

## **ORDINANCE NO. 320**

AN ORDINANCE OF THE CITY OF HAYDEN LAKE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADDING A NEW SECTION 8-2-8 TO THE CITY CODE REGULATING ALARM SYSTEMS, SETTING FORTH AUTHORITY FOR SUCH ACTION, FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE RULES.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Hayden Lake, Idaho ("City Council") as follows:

### **SECTION ONE: CITY CODE AMENDMENTS AND ADDITIONS**

#### **A. Authority**

Article XII, Section 2 of the Idaho Constitution states that a municipality "may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws." The Legislature of the State of Idaho allows municipalities to enact ordinances to "maintain the peace, good government and welfare of the corporation and its trade, commerce and industry". Idaho Code § 50-302(1). Such regulations must bear a reasonable relationship to the public health, safety, morals or general welfare. *Johnston v. City of Boise*, 87 Idaho 44 (1964). Also, the Legislature of the State of Idaho in the Idaho Building Code Act (Idaho Code Sections 39-4101 – 39-4129 *et seq.*) authorizes municipalities to regulate the construction of buildings and other structures within their boundaries.

#### **B. Findings of Fact and Conclusions of Law**

Requiring City Police to respond to false alarms is an unnecessary use of public safety resources. Therefore, administrative procedures to ensure accountability among alarm users and alarm companies for the proper installation, maintenance, and use of alarm systems will help maintain the peace, good government and welfare of the City and its trade, commerce and industry. Such regulations also bear a reasonable relationship to public safety, morals and the general welfare of the City.

#### **C. Amendments**

For the reasons set forth above, the following amendments to the City Code are hereby adopted:

### **8-2-8: REGULATION OF RESIDENTIAL AND COMMERCIAL ALARM SYSTEMS:**

- A. Purpose: The purpose of this ordinance is to reduce the number of false alarms within the City of Hayden Lake and to mitigate the unnecessary use of public safety resources. This ordinance establishes administrative procedures to ensure accountability among alarm users and alarm companies for the proper installation, maintenance, and use of alarm systems.
- B. Definitions: For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:
1. Alarm Administrator: An individual designated by the Chief of Police to oversee false alarm reduction efforts and enforce this ordinance.
  2. Alarm Detective: A person appointed by the Chief of Police to review and decide internal appeals and fee waiver requests under this ordinance.
  3. Alarm Company: Any individual or entity engaged in the business of selling, leasing, installing, maintaining, or monitoring alarm systems.
  4. Alarm Permit: A permit issued by the City authorizing the use of an alarm system within city limits.
  5. Alarm Signal: A detectable audible or visual signal generated by an alarm system intended to summon law enforcement.
  6. Alarm System: Any device or group of devices designed to alert law enforcement to unauthorized entry or criminal activity. This excludes alarms used solely within a residence without external notification capability, vehicle or boat alarms, fire alarms, and alarms used solely for medical emergencies.
  7. Alarm User: Any individual or entity who owns, leases, or operates an alarm system or maintains such a system on their premises.
  8. Automatic Dial Protection Device: Any device that automatically contacts law enforcement with a prerecorded message upon activation.
  9. Cancellation: The process of terminating a law enforcement dispatch request before officers arrive on scene. A canceled alarm does not count as a false alarm.
  10. City: Refers to the City of Hayden Lake or its designated agents.
  11. False Alarm: An alarm signal that prompts a law enforcement response where no evidence of unauthorized entry or criminal activity is found. It includes alarms caused by mechanical failure, user error, or improper installation.
  12. Hearing Examiner: A designated official authorized to hear appeals related to this ordinance.
  13. Runaway Alarm: An alarm that continuously emits signals due to malfunction or emits three or more false alarms within 24 hours.
  14. Verify: An attempt by the alarm monitoring company to confirm the validity of an alarm before requesting dispatch, including at least two telephone attempts.
  15. Violator: Any alarm user or company who fails to comply with provisions of this ordinance.
- C. Administration and Use of Funds: The Chief of Police is responsible for implementing and enforcing this ordinance. An Alarm Administrator shall be appointed to manage administrative duties under this ordinance. All fees and fines

collected shall be deposited into the City of Hayden Lake General Fund. The Chief of Police may recommend fee adjustments to the City Council.

D. Alarm Permit Requirements.

1. Permit Required: All alarm users must obtain a city-issued alarm permit prior to operating an alarm system.
2. Application Process: Permits shall be requested using forms provided by the city. Each system will receive a unique permit number.
3. Change of Ownership or Possession: Permit applications must be submitted within 30 days when possession of the premises changes. Permits are non-transferable.
4. Updated Information: Alarm users must update their permit information within 30 days of any changes.
5. Multiple Systems: Separate permits are required for each distinct address or tenant.
6. Noncompliance: Failure to obtain or update a permit within the required timeframe may result in civil penalties.
7. Permit Fee: \$50.00 for initial registration.

E. Duties of Alarm Users: Alarm users must:

1. Comply with all terms of this ordinance.
2. Maintain systems to prevent false alarms.
3. Provide the alarm permit number to their alarm company.
4. Refrain from manually activating alarms except in genuine emergencies.
5. Obtain a new permit for changes in address or ownership.
6. Update all other application information within 30 days of change.

Failure to comply may result in civil penalties.

F. Violations.

1. It is a violation for an alarm user to:
  - a. Cause or allow a false alarm;
  - b. Operate an audible alarm that sounds for more than 15 minutes;
  - c. Use an automatic dialer that contacts the Hayden Lake Police Department;
  - d. Fail to obtain a required alarm permit; or
  - e. Violate any provision of this ordinance.
2. Alarm users are responsible for violations on their property, regardless of personal fault.
3. Alarm companies are likewise accountable for violations of applicable sections.

G. Enforcement and Penalties.

1. False Alarm Fines:
  - a. First false alarm: \$50.00
  - b. Additional false alarms: \$100.00 each
  - c. First false panic/robbery/silent/duress alarm: \$100.00
  - d. Additional panic/robbery/silent/duress alarms: \$200.00 each
2. Other Civil Penalties: Violations not related to false alarms: \$100.00 per violation.
3. Notice of Violation: Includes violator name, address, violation description, fine amount, payment instructions, and appeal rights.
4. Service of Notice: Notices may be sent via first-class mail or delivered personally.
5. Discontinuation of Response: Police response may be suspended due to repeat violations or unpaid fines.

6. Non-Criminal Classification: Violations under this ordinance are civil, not criminal.
  7. Internal Review or Waiver: As a condition to and before filing an appeal, alarm users must submit a written request for internal review or a waiver within 15 days of mailing or service of the notice. The alarm detective will issue a decision within 15 days.
  8. Payment of Penalties: All penalties must be paid within 30 days of receiving the notice or within 7 days of the date that the alarm detective's decision is issued, whichever is later, unless appealed. Collection costs may be added.
- H. Appeals Process.
1. Procedure: Appeals must be filed within 30 days of the date that the alarm detective's decision is issued. Hearing dates will be scheduled with at least 10 days' notice. Both the city and violator may present evidence. The burden of proof lies with the city.
  2. Hearing Examiner's Decision: The examiner may affirm, modify, or vacate the penalty and will issue a written decision within 10 working days.
  3. Failure to Appear: Failure to appear results in automatic enforcement of the penalty.
  4. Collection: Monetary penalties are personal obligations. The City Attorney may pursue legal remedies to collect unpaid fines.
- I. Exemptions: The following entities are exempt from this ordinance:
1. The Federal Government and its agencies;
  2. The State of Idaho and its departments; and
  3. The City of Hayden Lake and its departments.
- J. Confidentiality: All records related to alarm systems, including applications, notices, and appeals, shall remain confidential and are not subject to public disclosure.
- K. Governmental Immunity: Alarm registration does not constitute a guarantee of law enforcement response. The City of Hayden Lake disclaims all liability for failure to respond. Response levels may be impacted by staffing, weather, call volume, and other operational factors.

## **SECTION TWO: SEVERABILITY, PREEMPTION AND PRECEDENCE**

This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the City, and any amendments to this Ordinance as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

### **SECTION THREE: REPEAL OF CONFLICTING ORDINANCES**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance to the extent of such conflict are hereby repealed.

### **SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

### **SECTION FIVE: SUSPENSION OF THE RULES**

Passed under suspension of the rules at a regular meeting of the City Council of the City of Hayden Lake, Kootenai County, Idaho, held on the 3<sup>rd</sup> day of February, 2026, on which a roll call vote was duly taken and duly enacted.

DATED this 3<sup>rd</sup> day of February, 2026.

CITY OF HAYDEN LAKE  
Kootenai County, Idaho

By: \_\_\_\_\_  
Lee Zink, Mayor

|                               |       |
|-------------------------------|-------|
| Councilmember Thompson voted  | _____ |
| Councilmember Collins voted   | _____ |
| Councilmember Lyon voted      | _____ |
| Councilmember Weinstein voted | _____ |

ATTEST:

\_\_\_\_\_  
Tina West, City Clerk

( S E A L )