

ORDINANCE 2015-09

AN ORDINANCE AMENDING CHAPTER 25 EMERGENCY SERVICES, ARTICLE II ALARM SYSTEMS TO AMEND THE PENALTIES FOR FALSE ALARMS AND TO CLARIFY THE DUTIES AND RESPONSIBILITIES OF ALARM USERS.

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, IC 36-1-3-6(b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, the Town of Griffith is a municipal government which may pass and codify ordinances for its operation, all pursuant to IC 36-1-4 and IC 36-1-5; and

WHEREAS, there have been an increased number of false fire alarms within the Town of Griffith which has forced the Town to expend monies and resources in responding to said false alarms; and

WHEREAS, it is the opinion of the Town Council for the Town of Griffith that the penalties prescribed by Municipal Code Section 25-30, Fines applicable for false alarms, could benefit from a new fine structure for false alarms within the Town of Griffith during a calendar year; and

WHEREAS, it is the opinion of the Town Council for the Town of Griffith that alarm users within the Town could benefit from a clarification of their duties and responsibilities with respect to their alarm systems; and

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-24 Permit Required, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-24. Enforcement and Compliance

- (a) The fire department or its designee shall be responsible for ensuring that all fire alarms are compliant with this Article and with the provisions of the Indiana Fire Code as it is amended from time to time.
- (b) The police department or its designee shall be responsible for ensuring that all burglar alarms are compliant with the Article.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-25 Application for permit, shall be deleted in its entirety and shall be replaced as follows:

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Sec. 25-25. Certification by alarm equipment supplier.

Within ten (10) days after the initial installation of an alarm system, and within ten (10) days after a modification of an existing alarm system, the alarm equipment supplier shall deliver to the Clerk-Treasurer a certification by it that the alarm system is installed and operating in accordance with standard industry practices and in compliance with applicable laws and ordinances.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-26 Certification by alarm equipment supplier, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-26. Inspection.

Every alarm user authorized under this Article shall be required to have its alarm system inspected at least once a year by an alarm equipment supplier licensed by the Town and post a certificate of such inspection on the premises in plain view where the alarm system is maintained. Failure of an alarm system user to comply with the provisions of this section shall result in a fine of \$100.00 for a first offense and \$250.00 for every offense thereafter.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-27 Inspection, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-27. Local alarms.

Local alarms with an externally audible alert shall not make a sound similar to that of Civil Defense warning systems and such alarms in residential districts or within 660 feet thereof must have an automatic cutoff after fifteen (15) minutes of sounding.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-28 Local alarms, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-28. Testing of equipment.

No alarm system shall be tested or demonstrated without first obtaining permission from the police or fire department. Failure to notify the police or fire department prior to testing an alarm system shall constitute a false alarm.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-29 Testing of Equipment, shall be deleted in its entirety and shall be replaced as follows:

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Sec. 25-29. Fines applicable for false alarms.

- (a) Any alarm user who has false alarms on more than two (2) occasions in any calendar year, the alarm user's facility shall be fined according to the following table for each false alarm in excess of two (2) occurring within the same calendar year:

Number of False Alarms	Fine per False Alarm
1 through 2	None
3 through 9	\$75.00
10 through 17	\$150.00
18 or more	\$300.00

- (b) For purposes of determining the number of false alarms in a calendar year and the applicable fine in accordance with Subsection (a), a false alarm that occurs within an apartment or industrial complex, regardless of the building, is considered a false alarm by the complex as a whole.
- (c) In addition to the fine imposed under Subsection (a), pursuant to IC § 36-8-12-17, the Town may recover from an alarm user a service charge in the amount of two hundred dollars (\$200.00) whenever the fire department responds to a false alarm.
- (d) All fines issued pursuant to Subsection (a) shall be payable to the Clerk-Treasurer within ten (10) days of issuance of the notice of violation. All fines received by the Clerk-Treasurer for a violation of Subsection (a) shall be timely deposited into the General Fund.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-30 Fines applicable for false alarms, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-30. Additional fines.

- (a) A person or entity who:
- (1) installs, maintains, or operates an alarm system in a manner contrary to the terms of this Article shall be subject to a fine of \$500.00 per violation, with each day constituting a new violation; or
 - (2) knowingly, intentionally, and without just cause activates a security alarm to notify the Police or Fire Department in a situation where there is no actual or threatened emergency or criminal activity of the type for which the alarm is designed is subject to a fine of \$500.00.

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- (b) All fines issued pursuant to Subsection (a) shall be payable to the Clerk-Treasurer within ten (10) days of issuance of the notice of violation. All fines received by the Clerk-Treasurer for a violation of Subsection (a) shall be timely deposited into the General Fund.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-31 Revocation of permit, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-31. Disconnection of Burglar Alarms.

Whenever alarm conditions are received by the police or fire department that evidence a failure of burglar alarm equipment or said alarm user to comply with the requirements of this Article, the Chief of Police may order that the burglar alarm user disconnect such alarm system until it is made to comply with the requirements of this Article. If there are more than six (6) false alarms in a calendar year from any burglar alarm system, the Chief of Police may, in his discretion, remove the burglar alarm system from the signal board.

No action of disconnection shall take place unless the Chief of Police first gives written notice of his intention to do so, and the date on which the action will be taken, provided, however, that in the event the Chief of Police believes that an action of disconnection is necessary for the public health or safety, he may disconnect a burglar alarm system and provide the alarm user with prompt notification thereof.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-32 Disconnection, shall be deleted in its entirety and shall be replaced as follows:

Sec. 25-32. Hold harmless.

In the event that an alarm user or alarm equipment supplier has violated or failed to comply with any provision of this Article, such alarm user and such alarm equipment supplier shall hold the Town harmless from any cost, expense, claim or the like incurred or paid by the Town arising out of or occurring as a result of the installation and operation of an alarm system within the Town including, but not limited to, reasonable attorney fees, litigation expenses and court costs.

The alarm user and the alarm equipment supplier, by voluntarily choosing to install and utilize an alarm system within the Town, waives any claim or cause of action which either may have against the Town for acts and/or omissions taken by the Town in good faith.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Town Council for the Town of Griffith that Municipal Code, Chapter 25 Emergency Services, Article II Alarm Systems, Section 25-33, Hold harmless, is hereby abolished.

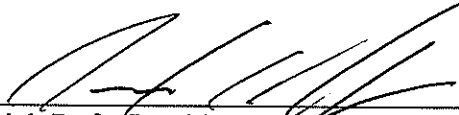
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NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect thirty (30) days after its passage and publication in accordance with IC 5-3-1.

PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this 21st day of April, 2015.


COUNCIL MEMBERS OF THE TOWN OF
GRIFFITH, LAKE COUNTY, INDIANA



Rick Ryfa, President

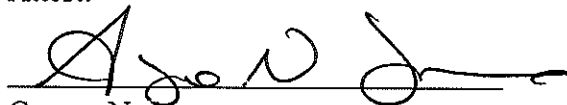


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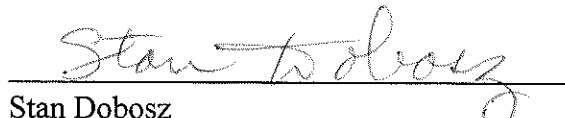


Patricia Schaadt

Attest:



George N. Jerome
Clerk-Treasurer



Stan Dobosz