

**PLAINFIELD COUNCIL
ORDINANCE NO. 5-2001**

**An Ordinance Regarding Alarm Systems
Within The Town of Plainfield, Indiana**

WHEREAS, there are business and residences in the Town of Plainfield that utilize alarm systems, that require special responses from the public safety agencies, primarily the police and fire departments. The agencies in question respond to protect and preserve the health, safety and welfare of the occupants and/or properties of said businesses and residences as well as the citizen of the Town.

WHEREAS, the Plainfield Town Council finds that said alarms frequently produce false and/or accidentally set alarms requiring police and fire departments to provide responses when no situation of emergency nature has actually developed.

WHEREAS, the concern over requiring the dispatch of police and fire departments demands reasonable regulations of alarms in said businesses, residences and/or automobiles, to protect the health and well being of the citizens of the Town of Plainfield.

WHEREAS, the Plainfield Town Council desires to minimize and control the potential adverse effects of dispatching police and fire department units to non-emergency situations.

WHEREAS, it is not the intent of the Plainfield Town Council to suppress the right of all persons to provide for their increased security by owning, operating, installing or having installed an alarm, but to enact a content neutral ordinance which addresses the secondary effects of said alarms such as repeated false and/or accidental alarms.

WHEREAS, it is the intent of the Plainfield Town Council to provide police and fire departments a means by which responsibility for false alarms is born by those responsible for said alarms within the Town of Plainfield.

WHEREAS, the voluntary registration of alarm systems with the Plainfield Police and Fire Communications Center allows them to handle the event in a more expedient and efficient manner, resulting in less cost to the town.

NOW, THEREFORE, BE IT ORDAINED BY THE PLAINFIELD TOWN COUNCIL, as follows:

**ARTICLE I
TITLE**

This Ordinance shall be titled "Alarm Systems," and may be cited as such. Reference shall be Ordinance Number 5-2001.

**ARTICLE II
PURPOSE**

To establish required fees, encourage registration of alarm systems, and to provide penalties for violations of said ordinance and to encourage security alarm users and alarm businesses, (sales, installations, customer service and/or monitoring) to maintain the operational reliability and the proper use of alarm systems, limiting of unnecessary responses to alarms by the police and fire departments.

**ARTICLE III
DEFINITIONS**

ALARM AGENT: Any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.

ALARM BUSINESS: Any individual, partnership, corporation or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building structure, facility or grounds.

ALARM SYSTEM: Any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Plainfield Police or Fire Departments.
For the purpose of this article, an alarm system shall be considered exempt:

- (1) An alarm installed on a motor vehicle.
- (2) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (3) An alarm that signals or alerts only the occupants of the premises protected by the alarm system.
- (4) An alarm occurring during electrical storms, tornados, blizzards or other acts of nature.
- (5) Circumstances not reasonably under the controls of the alarm user, installer or maintainer (the responsibility to show causation is that of the user, installer or maintainer).

ALARM NOTIFICATION: A notification intended to summon the police or fire departments which is designed either to be initiated purposely by a person or by an alarm system that responds to an unlawful entry, attempted entry or any other unauthorized intrusion.

ALARM SITE: A single premises or location served by an alarm system.

PANIC ALARM: Any device that is designed to be manually activated by a person, whether in a business, residence or automobile, that has encountered an actual or perceived emergency situation.

AUTOMATIC DIALING DEVICE: Any device that is designed or intended to automatically dial, via telephone lines, the police and fire department to report an emergency such as a burglary or holdup.

REMOTE ALARM REPORTER: Any device that is designed or intended to provide an audible (bell, tone, siren, etc.) response, in the event of a burglar/holdup alarm, to a remote site such as the Plainfield Police and Fire Communication Center.

FALSE ALARM NOTIFICATION: Any alarm notification, whether direct or indirect, to Plainfield Police and Fire Communication Center, when the responding officer finds no evidence of a criminal offense or attempted offense or emergency.

ARTICLE IV REGISTRATION FEES AND TERMS

Registration shall be mandatory and on the form provided by the Communications Center and registration shall remain on file with agency only. At time of registration a permit decal will be issued and displayed in a prominent location at the front entrance of the building.

There is no fee required in the issuance of an alarm registration.

An alarm system registration issued pursuant to this article shall be valid for a term of two (2) years commencing from the date of issuance.

An alarm system registration issued pursuant to this article shall be personal to the registration holder for a specific location and is not transferable.

ARTICLE V PRHIBITED ACTIVITY AND FEES

It shall be the duty of the Plainfield Police and Fire Departments to enforce this Ordinance. Any person violating any provision of this Ordinance shall be subject to fines and costs as specified within this Ordinance.

Violators of this Ordinance shall be served a written notice of the violation (Complaint and Summons) either in person or by any other manner reasonably calculated to result in actual notice, including certified mail.

If emergency personnel respond to an alarm that is not registered with the Communication Center, a warning will be issued. A failure to comply with this ordinance in the future will result in a fine not to exceed \$100.00.

The holder of an alarm permit or the person in control of an alarm system shall be subject to warning, fines and suspension or loss of permit depending on the number of false alarm notifications emitted from an alarm system within any twelve month period based upon the following schedule:

<u>Number of False Alarm Notifications</u>	<u>Action Taken</u>
1	Warning Letter #1
2	Fine not to exceed \$25
3	Final warning letter with notice of possible revocation or loss of permit and a fine not to exceed \$50
4	Fine not to exceed \$200
5+	Minimum \$200 fine not to exceed \$500 for each incident

ARTICLE VI HEARINGS

Any person receiving any such notice of violation as described herein and wishes to enter a denial, may be granted a hearing on the matter before the Plainfield Town Court. At such time, said court shall assess court costs and may also award reasonable attorney fees from the violator for the necessity of prosecuting an action when judgment is found for the Town. The court may also assess administrative costs expended by the Town of Plainfield in taking enforcement action.

ARTICLE VII SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause and phrase to be unconstitutional, void or ineffective for any cause shall not affect another section, subsection, sentence, clause or phrase.

ARTICLE VIII APPLICATION AND EFFECTIVE DATE

This Ordinance shall apply to the entirety of the Town of Plainfield. This Ordinance shall be in full force and effect immediately upon and after its adoption and publication as required by law.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana.