

Chapter 807 - ALARMS

Sec. 807-1. - Definitions.

The words and phrases defined in the sections hereafter shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-1-A. - Alarm Business.

"Alarm business" shall mean the business by any individual, partnership, corporation, company, firm, or other entity of selling, installing, leasing, maintaining, servicing, repairing, altering, replacing, moving, or monitoring any alarm system or causing to be sold, installed, leased, maintained, serviced, repaired, altered, replaced, moved, or monitored any alarm system in or on any building, structure or facility.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-1-A1. - Alarm Site.

"Alarm site" shall mean the specific property or area of the premises upon or within which an alarm system is located or is to be installed.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-1-A2. - Alarm System.

"Alarm system" shall mean any device or combination of devices designed for the detection of an unauthorized entry on the premises, of an unlawful act, or of an emergency, which device alerts an entity which notifies a government organization of its commission or occurrence and when activated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal. For purposes of this chapter, "alarm system" shall also mean any local alarm system, as defined in Section 807-1-L.

For purposes of this chapter, an alarm system shall not include:

- (1) An alarm system or device installed upon premises occupied by the United States Government, the State of Ohio, or any other governmental entity that is specifically exempted from local control by state or federal law.
- (2) Any device or system designed solely to detect or give notice of fire or smoke.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987; Emer. Ord. No. 116-2014, § 8, eff. July 1, 2014)

Sec. 807-1-A3. - Alarm User.

"Alarm user" shall mean the person, firm, partnership, association, corporation, company, or organization of any kind in control of premises wherein an alarm system is maintained.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-1-A4. - Alarm Registration.

(1) Alarm Business Registration.

- a. All Alarm Businesses, as defined in 807-1-A of this section, are required to register with the False Alarm Reduction Unit of the Cincinnati Police Department. A registration fee of \$250 will be imposed annually and registration is valid for one year from the date of registration.
- b. At the time of initial registration, Alarm Businesses will be required to provide a listing of current Alarm Systems within the City jurisdiction, including the Alarm User's name, mailing address, alarm location, and date of activation.
- c. Alarm Businesses will subsequently be required to notify the False Alarm Reduction Unit of any new Alarm System installations within forty-five (45) days of activation, including the Alarm User's name, mailing address, alarm location, and date of activation.
- d. The False Alarm Reduction Unit will notify the Alarm Business of the Alarm User Registration Number as assigned by the Cincinnati Police Department. All Alarm Businesses will be required to use the Alarm Users registration number, in addition to the address, when requesting a police response to an alarm.
- e. A \$1000 civil penalty will be imposed (1) for each request for a police response related to an Alarm System operated by an unregistered Alarm Business; or (2) for each request by an Alarm User for registration of an Alarm System installed by an unregistered Alarm Business.
- f. Any Alarm Business with sustained operation within the City jurisdiction and a prior registration that was not renewed within ninety (90) days of the expiration of the registration period will be considered unregistered for the purposes of imposing civil penalties. The effective date of any subsequent renewal will be retroactive to the expiration date of the prior registration.
- g. Upon failure to provide notification of a new Alarm System installation within forty-five (45) days of activation, a \$50 civil penalty will be imposed, per offense, upon the Alarm Business. Upon failure to provide required listing of Alarm Systems at the time of initial registration, a monthly civil penalty of \$1000 will be imposed upon the Alarm Business. For each failure of the Alarm Business to provide the alarm registration number of any registered Alarm User when requesting a police response, a \$25 civil penalty will be imposed.

(2) Alarm User Registration.

- a. All Alarm Systems within the City of Cincinnati must be registered with the False Alarm Reduction Unit of the Cincinnati Police Department. New Alarm Users must register with the False Alarm Reduction Unit before the Alarm System is activated.
- b. Residential Alarm User registration is valid for two years from the date of registration and must identify the Alarm System location and the Alarm User. Residential Alarm Users shall pay a non-refundable, non-transferable, user and location-specific biennial fee of \$50.
- c. Non-residential Alarm User registration is valid for two years from the date of registration and must identify the Alarm System location and the Alarm User. Non-residential Alarm Users shall pay a non-refundable, non-transferable, user and location-specific biennial fee of \$100.
- d. A \$100 civil penalty will be imposed on any Alarm User for using an unregistered Alarm System. The penalty may be waived if the Alarm User completes registration within twenty-one (21) days of the first notice of violation.

- e. Any active Alarm System with a prior registration that was not renewed upon expiration of the prior registration will be considered unregistered for the purposes of imposing civil penalties. Effective date of any subsequent renewal will be retroactive to the expiration date of the prior registration.

(Ordained by Ord. No. 147-2003, § 1, eff. July 15, 2003; a. Ord. No. 237-2003, eff. June 25, 2003; a. Ord. No. 256-2003, eff. Sept. 5, 2003; Emer. Ord. No. 116-2014, § 8, eff. July 1, 2014)

Sec. 807-1-C. - City Manager.

"City manager" shall mean the city manager or individual designated by the city manager to administer and enforce the provisions of this chapter.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-1-F. - False Alarm.

"False alarm" shall mean the activation of any Alarm System which is not the result of an actual or threatened emergency requiring an immediate Police response. False alarms include negligently or accidentally activated alarms or signals; alarms or signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; and signals which are purposely activated to summon police or emergency services in non-emergency situations. Multiple occurrences due to equipment malfunction within a 24-hour period of activity constituting false alarms may be considered one false alarm for the purposes of this chapter.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987; a. Ord. No. 147-2003, § 2, eff. July 15, 2003; a. Ord. No. 237-2003, eff. June 25, 2003; Emer. Ord. No. 116-2014, § 8, eff. July 1, 2014)

Sec. 807-1-L. - Local Alarm System.

"Local alarm system" shall mean any device or combination of devices designed for the detection of an unauthorized entry on the premises, of an unlawful act, or of an emergency, which when activated gives a signal, either visual, audible, or both only at the alarm site and which does not alert a governmental organization.

(Ordained by Emer. Ord. No. 116-2014, § 10, eff. July 1, 2014)

Sec. 807-1-P. - Person.

"Person" shall mean any individual, partnership, corporation or other legal entity.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-7. - Police Direct Connect Alarms.

Alarm systems which terminate at the Cincinnati Police Division Communications Section under the provisions of Section 108-5 of the Cincinnati Municipal Code are exempted from the provisions of this chapter.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-9. - Confidentiality.

Because of the threat to the public safety and the risk that such information could be used for criminal action, and to protect the privacy of those persons affected by any provision of this chapter, the alarm system information kept by the city shall remain confidential. Such information shall be used solely for the purpose of law enforcement, judicial proceedings and the administration of this chapter and shall not be otherwise disclosed.

The provisions of Section 149.43 of the Ohio Revised Code which conflict with this section are hereby declared inoperative in the City of Cincinnati.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-11. - Administrative Fees for Multiple False Alarms.

Alarm users shall be responsible for multiple false alarms sent by alarm systems on premises under their control.

False alarm fees shall be imposed based on the number of false alarms sent by one Alarm System within a one-year period beginning with the first false alarm. A thirty (30) day grace period following the installation of a new Alarm System, beginning on the activation date provided by the registered Alarm Business installing the Alarm System, will be given during which no alarms will be counted as false alarms for the purposes of imposing fees.

The city manager shall impose on alarm users an administrative fee, based on costs of administration and police response to false alarms, as follows:

- (1) On the first and second false alarms within a registration period, no fee will be imposed; however, False Alarm Reduction Unit shall send a written warning notice to the alarm user advising of the number of false alarms recorded for that alarm system to date and the schedule of fees for multiple false alarms.
- (2) On the third false alarm within a registration period, a fee of \$50 shall be imposed. However, such fee may be waived if the Alarm User agrees to attend an educational class given by the Police Department.
- (3) On the fourth false alarm within a registration period, a fee of \$75 shall be imposed.
- (4) On the fifth false alarm within a registration period, a fee of \$100 shall be imposed.
- (5) On the sixth false alarm within a registration period, a fee of \$150 shall be imposed.
- (6) On the seventh false alarm within a registration period, a fee of \$200 shall be imposed.
- (7) On the eighth false alarm within a registration period, a fee of \$300 shall be imposed.
- (8) On the ninth false alarm within a registration period, a fee of \$400 shall be imposed.
- (9) On the tenth false alarm within a registration period, a fee of \$500 shall be imposed.
- (10) For each false alarm after the tenth false alarm within a registration period, a fee of \$800 shall be imposed.
- (11) Beginning with the second false alarm on an unregistered Alarm System, all subsequent false alarms will be billed at the maximum rate of \$800.

No fee shall be imposed until 30 days after written notification that a false alarm has been

recorded against the alarm system has been sent to the alarm user at the registration mailing address, or if unregistered, at the address of the Alarm Site.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987; a. Ord. No. 526-1987, eff. Dec. 16, 1987; a. Ord. No. 147-2003, § 3, eff. July 15, 2003; a. Ord. No. 237-2003, eff. June 25, 2003)

Sec. 807-13. - Enhanced Call Verification; Excessive False Alarms; Suspension of Response and Revocation of Registration; Reinstatement of Registration; Enforcement of Provisions.

- (1) *Enhanced Call Verification.* An Alarm Business shall not notify or alert the City's Emergency Communications Center that an Alarm System has been activated unless the Alarm Business completes the procedure for enhanced call verification.

For purposes of this Chapter, "enhanced call verification" shall mean a monitoring procedure requiring that a minimum of two calls be made in an attempt to contact the alarm user prior to requesting a dispatch from the City's Emergency Communications Center. The two calls must be made to different phone numbers provided by the Alarm User.

- (2) *Excessive False Alarms.* No alarm user, having been sent each of the written notices for the third through tenth false alarms, as provided in Section 807-11, shall permit a false alarm to occur during the same calendar year. This section shall be construed to impose strict liability for all false alarms occurring after the notices in Section 807-11 have been sent.
- (3) *Suspension of Response and Revocation of Registration.* When an Alarm User or Alarm Business has \$500 or more in delinquent fees outstanding, the City shall terminate the registration of the Alarm User or Alarm Business and any further requests for a police or fire response to the activation of an Alarm System shall be suspended.
- (4) *Reinstatement of Registration.* If the person pays all delinquent fees that remain outstanding, a person may request that the City reinstate a registration revoked under C.M.C. 807-13(3).
- (5) *Enforcement of Provisions.* All remedies shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any penalty shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquency or penalty. All penalties shall be deemed delinquent 30 days after they are due and payable.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987; a. Ord. No. 552-1987, eff. Dec 23, 1987; Emer. Ord. No. 116-2014, § 8, eff. July 1, 2014)

Sec. 807-15. - Appeals.

- (1) Any alarm user may appeal determination by the city manager that an alarm activation is a false alarm within 30 days after notification is sent by the city that a false alarm has been recorded against the alarm system. Appeal procedures shall be set forth in rules and regulations established by the city manager.
- (2) Any appeal must be made in writing and directed to the False Alarm Reduction Unit Commander. A written notification of determination will be sent within thirty (30) days of receipt of appeal. No change in the False Alarm status may be made without going through the written appeal process.

- (3) An administrative fee of \$25 will be charged for the appeal process. The fee must be received with the written appeal request. The fee will be refunded if the appeal is upheld.
- (4) If unsatisfied by the determination issued by the False Alarm Reduction Unit Commander, the Alarm User may request that an Administrative Hearing be conducted by a hearing examiner outside of the Police Department. There will be no additional fee for this process. The hearing examiner will issue a written determination.

(Ordained by Ord. No. 448-1986, eff. Jan. 1987; a. Ord. No. 147-2003, § 4, eff. July 15, 2003; a. Ord. No. 237-2003, eff. June 25, 2003)

Sec. 807-17. - Rules and Regulations.

The city manager shall establish rules and regulations for the maintenance of information, notification of violations, imposition of fees, and appeals of decisions made as he deems necessary for implementation of this chapter. All alarm users and alarm businesses shall be subject to the rules and regulations promulgated by the city manager. The rules and regulations and amendments thereto shall be published in the City Bulletin 30 days prior to their effective date.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987)

Sec. 807-19. - Repealed.

(Ordained by Ord. No. 448-1986, eff. Jan. 16, 1987; r. Emer. Ord. No. 116-2014, § 11, eff. July 1, 2014)