

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,
DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE
NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES
AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING
WITHOUT A PERMIT**

WHEREAS, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, the current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 28, Article VI, Division 3, Section 28-130 (b) is hereby amended to delete the current language and insert the following

Sec.28 -130. False alarms fines; dispatch records; appeals.

(b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

| Number of False Alarm Dispatches | Action Taken | Fines |
|----------------------------------|---|---------|
| 1 | On-site written notice and warning letter #1. | No Fine |
| 2 | On-site written notice and warning letter #2. | No Fine |
| 3 | On-site written notice and warning letter #3. | No Fine |

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| 4 | On-site written notice, warning letter # 4 and mandatory alarm users class. | No Fine |
| 5 | On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine. | \$25.00 |
| 6 | On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine. | \$25.00 |
| 7 | On-site written notice, letter to user requiring alarm inspection, mandatory fine and civil damages. | \$25.00 |
| 8 or more | On-site written notice, mandatory fine, civil damages, revocation of permit and placed on "Do Not Respond" list. | \$25.00 |

1. Failure to comply with the above conditions will result in alarm operator being summoned into city court, or a court of competent jurisdiction, by issuance of a mandatory court summons issued by authorized officers. In accordance with City Code section 1-8, Fine and Penalties, violators are subject to a fine of up to fifty dollars (\$50.00), for each separate violation, with each day constituting a separate offense.

2. Any owner, user or operator of any alarm system, as defined in § 28-126 found to have violated this section seven times or more in any twelve-month period shall also be liable for civil damages to the city for the actual cost of any response by law enforcement or emergency personnel, and for the actual cost to the city for any interruption of public services or closure of public facilities reasonably necessitated by response to such false alarm, in an amount up to the maximum allowed by state law.

3. Except for fire or mechanically-activated water flow alarm devices and alarm systems owned and operated by any governmental entity or subdivision, upon a finding that an owner, user or operator has violated this section seven times in any twelve-month period, said owner, user or operator shall further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request for response by law enforcement personnel for a period of one (1) year from the date of the finding. Said owner shall also be placed on a "Do Not Respond" list for either the Memphis Police Department or Shelby County Sheriff. The Metro Alarm Board shall have discretion to waive this prohibition upon proof satisfactory that the alarm system at issue has been replaced, repaired or modified so as to substantially reduce the risk of further false alarms. The Metro Alarm Board shall also notify the Memphis Police Department or Shelby County Sheriff of the reinstatement for removal from the "Do Not Respond" list.

4. In the event an alarm user is experiencing maintenance issues with his alarm user, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

(c) Any person operating a non-permitted alarm system (whether revoked or suspended) will be subject to a citation and a false alarm penalty (as defined in section 28-137) in addition to any other fines. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) days notifying alarm user that a false alarm fine and civil damages will be levied if application is not complete a total of thirty (30) days after the original violation. In addition, alarm user will further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all fees and fines have been paid.

SECTION 3. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (d) is hereby amended to read as follows:

An alarm user with four (4) false alarm dispatches shall be required to attend the false alarm user class. Failure to attend the class shall result in a one hundred fifty dollars (\$150.00) penalty.

SECTION 4. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller