

B O N N E V I L L E C O U N T Y

ORDINANCE NO. 117-80

AN ORDINANCE TO BE KNOWN AS " THE BURGLARY AND ROBBERY ALARM ORDINANCE"; PROVIDING DEFINITIONS OF WORDS TO BE USED THROUGHOUT THE ORDINANCE; SETTING FORTH REQUIREMENTS OF ALARM USERS PERMITS; PROHIBITING CERTAIN INTERCONNECTION RELATIVE TO AUTOMATIC DIALING DEVICES; PROVIDING FOR REVOCATION OF A PERMIT IN THE EVENT OF FOUR (4) OR MORE FALSE ALARMS; PROVIDING CONFIDENTIALITY RELATIVE TO INFORMATION SUBMITTED IN COMPLIANCE WITH THIS ORDINANCE; PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO:

SECTION 1, TITLE:

This ordinance shall be known as "The Burglary and Robbery Alarm Ordinance".

SECTION 2, PURPOSE AND SCOPE:

(A) The purpose of this ordinance is to protect the emergency services of the County from misuse.

(B) This ordinance governs burglary and robbery alarm systems, requires permits, establishes fees, provides for revocation of permits, provides for punishment of violations and establishes a system of administration.

SECTION 3, DEFINITIONS:

(A) "Alarm Business" means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

(B) "Alarm System" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

(C) "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

(D) "Automatic Dialing Device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

(E) "Public Safety Communications" is the City/County facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing communications.

(F) "Burglary Alarm System" means an alarm system signaling an entry or attempted entry into the area protected by the system.

(G) "County Clerk" means the individual authorized to issue permits.

(H) "False Alarm" means an alarm signal, eliciting a response by an officer when a situation requiring a response by an officer does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

(I) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilized a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

(J) "Primary Trunk Line" means a telephone line serving the Public Safety Communications that is designated to receive emergency calls.

(K) "Robbery Alarm System" means an alarm system signaling a robbery or attempted robbery.

(L) "Sheriff" means the Sheriff of Bonneville County, Idaho Falls, Idaho, or his designated representative.

SECTION 4, ALARM USERS PERMITS REQUIRED:

(A) Every alarm user shall obtain an alarm user's permit for each system from the County Clerk's Office upon the effective date of this ordinance or prior to use of an alarm system. Users of systems

using both robbery and burglary alarm capabilities shall obtain permits. Application for a burglary or robbery alarm user's permit and an \$8.00 fee shall be filed with the County Clerk's Office each year. Each permit shall bear the signature of the Sheriff and be for a one (1) year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Sheriff.

(B) A revoked user's permit shall be obtained from the County Clerk's Office by filing an application and paying a fee as follows:

- First revoked user's permit
in the permit year.....\$ 40.00
- Second revoked user's permit
in the permit year.....\$100.00
- Third and each additional
revoked user's permit in
the permit year.....\$180.00

The payment of any revoked user permit fee shall not extend the term of the original permit period. Each permit shall bear the signature of the Sheriff and shall bear the same expiration date as the revoked permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Sheriff.

(C) If a residential alarm user is over the age of sixty-five (65) and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the County Clerk's Office according to Section 4 (A) without the payment of a fee.

(D) A \$25.00 charge will be charged in addition to the fee provided in Section 4 (A) to a user who fails to obtain a permit within sixty (60) days after the effective date of this ordinance, or who is more than fifteen (15) days delinquent in renewing a permit, or any new system operating without first obtaining a permit after the effective date of this ordinance.

(E) An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this ordinance; provided:

- (i) A permit shall be designated a special alarm user's permit;

(ii) A special alarm user's permit for a system which has four (4) or more false alarms in a permit year shall not be subject to revocation under Section 6, but the holder of the permit shall pay a fee of \$100.00 with the submission of the report required by Section 6 (B) (i);

(iii) For each false alarm over four (4) in a permit year, upon written demand therefor by the Sheriff the holder of a special user's permit shall pay a fee of \$25.00;

(iv) The payment of any fee provided for in paragraphs (ii) and (iii) of this subsection shall not be deemed to extend the term of the permit.

(F) An alarm user which is a governmental political unit shall be subject to this ordinance; but a permit shall be issued without payment of a fee and shall not be subject to revocation, payment of additional fees or the imposition of any penalty provided herein.

SECTION 5, AUTOMATIC DIALING DEVICE. CERTAIN INTERCONNECTIONS PROHIBITED:

(A) It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the Sheriff that it is so programmed.

(B) Within sixty (60) days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

(C) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the county other than one so authorized; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sheriff that an automatic dialing device is so programmed.

SECTION 6, FALSE ALARMS AND PERMIT REVOCATION:

(A) Any alarm system which has four (4) or more false

alarms within a permit year shall be subject to permit revocation as provided herein.

(B) If the Sheriff records four (4) or more false alarms within a permit year for any alarm system:

(i) The Sheriff shall notify the alarm user by certified mail of such fact and direct that the user submit a report to the Sheriff within ten (10) days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(ii) If the alarm user submits a report as directed, the Sheriff shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he, determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user, in writing, that the permit will not be revoked at that time and that if one (1) more false alarm occurs within the permit year, the permit will be summarily revoked.

(iii) If no report is submitted, or if the Sheriff determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the Sheriff shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth (10th) day after the date of the notice if the user does not file within that period a written request for a hearing.

(iv) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Sheriff by certified mail at least ten (10) days prior to the date set for the hearing, which date shall not be more than twenty-one (21) nor less than ten (10) days after the filing of the request for hearing.

(v) The hearing shall be before the Board of County Commissioners and the Sheriff; the alarm user shall have the right to present written or oral evidence,

subject to the right of cross-examination. If the Board of County Commissioners determined that four (4) or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the Board of Commissioners shall issue written findings to that effect and an order revoking the user's permit.

(vi) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail of the revocation of a permit pursuant to Section 6 (iii) or 6 (v).

(vii) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in Section 4 (b). The Sheriff shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Sheriff may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence of four (4) false alarms in the permit year.

(viii) In situations permitting summary revocation under Sections 6 (B) (ii) and 6 (B) (vii), revocations shall be effective on the third (3rd) day following the mailing by certified mail by the Sheriff of a notice of revocation. There shall be no appeal of a summary revocation.

SECTION 7, CONFIDENTIALITY AND STATISTICS:

(A) All information submitted in compliance with this ordinance shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed

a violation of this ordinance. The Sheriff shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this ordinance.

(B) Subject to the requirements of confidentiality, the Sheriff shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

SECTION 8, PENALTIES:

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

SECTION 9, EFFECTIVE DATE:

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

PASSED by the Board of County Commissioners this 2nd day of January, 1980.

BONNEVILLE COUNTY COMMISSIONERS

Clyde A. Burtenshaw
Clyde A. Burtenshaw, Chairman

Thomas F. Loertscher
Thomas F. Loertscher, Member

A. Wylie Snarr
A. Wylie Snarr, Member

ATTEST:

Ron Longmore
Ron Longmore, County Clerk

(SEAL)

Published January 7, 1980