocation of Permits; Penalties.

A. The Mayor shall revoke an alarm permit if he determines that:

- (1) There is a false statement of material fact in the application for a permit.
- (2) The permit holder has violated Sections of this ordinance.
- (3) The permit holder has failed to pay a service fee as herein contained.

B. It shall be unlawful to operate or continue operation of an alarm system at an alarm site during the period in which an alarm permit is revoked.

Sec. 12 3/4-13. Appeal from denial or revocation of a permit.

A. If the City refuses to issue or renew a permit, or revokes a permit, it shall send to the applicant or permit holder by certified mail return receipt requested, written notice of his action, and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the Mayor by filing with the Mayor a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice. The filing of a request for an appeal hearing with

the Mayor stays an action revoking a permit until the Mayor or his designated representative makes a final decision. If a request for an appeal hearing is not made within the ten (10) day period, the action is final.

B. The Mayor or his representative shall serve as hearing officer at an appeal, or consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing. The hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse, or modify any action previously taken. The decision of the hearing officer is final as the administrative remedies with the City. Any appeal must be taken to District Court.

Sec. 12 3/4-14. License Application Fees.

The application for an Alarm Business License shall be accompanied by a fee of two hundred fifty dollars (\$250.00) payable to the City of Slidell and collected on behalf of the said City by the Finance Director. The license shall be valid for one (1) year and renewed annually upon application and payment of a license renewal fee in the amount of fifty dollars (\$50.00) for those companies previously licensed.

The applicant shall furnish Certificates of Insurance demonstrating that it has procured a policy of liability insurance with minimum liability limits of

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12 one hundred thousand dollars (\$100,000) per person and
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14 three hundred thousand dollars (\$300,000) per occurrence, a
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16 Certificate of Insurance indicating possession of Worker's
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18 Compensation Insurance as is required by the State of
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20 Louisiana or a sworn statement that the applicant is not
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22 required by law to possess Worker's Compensation Insurance.
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24 Alarm business employees shall wear and display company
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26 identification badges when working. Said employees shall
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28 have no felony record.
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30 Entities holding an Alarm Business license in the City
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32 of Slidell shall notify their customers, in writing, of any
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34 changes in the administration and/or monitoring of their
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36 accounts.
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38 Sec. 12 3/4-15. Violations, Penalty, Corporations, Partnerships
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40 and Associations.
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- 42 A. A person commits an offense if he violates by commission
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44 or omission any provision of this chapter that imposes
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46 upon him a duty or responsibility.
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48 B. A person who violates a provision of this chapter is
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50 guilty of a separate offense for each day or portion of a
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52 day during which the violation is committed, continued or
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54 permitted, and each offense is punishable by a fine of
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56 not more than two hundred dollars (\$200.00) but not less
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58 than fifty dollars (\$50.00) upon first conviction and not
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60 less than seventy-five dollars (\$75.00) upon second and
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62 subsequent convictions.
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64 Sec. 12 3/4. 16. Serviceability.
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66 If any part of this ordinance application thereof
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68 is held to be invalid or unconstitutional by a Court of
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70 competent jurisdiction, such holding shall not affect
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72 the validity of the remaining parts applications thereof
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74 which shall remain in full force and effect."
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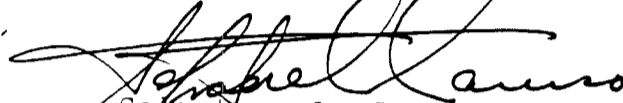
13 This ordinance shall become effective sixty (60) days from
14 its adoption.
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21 ADOPTED this 11th day of December, 1990.
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24 **DELIVERED**
25 12/14/90 2:00 p.m.
26 to the Mayor
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28 
29 Bob Callahan
30 Councilman, District B
31 President of the Council

32 **RECEIVED**
33 12/19/90 11:30 a.m.
34 from the Mayor

35 
36 Salvatore A. Caruso
37 Mayor
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40 Davis Dautreuil
41 Council Administrator/Clerk of the Council
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