

COMMONWEALTH OF KENTUCKY
AN ORDINANCE TO RESCIND KOC 88.300.320.5 OF THE OLDHAM
COUNTYCODE OF ORDINANCES REGARDING THE REGULATION OF
ALARM SYSTEMS AND REPLACE IT WITH KOC 09-320-792

WHEREAS, the reasonable regulation of alarm systems is necessary to protect the public safety and welfare insofar that it will reduce false alarms, avoid the unnecessary and costly commitment of county resources, and preserve the emergency response capability of the Oldham County Emergency Services; and,

WHEREAS, the Oldham County Fiscal Court wishes to amend the County Code of Oldham County Fiscal Court by rescinding the existing ordinance concerning alarm systems in Oldham County Kentucky and replace it with the forgoing ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Oldham County Fiscal Court of Oldham County Kentucky is added/amended to the Code of Ordinances:

Purpose & Scope

The purpose of this ordinance is to protect the public safety through the following objectives: encourage alarm users to assume increased responsibility for maintaining the mechanical reliability and proper use of alarms systems; to prevent the unnecessary response of emergency responder personnel to false alarms, and preserve the emergency response capability of the Oldham County Emergency Services.

Definitions

For the purposes of this ordinance, the following words or phrases shall have the following meanings:

Alarm Permit: A permit issued by Oldham County allowing the operation of an alarm system within the County.

Alarm System: Any assembly of equipment or devices, mechanical, electrical or electronic, arranged to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which police, fire or rescue personnel are expected to respond, but does not include alarms installed in motor vehicles, or fire alarms.

Alarm Signal: A detectable signal, either audible or visible, generated by an alarm system, to which police, fire or rescue is expected to respond.

Alarm System Coordinator: A code enforcement officer who is designated by the County Judge-Executive to administer this Ordinance.

Alarm User: Any person, firm, partnership, association, corporation, proprietorship, governmental or educational entity, or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Automatic Dialing Device: An automatic dialing device or an automatic telephone dialing alarm system which, upon activation, is programmed to select one or more predetermined telephone numbers and transmit an emergency message by tape or electronic signal indicating a need for police, fire or rescue response.

County: Oldham County, Kentucky.

Emergency Medical Services: Any rescue/ambulance service serving Oldham County.

Emergency Personnel: Police fire or rescue as defined.

Fire Department: Any Fire Agency serving Oldham County.

Police Department: Any Law Enforcement Agency serving Oldham County.

Rescue: Oldham County Emergency Services or any other Volunteer Ambulance Service servicing in Oldham County.

Communications Center: The Oldham County Central Dispatch Communications Center.

False Alarm: The activation of any Alarm System resulting in the notification of Law Enforcement, Fire or Rescue, where it has been determined that there was no evidence of the kind for which the Alarm System was designed to give notice.

A. Exceptions to Definition: False Alarm:

1. The term "false alarm" shall not include a signal which can be reasonably determined to have been caused or activated as a direct result of external events such as unusually violent conditions of nature or other extraordinary circumstance not reasonably subject to control by the alarm user.
2. An alarm activated during an alarm system testing procedure shall not be considered a false alarm if the user first notifies and receives

permission from the users alarm company (or designee) and the Alarm System Coordinator, to test the system.

- B. Criteria for Determining False Alarm:** An alarm is false within the meaning of this ordinance when, upon inspection by responding emergency personnel, evidence indicates that no unauthorized entry, robbery or other such crime was committed or attempted in or on the premises, or fire or rescue needed which would have activated a properly functioning alarm system.

Excessive False Alarms: It is hereby found and determined that three (3) or more false alarms within a permit year is excessive and constitutes a violation of this ordinance. .

Permit Year: For the purpose of this section, a permit year is a 12-month period beginning on the date of the permit's issuance.

Section I: Alarm User Permits Required

- A. **Permit Required:** No person shall operate or use any alarm system, as defined in this ordinance, which is designed to elicit, either directly or indirectly, a police, fire or rescue response without first obtaining a permit for such alarm system from the Oldham County Police or its designee. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to this ordinance.
- B. **Application:** The permit shall be requested on an application form provided by the Oldham County Police Department. An alarm user has the duty to obtain an application from the Police. The application may be obtained in person or the Oldham County Police Web site link, Alarm Ordinance.
- C. **Transfer of Possession:** Alarm system permits shall be issued in the name of the person or entity in actual possession of the premise which the alarm system is designed to protect. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm user permit within thirty (30) days of obtaining possession of the property. Alarm system permits are not transferable.
- D. **Reporting Updated Information:** Whenever the information provided on the alarm user permit application changes, the correct information must be provided by the alarm user to the Alarm Systems Coordinator in writing within thirty (30) days of the change. In addition, permit holders may periodically receive a form from the Coordinator requesting updated information. Upon receipt of such request, the permit holder shall

complete and return this form to the Coordinator when any of the requested information has changed.

- E. **Alarm Reset Required:** An alarm user may not install, maintain or use any audible alarm system which can sound continuously for more than fifteen (15) minutes.
- F. **Exemption:** Any audible alarm system which does not contact an alarm monitoring company but contacts police, fire or rescue for a response.
- G. **Issuance of Permit Decals:** No person shall use an alarm system without posting at the front entrance of the premises served by the alarm system the alarm permit decal issued by the County or its designee. This decal must be prominently posted at the front entrance of the premises so that the information provided on the decal is visible from the outside of the structure.
- H. **Multiple Alarm Systems:** If an alarm user has one or more alarm systems protecting two (2) or more separate structures having different addresses, a separate permit will be required for each structure.

Section II: Response to Alarm; Determination of validity

1. **Emergency Response:** When an alarm is activated within the County and emergency personnel respond, the emergency responder on the scene shall inspect the area and determine whether the emergency response was in fact necessary as indicated by the alarm system, or whether the alarm was a false alarm.
2. **Notification:** If the emergency responder at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm, and shall notify the alarm user of the false alarm by leaving a preprinted courtesy notice, or, a Code Enforcement Board citation on an entrance doorway of the address from which the alarm emanated. Posting of this citation as described constitutes service of notice of the violation. This notice form shall also describe to the alarm user of the process by which he or she can appeal and request a review of the false alarm determination.
3. **Inspection:** The Chief of Police or his designee shall have the right to inspect any alarm system on the premises to which an emergency response has been made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this ordinance.

Section III: Review of False Alarm Determinations

1. **Contesting Determination of False Alarm:** If the alarm user requests in writing within ten (10) days of the date that the false alarm occurred a review of a determination of false alarm that initiated a citation for excessive false alarms, Oldham County Code Enforcement Board shall conduct a hearing to review the determination that an alarm was false. In addition to the standard requirements for a review by the Code Enforcement Board that is written on the citation, a request for review of a false alarm determination shall include the following information:
 - a. Alarm user name;
 - b. Address at which the alarm system is installed;
 - c. Date and time of the false alarm that is being contested;
 - d. Alarm user permit number; and
 - e. A brief statement of why the false alarm determination is thought to be in error.

Section IV: Penalty for Excessive False Alarms;

1. **Civil Penalties:** Violations of any provision of this ordinance is a civil offense and shall be enforced by the Oldham County Code Enforcement Board. The following civil penalties shall be imposed for excessive false alarms within the permit year:
 - a. Seventy-five dollars (\$75) for the first excessive false alarm, if paid within ten (10) days of receipt of notice of violation.
 - b. One hundred and fifty dollars (\$150) for subsequent violations within one year of issuance of the permit, if paid within ten (10) days of receipt of notice of violation.
 - c. One hundred and fifty dollars to five hundred dollars (\$150 - \$500) for a first or subsequent offense that is not paid within ten (10) days, or, when the determination of false alarm is contested by the recipient and the Code Enforcement Board finds that a violation of this ordinance took place.
2. **Un-permitted Alarm Systems:** Communication of an alarm without a valid alarm permit constitutes a violation of this ordinance and a civil penalty as described above shall be imposed against the owner of the alarm system or resident of the property from which the alarm issues in the same manner and penalty as described for excessive false alarms

Section V: Other Provisions of this Ordinance:

1. **Automatic Dialing Devices Prohibited:** It shall be unlawful for any person to program an automatic dialing device to select any telephone line serving the Oldham County Central Dispatch. No automatic dialing device shall be used to report, or cause to be reported, any recorded message to Oldham County Central Dispatch.
2. **Other Additional Acts Prohibited by this Ordinance:** The following prohibitions shall be subject to the same civil penalties, fines and procedures, as described herein:
 - A. It shall be unlawful for any person to activate a burglary, robbery, fire or rescue alarm for the purpose of summoning emergency responders when no burglary or robbery, or other crime dangerous to life or property, is being committed or attempted on the premises, or otherwise to cause a false alarm.
 - B. It shall be unlawful for any person to install an alarm that is prohibited in this section, or to provide any alarm service that is prohibited.
3. **Other Means of Enforcement of Provisions**
 - A. **Methods of Enforcement:** In addition to the enforcement provisions herein described the County may enforce the provisions of this article by any remedy available at law or equity.

Use of Alarm Fees Collected

All fees and fines collected from the alarm ordinance shall be used payable to Oldham County, Kentucky and shall be deposited by the county in its general fund to be budgeted as a part of the County's general fund.


Severability

If any provision of this ordinance or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the

invalid provision or application, and to this end the provisions of this ordinance are deemed to be severable.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 16th Day of June, 2009



DUANE MURNER
Oldham County Judge-Executive

ATTEST:



TINA M. SCHAAF
Oldham County Fiscal Court Clerk