EXECUTIVE SUMMARY

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

Purpose: The original ordinance was passed in 1999 to address the 100,000+ false alarms that occurred annually and detracted from MPD's ability to handle real alarms, respond to emergency calls or proactively suppress crime. Since the implementation of the Metro Alarm Office, false alarms have decreased significantly; however, the number is still much higher than it should be. For example, in 2002 there were 115,450 false alarms while in 2008 52,257 false alarms were responded to by MPD.

Challenge: In 2008, the Memphis Police Department received 96,949 total alarm calls. Of that number, 899 were good calls reflecting .009% of all calls received. Out of the 96,949 total calls, 52,257 were actual false alarms that were responded to by MPD – thus the 899 "good alarms" represented 2% of the total actual false alarm calls.

Please see the detail below.

Citation issued (false alarm): 14,499 (total included in False alarm category). This is 28% of the actual 51,257false alarms. MPD has committed to writing citations for every false alarm – this is a must for the system to work.

Cancelled by alarm company: 13,092 (14%). These are false alarms that are correctly cancelled by the alarm company before MPD responds.

Actual False Alarms w MPD Response: 52,257 (54% of all calls). The ordinance is designed to drive this number down.

Good Alarms: 899 (2% of actual alarms when MPD responded were legitimate)

Erroneous disposition code 16,110

Financial Impact of Current Situation: At least two officers are put on a call for at least 20 minutes a piece, which results in 34,838 man hours for false alarms last year. At a cost of $90 per man hour (Per MPD) false alarms caused approximately $3.1 MM in wasted resources when officers could have been responding to an actual emergency or crime suppression.

Resource Calculation: (40 minutes is .67 of an hour @ 52,257 false calls = 34,838 hours @ $90 and hour = $3.1MM)

After gathering data from the Metro Alarm Office, it became evident that several alarm users are abusing the system. For example during a period of time last year, an alarm at a business on Getwell had false alarms 26 times in January, 22 times in February, 14 times in March, and 13 times in April. In addition for the month of January, 67 locations had six or more false alarms for a total of 561 for the month.

Proposed Changes:

1. The city's current ordinance does not call for a fine, suspension, or removal of the alarm until after the sixth (6th) false alarm in a twelve month period. The proposed amendment reduces the number of allowable false alarms from six (6) to five (5) in a twelve month period. After the fifth false alarm, the user will have to pay a fine and upon the 7th false alarm civil damages will be added. This change will bring Memphis in line with comparable cities.

2. The current ordinance does not allow the city to recoup costs from answering these false alarms. The proposed amendment requires payment of civil damages for actual costs of answering the false alarm call. MPD has calculated that amount to be $90 per hour.

3. The current ordinance requires users found to be operating an alarm without a permit to be fined and given a citation that can be waived by the Metro Alarm Board. The proposed amendment gives the user 30 days to come into compliance and not receive a fine. If permit is not obtained, then the user will be placed on a "Do Not Respond" list with MPD until obtainment and will be subject to fine and civil damages.

4. The current ordinance does not provide for a "Do Not Respond" list for MPD. The proposed amendment imposes users being placed on the list after the seventh false alarm in a twelve month period for a year.

5. The new ordinance will also accelerate training classes for those that need additional training and this has decreased false alarms in other cities. The current ordinance does not require the training class until after the seventh false alarm. The new ordinance moves it up until after the 4th.

Fiscal Note and Other:

There will be a need to expand the staffing of the Metro Alarm Office to handle the expected increase of fines assessed due to the change in the number of allowable false alarms.

In addition, Information Services will be asked to implement software that will enable the Metro Alarm system, MPD dispatch and Sheriff's Deputy dispatch to "talk" to one another. Director has committed to a 60 day timeline.

MPD must write citations every time an infraction is committed.

The ordinance must pass the County Commission. Mike Carpenter is the Co-sponsor.

EXECUTIVE SUMMARY
SHELBY COUNTY COMMISSION REVISIONS

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

Language Changes: "fine" and "damages" now called "civil penalty"

Revocation of alarm permit now occurs at the 7th rather than the 8th offense

The County Attorney's changes are not substantive. The chart outlining the penalty to be associated with each false alarm is the same expect the county's version is a bit more restrictive. However, they have deleted sections of the city ordinance following the offense that detailed how violations were to be treated. These details are encompassed in the County's use of "civil penalty" which can mean everything contained in the original city ordinance. Maybe they thought our language was redundant or perhaps they thought that we should allow flexibility in sanctioning repeat false alarm offenders. The remedies spelled out in the original ordinance are still available to the city.

ORDINANCE NO. 5328

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 COSTS 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 civil penalties, warnings, and suspensions or revocation of the permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

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

4	On-site written notice, warning letter # 2 and mandatory false alarm reduction class.	No Fine
5	On-site written notice, warning letter #3 and mandatory civil penalty.	$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 civil penalty.	$25.00
7	On-site written notice, mandatory civil penalty and revocation of permit.	$25.00
8 or more	On –site written notice, mandatory civil penalty, revocation of permit and future alarms may be considered false in nature and will require additional confirmation prior to response.	$25.00

1. The Alarm Office shall collect the civil penalties for false alarms in accordance with this section. Failure to comply with any of the action prescribed by this section within the time period required by the Alarm Office shall be considered an ordinance violation and the alarm user shall be subject to the general penalty provisions of this Code.

2. In the event an alarm user is experiencing maintenance issues with his alarm, 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 up to thirty (30) days.

3. All alarm installation companies providing services in Memphis and Shelby County shall, after the fifth day of the month following installation, send the alarm office all installations for the preceding thirty (30) day period. In addition, alarm monitoring firms shall provide after the fifth day of the end of each month, a list of any and all locations where alarm monitoring services are provided. Such list shall remain confidential to the extent allowed by law.

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, shall be subject to an ordinance violation citation and a false alarm civil penalty (as defined in section 28-137) in addition to costs. 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) day period notifying alarm user that a false alarm civil penalty and costs will be levied if an application is not completed a total of thirty (30) days after the original violation. In addition, alarm user shall 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 civil penalties and costs have been paid.

SECTION 3. 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 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on July 01, 2010 after is has 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