

Item #: 13

Moved by: THOMAS

Prepared by: Robert B. Rolwing

Seconded by: MULROY

Approved by: Robert B. Rolwing

ORDINANCE NO. 426

ORDINANCE TO AMEND CHAPTER 8, ARTICLE IX, OF THE CODE OF ORDINANCES OF SHELBY COUNTY, TENNESSEE, RELATIVE TO SECURITY ALARM SERVICES. SPONSORED BY COMMISSIONER WYATT BUNKER.

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WHEREAS, This Board of County Commissioners gave final approval to An Ordinance to Provide for the Regulation of Security Alarm Services and the Usage of Security Alarms in Shelby County, Ordinance No. 16, on October 12, 1987; and

WHEREAS, This Board of County Commissioners gave final approval to its replacement, An Ordinance to Amend Chapter 7, Article XI, Code of Ordinances of Shelby County, Tennessee, Relative to Security Alarm Services, Ordinance No. 208, on March 22, 1999; and

WHEREAS, Ordinance No. 208 included a sunset provision ending June 30, 2002; and

WHEREAS, This Board of County Commissioners gave final approval to An Ordinance to Amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, Relative to Security Alarm Services, Ordinance No. 263, July 29, 2002, which extended Ordinance No. 208 by a two-year sunset provision, to June 30, 2004; and

WHEREAS, This Board of County Commissioners gave final approval to An Ordinance to Amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County,

Tennessee, Relative to Security Alarm Services, Ordinance No. 284, June 7, 2004, creating a five-year extension to June 2009; and

WHEREAS, This Board of County Commissioners gave final approval to An Ordinance to Amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, Relative to Security Alarm Services, Ordinance No. 380, August 31, 2009, making permanent Ordinance 208, as amended; and

WHEREAS, This Board of County Commissioners gave final approval to An Ordinance to Amend Chapter 7, Article XI of the Code of Ordinances Regarding Police Emergency Alarm Systems So As To Reduce the Number of Allowable False Alarms, Include Costs and Add Notification Process of Alarm Users Operating Without a Permit, Ordinance No. 395, June 21, 2010, altering the penalties of Ordinance 208 and repealing its permanence, but extending it by a two-year sunset provision to June 30, 2012; and

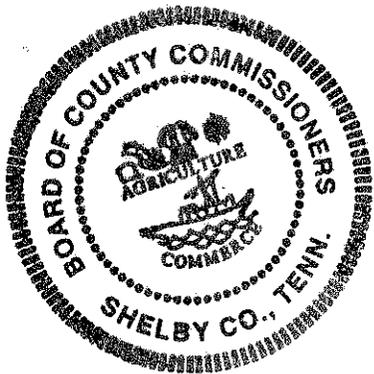
WHEREAS, After careful consideration, this Board believes that it is in the best interest of Shelby County to make the Ordinance permanent and to shorten the procedure for enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Shelby County Ordinance No. 208, entitled An Ordinance to Amend Chapter 7, Article XI, Code of Ordinances of Shelby County, Tennessee, Relative to Security Alarm Services, as amended, is hereby re-adopted as it currently appears in the Code of Ordinances, as amended, at Sections 8-301 through 8-453 inclusive, and by deleting the sunset language set out in Section 3 of Ordinance 208 and in the fourth ordaining paragraph of amending Ordinance No. 395 (2010), and instead making the Ordinance permanent.

BE IT FURTHER ORDAINED, That effective July 1, 2013, Section 8-361(a) and (b) of the Shelby County Code are amended to read as shown on the accompanying Exhibit A (deletions with strike-through, amendatory language highlighted/underlined); and by deleting the second enforcement step in the Schedule of subsection (b) and renumbering the remaining steps accordingly.

BE IT FURTHER ORDAINED, That the terms and provisions of this Ordinance are severable, and that any portion declared unlawful shall be elided and shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect in accordance with Shelby County Charter, Article II, Section 2.06(C).



  
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Mark H. Luttrell, Jr.  
County Mayor

Date: 10-29-12

ATTEST:

  
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Clerk of County Commission

FIRST READING: June 11, 2012

SECOND READING: June 25, 2012

ADOPTED  
THIRD READING: October 22, 2012

**Sec. 8-361. - Fines.**

(a)

On-site written notice and a warning letter shall be provided to the permit holder after each false alarm. An alarm user shall have a properly licensed alarm business inspect his alarm system after ~~three~~ five false alarm dispatches in a one-year period. ~~After four false alarm dispatches,~~ and the alarm user must have a properly licensed alarm business modify the alarm system to be more false alarm resistant or provide additional user training as appropriate. Notification signed by the alarm business qualifying agent shall be provided to the Metro Alarm Review Board confirming the above procedures. If there is a reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm. The alarm business, responding authority, or alarm user may also request a conference.

(b)

An alarm user shall be subject to civil penalties, warnings, and suspensions or revocation of the permit after ~~the fifth~~ false alarm ~~dispatch~~ dispatches within a 12-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice	None

2	On-site written notice	None
3 2	On-site written notice and warning letter #1	None
4 3	On-site written notice, warning letter #2 and mandatory false alarm reduction class	None
5 4	On-site written notice, warning letter #3 and mandatory civil penalty	\$25.00
6 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 civil penalty	\$25.00
7 6	On-site written notice, mandatory civil penalty costs, and revocation of permit	\$25.00
8 7 or more	On-site written notice, mandatory civil penalty, costs, 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 or sheriff's office shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a 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 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 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 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.

(c)

Any person operating a nonpermitted alarm system, whether revoked or suspended, shall be subject to an ordinance violation citation and a false alarm civil penalty as defined herein in addition to costs. Persons operating an alarm system that was never permitted shall receive an ordinance violation citation and will have ten business days after such violation to apply for a permit. The alarm office shall send a certified letter

to users who have not applied within the ten-day period, notifying the alarm user that a false alarm civil penalty and costs may be assessed, if an application is not completed a total of 30 days after the original violation. In addition, the 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.

(d)

An alarm dispatch request caused by an actual criminal offense, or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.

(e)

The alarm administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken as outlined in this article.