

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 705
ALARM SYSTEMS**

705.01	Purpose and Scope	705.08	Separability
705.02	Definitions	705.09	Permit Revocation and Disconnect Orders
705.03	Alarm Permit	705.10	Appeals
705.04	Excessive False Alarms	705.11	Method of Service
705.05	Specific Alarm Standards (Entrance/Exit)	705.12	Section Headings
705.06	Application of Standards to Existing and Future Alarm Systems	705.13	Severability
705.07	Limitation of Liability	705.99	Enforcement and Penalty

SECTION 705.01 PURPOSE AND SCOPE.

The purpose of this ordinance is to prevent excessive cost and misuse of the emergency services of the City caused by excessive false alarms. Excessive false alarms have a detrimental impact on the provision of emergency services, the resources of the City, and the health, safety, and welfare of the citizens of Kettering. False alarms are hereby declared to be a nuisance within the City of Kettering.

SECTION 705.02 DEFINITIONS.

For the purposes of Chapter 705, the following terms, phrases, words, and their derivations shall have the meanings as set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

- A. *Alarm administrator* means the City employee whose duties include administration of this Chapter.
- B. *Alarm dealer* means a person, partnership, corporation or other entity that sells, leases, monitors, maintains, services, repairs, alters, replaces, moves or installs any alarm system and/or causes any alarm system to be sold, leased, monitored, maintained, serviced, repaired, altered, replaced, moved, or installed.
- C. *Alarm permit* means a permit as specified in Section 705.03 et seq. which must be obtained before an alarm system may be operated.

- D. *Alarm site* means the premises or area of the premises upon or within which an alarm system is installed.
- E. *Alarm system* means any assembly of equipment arranged to signal the occurrence of an unauthorized entry or robbery or similar event. Alarm system does not include a local alarm or an alarm system whose sole function is to signal a fire or medical emergency.
- F. *Alarm user* means the person(s) or entity of any kind, who has an ownership interest in and/or leases an alarm site or any portion thereof.
- G. *Application* means the process and format by which an alarm user submits a request to obtain an alarm permit.
- H. *Automatic dialing device* means a device which is interconnected to a telecommunications service and is programmed to select a predetermined (telephone) number and transmit an emergency message or signal indicating the need for an emergency response.
- I. *City* means the City of Kettering, Ohio
- J. *Disconnect* means to disconnect or disable an alarm system's automatic dialing device and/or interconnection so that signals or messages are not emitted, either directly or indirectly, to the Kettering Police Department.
- K. *Emergency alarm button* means a button, switch, or similar device which, when used, activates an alarm system.
- L. *False alarm* means any alarm activation, message, or signal which is not the result of an unauthorized entry, robbery, or similar event. False alarms include, but are not limited to, the activation of an alarm system through improper installation, mechanical failure or malfunction, misuse, or negligence; and alarm systems which are purposely activated to summon police in nonemergency situations.
- M. *Interconnect* means to connect an alarm system to an automatic dialing device for the purpose of using a telecommunications service to transmit a message or signal upon the activation of the alarm system.
- N. *Local alarm* means an alarm system which only activates an audible signal within the proximity of the alarm site.
- O. *Premises* means any parcel of real property, including any structure(s) or appurtenance(s) thereon, or any portion thereof.

- P. *Telecommunications service* means a service, system, and/or device which enables communication at any distance.

SECTION 705.03 ALARM PERMIT.

- A. Every alarm user shall apply for and obtain an alarm permit. If an alarm user has an ownership interest in or leases more than one alarm site, then that alarm user shall apply for and obtain an alarm permit for each alarm site. No alarm system shall be operated without an alarm permit.
- B. Alarm permits shall be issued through the City of Kettering Police Department. To obtain an alarm permit, an application shall be filed with the City on the form adopted by the Kettering Police Department. In addition to any other information required by the Kettering Police Department, the application shall contain the following information: the alarm user's name, address, telephone/cell phone/pager number; facsimile number; whether the alarm site is a residence or business; the street number and street name of the alarm site; the unit/suite/apartment number of the alarm site; the type of alarm system (local, direct connect, central station); the name, address, and telephone number of the alarm dealer who installed and/or is responsible for servicing the alarm system; the names, addresses, and telephone numbers of two (2) other persons who can be contacted twenty four (24) hours a day, seven (7) days a week, to turn off or deactivate the alarm system if the alarm user cannot be contacted. All information submitted in an application shall be true and accurate. All information required to be given on an application shall be kept current by the alarm user.
- C. All applications shall be accompanied by an application fee. The amount of the application fee shall be set by the city manager.
- D. Upon submission of a complete application, including the application fee, an alarm permit shall be issued unless the applicant has had an alarm permit revoked within the last twelve (12) months or has outstanding (unpaid) administrative fees assessed pursuant to this chapter. Alarm permits shall expire two (2) years from the date of issuance unless earlier revoked.
- E. An alarm dealer shall provide written notification of the alarm permit requirement to each customer with an alarm site within the City of Kettering.

SECTION 705.04 EXCESSIVE FALSE ALARMS.

- A. No alarm user shall permit any false alarm(s) from an alarm site in which the alarm user has any kind of interest.
- B. After the occurrence of a false alarm, a written notice of the violation shall be served upon the alarm user in accordance with Section 705.11. The notice of

violation shall contain the date and approximate time of the false alarm, the street name and street number of the alarm site and a notification of the appeal rights available under Section 705.10.

- C. If more than three (3) false alarms occur from an alarm site during any calendar year, an administrative nuisance abatement fee shall be assessed against the alarm user in accordance with the following schedule:

Number of false alarms occurring during the calendar year	Administrative nuisance abatement fee assessed
0 to 3 false alarms	None
4 th false alarm	\$100.00
5 th false alarm	\$150.00
6 th – 9 th false alarms	\$200.00 per false alarm
10 th false alarm and up	\$300.00 per false alarm and/or Disconnect Order/Permit Revocation

Notice of the assessment of any administrative fee shall be served on the alarm user as provided in this chapter. The alarm user shall pay all administrative nuisance abatement fees within thirty (30) days of service. Administrative nuisance abatement fees shall be in addition to any criminal penalties imposed under Section 705.99.

- D. Multiple false alarms occurring within a 24-hour period, beginning with the first false alarm, may be counted as one (1) false alarm, unless the alarm user already had three (3) or more false alarms during that same calendar year.
- E. A false alarm may be excused for the following reasons:
1. Documented equipment failure which has been repaired; or
 2. Acts of Nature such as earthquakes, high winds, lightning which were directly responsible for activation of the alarm system and were beyond the control of the alarm user.
- F. The alarm administrator may determine whether multiple false alarms should be treated as one (1) false alarm under paragraph D and/or whether a false alarm should be excused under paragraph E. Requests for such a determination by the alarm administrator shall be made within ten (10) calendar days after service of the notice of violation and shall be made in a writing signed by the alarm user and accompanied by written documentation from an alarm dealer that substantiates the excuse. The burden of proof shall be on the alarm user by a preponderance of the evidence. The alarm administrator may investigate the request and consider evidence other than that submitted by the alarm user, including, but not limited to, weather reports. The alarm administrator shall make a determination within 30 days

after receipt of the request. Written notice of the alarm administrator's determination shall be served on the alarm user making the request. The alarm user may appeal an adverse determination of the alarm administrator to the alarm appeals board.

SECTION 705.05 SPECIFIC ALARM STANDARDS (ENTRANCE/EXIT).

- A. All alarm systems shall permit a minimum delay of 20 seconds before actual activation of the alarm system.
- B. Alarm systems that automatically dial or call the City of Kettering Police Department shall call on a special telephone line as designated by the Kettering Police Department and shall comply with all of the following:
 - 1. Total length of the recorded message being transmitted to the Kettering Police Department (including repetition of message) shall not exceed 45 seconds duration.
 - 2. The recorded message transmitted shall be repeated not less than 3 nor more than 4 times and shall have an automatic abort feature to ensure continuing compliance with this requirement.
 - 3. The recorded message being transmitted shall incorporate language specifically identifying the message as a "recording" with the balance of the message identifying by street number and street name the location of the emergency and the nature of the event which caused the alarm system to activate. If the alarm site is in a multi-tenant building, the message shall also identify by number and by floor the particular dwelling unit, office unit, or commercial unit in which the event signaled by the alarm system occurred.
 - 4. Any recorded message being transmitted to the Kettering Police Department shall be appropriate for the purpose for which the alarm system was installed; the message in its entirety shall be intelligible and spoken in the English language.
- C. No local alarm shall resemble the sound of any emergency signal (siren) or civil defense alarm or siren. All alarm systems shall have the capacity to reset themselves within 15 minutes from activation.
- D. Every alarm dealer shall furnish the alarm user with explicit instructions that enable the alarm user to operate the alarm system properly and to obtain service for the alarm system at any time.
- E. Emergency alarm buttons shall only be used to send an automatic alarm to the Kettering Police Department to signal an unauthorized entry, robbery or similar

event. The activation of an emergency alarm button for any other reason shall be a false alarm.

SECTION 705.06 APPLICATION OF STANDARDS TO EXISTING AND FUTURE ALARM SYSTEMS.

- A. Every new system installed after the effective date of this ordinance shall comply with the standards contained in this Chapter.
- B. Every alarm system existing before the effective date of this ordinance shall be placed in compliance with the standards contained in this Chapter no later than 60 days after the effective date of this ordinance.

SECTION 705.07 LIMITATION OF LIABILITY.

The City of Kettering shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm signal or message, nor for the failure or neglect of any alarm user, in connection with the installation and operation of an alarm system, nor for the failure of the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the City finds it necessary to order the disconnection of an alarm system, the City shall incur no liability by such action.

SECTION 705.08 SEPARABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases might be declared invalid.

SECTION 705.09 PERMIT REVOCATION AND DISCONNECT ORDERS.

- A. In addition to the administrative fees described in Section 705.04 and in addition to any criminal penalties imposed under 705.99, an alarm permit may be revoked and/or an alarm user may be issued an order to disconnect an alarm system when any of the following have occurred:
 - 1. ten (10) or more false alarms have occurred in a twelve (12) month period;
or
 - 2. an alarm user has failed to make full payment for any administrative nuisance abatement fee(s); or
 - 3. an alarm user does not have a valid alarm permit.

- B. Disconnection shall be completed within ten (10) calendar days after the disconnect order is served.
- C. Once disconnected, an alarm system may be reconnected only if so ordered by the Alarm Appeals Board when reconnection is in the best interests of the City, will promote the health, safety, and welfare of the City and a preponderance of the credible evidence proves:
 - 1. the alarm system has been repaired so it will not emit further false alarms; or
 - 2. if the disconnect order was based on failure to pay administrative fees when due, that all delinquent fees have been paid in full; or
 - 3. if the disconnect order was based upon failure to have a valid alarm permit, that the alarm user has applied for and obtained a valid alarm permit.

SECTION 705.10 APPEALS.

- A. Any alarm user served with a notice or order issued under this Chapter 705 shall have the right to appeal the notice or order to the Alarm Appeals Board, provided that a written application for appeal is filed within ten (10) calendar days after the date such notice or order was served. An appeal application fee in the amount then established by the City Manager shall accompany each appeal application, unless the Police Chief makes a determination of the indigence of appellant and in such instances the application fee shall be waived. An application for appeal shall include the written basis for the appeal, such as (a.) the intent of this Chapter 705 has been incorrectly interpreted, or (b.) the provisions of this Chapter do not apply, or (c.) no false alarm occurred, or (d.) some other reason or basis for the appeal. The original written appeal, plus five (5) copies of same, shall be filed with the office of the City Manager.
- B. The Alarm Appeals Board shall be comprised of three (3) members: the City Manager or the City Manager's designee, the Police Chief or the Police Chief's designee, and the Fire Chief or the Fire Chief's designee. The Board shall select one of its members to serve as Chairperson. The City Manager shall designate a City of Kettering employee to serve as secretary to the Board. The secretary shall file a record of all proceedings in the office of the City Manager.
- C. The procedure and conduct of Alarm Appeals Board proceedings shall adhere to the then current edition of Robert's Rules of Order, unless otherwise provided for by written and Board adopted rules of procedure. Any decision on any appeal to the Board shall require a majority of those members present at the meeting during which the appeal was heard, and the Board Secretary shall serve a copy of the decision on the appellant.

- D. The Board shall have jurisdiction to hear appeals that are timely filed, accompanied by the application fee, unless waived, and are appeals from an order or notice issued pursuant to this chapter. For each timely filed application which is accompanied by the application fee (unless the fee is waived), the Board shall conduct a hearing within a reasonable time after the date the application is filed; however no such hearing shall begin later than sixty (60) days after the date of application filing unless the appellant consents in writing to such hearing date.
- E. Any decision of the Kettering Alarm Appeals Board is final and may be appealed to a court of competent jurisdiction.
- F. An appeal of an order to disconnect or revoke a permit shall stay the enforcement of the order until the appeal is heard by the Kettering Alarm Appeals Board.

SECTION 705.11 METHOD OF SERVICE.

Any notice or order shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally to the alarm user; or
- B. Transmitted via facsimile transmission to the last known fax number provided by the alarm user when the transmission verification report indicates that the transmission was successful. A copy of the transmission verification report may be used as proof of service; or
- C. Left at the usual place of business of the alarm user and with someone who is 18 years of age or older; or
- D. Sent by certified, preposted U.S. mail, return receipt requested, to the last known address of the alarm user; or
- E. If service is sent by certified, preposted U.S. mail and then returned showing that service was refused or unclaimed, or the return receipt is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular U.S. mail to the last known address of the alarm user; or
- F. Posted in a conspicuous place in or about the alarm site.

SECTION 705.12 SECTION HEADINGS.

Section headings are for convenience only and shall not be used to interpret any portion of this Chapter.

SECTION 705.13 SEVERABILITY.

If any section, subsection, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, then such decision shall not affect the validity of the remaining portions of this Chapter.

SECTION 705.99 ENFORCEMENT AND PENALTY.

- A. Enforcement of any of the provisions of this Chapter may be by civil action and/or criminal prosecution. In addition to civil action and/or criminal prosecution, any unpaid administrative nuisance abatement fees may be certified for collection to the County Auditor pursuant to O.R.C. § 715.261.
- B.
 - 1. No person shall install, use, or operate an alarm system without first obtaining an alarm permit.
 - 2. No person shall fail or refuse to comply with any provision of this chapter, or any order issued pursuant to this chapter.
- C. Whoever violates any provision of this chapter is guilty of a minor misdemeanor. If a defendant has been previously convicted for a violation of this chapter, any subsequent offense(s) committed within 12 months of the prior conviction shall be a misdemeanor of the fourth degree.

Legislative history: Ord. 3324-88; passed 3/29/88. Ord. 3543-92; passed 4/14/92. Ord. 3696-95; passed 12/21/95. Ord. 3931-02; passed 11/26/02. Ord. 4062-06; passed 11/14/06. Ord. 4147-09; passed 12/15/09.