

1st: 6/20
COMMITTEE: 6/7 P.P. 8-0
FINAL: 7/3 8-0

ORDINANCE 90-26

AN ORDINANCE TO AMEND TITLE 14,
"PEACE, SAFETY, AND MORALS" OF THE
BLOOMINGTON MUNICIPAL CODE

WHEREAS, the emergency alarm system in use in the City of Bloomington may be activated by false alarms; and

WHEREAS, the Bloomington Police Department is concerned that false burglary and emergency alarm runs use valuable public safety resources; and

WHEREAS, the public of Bloomington is better served by a police force that can respond in a timely manner to true emergency runs;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I: Chapter 14.40 shall be created to read as follows:

Chapter 14.40

False Emergency Alarms

Sections:

- 14.40.010 Reduction of False Emergency Alarms
- 14.40.020 Definitions
- 14.40.030 Prohibited Activity
- 14.40.040 Automatic Telephone Dialing Devices Prohibited
- 14.40.050 False Fire Alarms
- 14.40.060 Violation

14.40.010 Reduction of False Emergency Alarms

The purpose of this chapter is hereby declared to be the reduction of false burglary and emergency alarms, which waste public safety resources.

14.40.020 Definitions

As used in this chapter, the following terms have the following meanings:

- (a) "Alarm Agent" means any person who is employed by an alarm business, whose duties include selling, maintaining, leasing, or repairing an alarm system on or in any building, structure, facility or grounds.
- (b) "Alarm System" means 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 Bloomington Police Department.
- (c) For the purpose of this chapter an alarm system shall not include:
 - (1) An alarm designed so that the Bloomington Police Department is not notified until after the occupants, the owner or his

agent, or an alarm agent has checked the alarm site and determined that the alarm was the result of the type of activity for which the alarm system was designed to give notice.

- (2) An alarm which alerts only the occupants of the property on which the alarm is located.
 - (3) An alarm installed upon property occupied by an agency of the United States, the State of Indiana, or any political subdivisions thereof.
- (d) "False Alarm" is a burglar or emergency alarm signal received at the Bloomington Police Department or the alarm monitoring company, that is from causes other than burglary, attempted burglary, or severe weather conditions. Such causes include human error, improper maintenance, improper installation, faulty equipment, electrical or mechanical malfunction, or excessive sensitivity, but do not include signals when a timely and proper call is made to police, canceling any response needed to the alarm.

14.40.030 Prohibited Activity

It shall be unlawful for a person who controls or occupies a property or premises on which an alarm system is installed to issue, cause to be issued, or permit the issuance of more than three (3) false alarms in a calendar year, which are transmitted to the Bloomington Police Department. For the purpose of this chapter, a property controller is a person who controls or occupies property.

A person who controls property on which an alarm system is installed shall receive a warning from the Bloomington Police Department for the first three (3) false alarms issued by such alarm system during a calendar year.

14.40.060 Violation

- (a) Any police officer may issue a notice of ordinance violation after the fourth or subsequent false alarm has been made, to any person who controls the property. Such notice may be served in person or by certified mail.
- (b) The fine for the first ordinance violation cited at the same location will be twenty-five dollars (\$25.00), with the fine for each subsequent offense of this chapter occurring during the same calendar year, increasing by an increment of twenty-five dollars (\$25.00). The first and second citations may be paid to the City of Bloomington Legal Department within seventy-two (72) hours of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, proceedings shall be filed in the Monroe County Court. Any third or subsequent citation must be paid through the Monroe County Court, as per I. C. 33-6-3-1(d).
- (c) For the purpose of citation accrual, a new period shall start at the beginning of each calendar year.

SECTION II: Section 14.36.020 Automatic Telephone Dialing Devices Prohibited shall be renumbered as 14.40.040.

SECTION III: Section 14.36.010 False Fire Alarms shall be renumbered as 14.40.050.

SECTION IV: Section 14.36.070 Injury to Fire Alarm System shall be repealed.

SECTION V. The title of Title 14 shall be amended to read "Peace and Safety" wherever such appears in the Bloomington Municipal Code.

SECTION VI. Severability.

If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section VII. This Ordinance shall be in full force and effect from and after passage by the Common Council of the City of Bloomington, approval of the Mayor and promulgation according to law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, County of Monroe, Indiana, upon this 3rd day of July, 1990.

Iris Kiesling

Iris Kiesling, Council President
Bloomington Common Council

ATTEST:

Patricia Williams

Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5 day of July, 1990.

Patricia Williams

Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 5th day of July, 1990.

Tomilea Allison

Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This Ordinance provides that if more than three (3) false alarms are made from one property in a calendar year, a series of escalating fines will be assessed against the property controller. This Ordinance also repeals the prior Code section pertaining to injury to the City Fire Alarm System.

Signed copies:

Police Dept.
Legal Dept (Sue Montgomery)
H-T (must be published)
BMC file
2 for use

