

ORDINANCE NO. 98-160

ORDINANCE REQUIRING RESTITUTION TO THE TOWN OF BROOKWOOD
POLICE DEPARTMENT FOR RESPONDING TO FALSE ALARMS

WHEREAS, the Town of Brookwood is currently incurring considerable expense associated with responding to false alarms triggered by improperly maintained, or defective residential and commercial burglar alarms; and

WHEREAS, the Town of Brookwood desires to establish a fee for compensating the Town of Brookwood for responding to such false alarms.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Brookwood as follows:

1. The following provisions related to the maintenance, monitoring and operation of alarm systems shall be in full force and effect as of the date of the adoption of this ordinance:

Section I. Definitions.

For purposes of this article, the following words and phrases shall have the meanings ascribed to them below:

Alarm business: The business by any 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.

Alarm system: Any assembly of equipment being mechanical, digital, electrical, computerized or telephonic, or any combination thereof, arranged to signal the occurrence of an illegal entry or an attempted illegal entry, or other activity to a particular structure or premises requiring urgent attention and to which the police are expected to respond.

Audible alarm: An alarm system that emits an audible signal that may be heard by persons outside the protected building, structure or facility.

Automatic dialing device: A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit a message or signal indicating a need for emergency response.

Chief of communications: The director of the communications center or his designated representative whose duties shall be to promulgate rules and regulations for the implementation of the terms and conditions of this article.

Communications center: The Brookwood Police Department's facility used to receive emergency and general information from the public to be dispatched to law enforcement personnel.

False alarm: Any signal from an alarm system or telephone call from an alarm monitoring service, owner or any person, transmitted directly to the Town of Brookwood Police Department Communications Center or E-911 dispatch when no crime has been committed or attempted and when no danger or situation exists that requires a response by the Brookwood Police Department.

Owner: Any person, business, firm, partnership, corporation, social fraternity or sorority, country club, church, school, civic organization or unincorporated association which owns the building or facility where the alarm system is installed or which rents the building or a room in the building where the alarm system is installed or who is responsible for maintaining the alarm system in the building where the alarm system is installed.

Section II. False alarm.

It shall be unlawful for any person to create or cause to be created a false alarm that causes a response by the Brookwood Police Department.

Section III. Restitution.

The town may collect from the owner of an alarm system restitution for the cost of the response by the Town of Brookwood Police Department to a false alarm when in the opinion of the Chief of Policecommunications or his designee, the cause of the false alarm is due to an intentional act by the owner or an act of another person that the owner could have prevented through due diligence, or due to negligence of the owner, or due to a malfunction in the alarm system that the owner has failed to repair. The cost for the response by the Brookwood Police Department shall be twenty-five dollars (\$25.00) within fourteen (14) days of being notified in writing by the Chief of Police his representative of the amount of restitution due and payable to the town.

Further, three false alarms being reported within the same calendar quarter shall be prima facie evidence of the negligence of the owner of the alarm system. The fourth such false alarm shall be cause for restitution as set forth herein.

Section IV. Appeal of notice of restitution due for false alarm.

(a) The owner may appeal the Chief of Police or his designee's decision in writing within fourteen (14) days to the police chief, who shall conduct a hearing within a reasonable time. Within thirty (30) days of the hearing, and after consideration of the evidence, the police chief will render a decision in writing. The police chief shall then notify the owner of the decision and advise the owner of the right to appeal to the city council.

(b) In the event the owner desires to appeal the police chief's decision to the city council, notice must be given in writing to the city clerk within fourteen (14) days of the police chief's decision. The town clerk will place the matter before the council and notify the owner of the date and time of the council meeting when the appeal will be heard. The council will render its decision by resolution spread on the minute of the council meeting. All the decisions of the council shall be final. In the event the owner fails to appear at the hearing before the council, they will be deemed to have waived their right to appeal and no other recourse will be available to the owner.

Section V. Severability.

If any provision, or portion of this ordinance shall be deemed unenforceable by a court of law, the remaining portions of this ordinance shall remain in full force and effect.

ADOPTED AND APPROVED this 17 day of February
_____, 1998.

BROCKWOOD TOWN COUNCIL

BY: Atton C. Hych
Mayor

ATTEST:

Linda Barpp
Town Clerk

I hereby certify that the above and foregoing Ordinance was posted on the 18 day of February, 1998, at the following locations:

1. Town Hall
2. Norris
3. Nudson
4. Jerry's

Linda Barger
Town Clerk

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cc: Mayor Alton Hyché
16014 Lake Brookwood Circle
Brookwood, Alabama 35444

**ROSEN, COOK, SLEDGE, DAVIS,
CARROLL & JONES, P.A.**

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JEFFREY C. SMITH
LEON Y. SADLER, IV
W. BRADFORD ROANE, JR.
JOHN T. FISHER, JR.

February 18, 1998

PERSONAL AND CONFIDENTIAL
PROTECTED BY ATTORNEY/CLIENT PRIVILEGE

Mr. Randy Kizziah
Brookwood Chief of Police
Town of Brookwood
15689 Highway 216
Brookwood, Alabama 35444

Re: False Alarms

Dear Randy:

Enclosed you will find the original of the revised ordinance requiring restitution for false alarms. Please note that in Section III I have added language which allows for the charge of such a fee for the fourth false alarm. You need to come up with some policy for your officers to follow and just include it in the PGO as to how they are going to administer this ordinance.

As for the traffic ordinance, you need to get Linda to make several "certified copies" of these ordinances. You need to take these to Court with you if anyone challenges the offense for which they are charged. Also, it might be a good idea for you to drop a copy of this ordinance off with Libby Hamner the next time you are in the district clerk's office. Just to let them know that we passed the ordinance adopting the State Code by reference and that all traffic offenses cited by you or your officers will now be cited under this municipal ordinance. Thus, we want our money!

If you have any questions or concerns related to this matter please do not hesitate to contact me.

Sincerely,


Jeffrey C. Smith

JCS/fh
Enclosure