

1 **BILL NO. G-15-03-23**

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3 **GENERAL ORDINANCE NO. G- 2-15**

4 **AN ORDINANCE REPEALING AND REPLACING**  
5 **CHAPTER 102: PRIVATE EMERGENCY ALARM**  
6 **SYSTEMS IN ITS ENTIRETY.**

7 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**  
8 **OF THE CITY OF FORT WAYNE, INDIANA:**

9 **SECTION 1.** That Chapter 102: PRIVATE EMERGENCY ALARM SYSTEMS, of  
10 the City of Fort Wayne, Indiana Code of Ordinances, be repealed and replaced in its  
11 entirety as follows:  
12

13 **CHAPTER 102: PRIVATE EMERGENCY ALARM SYSTEMS**

14 Section

15 102.01 Definitions

16 102.02 Licenses

17 102.03 Issuance of Licenses

18 102.04 Automatic telephone dial devices prohibited

19 102.05 Audible alarm

20 102.06 Validity of alarms

21 102.07 False alarm penalties and enforcement

22 102.08 Effective date

23  
24 **§ 102.01 DEFINITIONS.**

25  
26 **ALARM AGENT.** Any person who is employed by an alarm company either  
27 directly or indirectly, whose duties include selling, maintaining, leasing, servicing,  
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1 repairing, altering, replacing, moving or installing on or in any building, structure,  
2 facility or grounds any alarm system.

3 **ALARM COMPANY.** Any person or entity whether an individual, partnership,  
4 corporation, or other entity selling, leasing, maintaining, servicing, repairing,  
5 altering, replacing, removing, or installing any alarm system or causing to be sold,  
6 leased, maintained, serviced, repaired, altered, replaced, removed, or installed any  
7 alarm system in or any building, structure or facility.

8 **ALARM SYSTEM.**

9 (1) An assembly of equipment and devices arranged to signal the presence  
10 of a hazard requiring attention and to which Police or Fire Department personnel are  
11 expected to respond. Alarm systems include those through which public safety  
12 personnel are notified directly of such signals through automatic recording devices or  
13 are notified indirectly by way of third persons who monitor the alarm systems and  
14 who report such signals to the Consolidated Communications Partnership. Alarm  
15 systems also include those designed to register a signal which is audible, visible or in  
16 other ways perceptible outside a protected building, structure or facility as to notify  
17 persons in the neighborhood beyond the zoning lot where the signal is located who in  
18 turn may notify the appropriate emergency provider of the signal. Alarm systems do  
19 not include auxiliary devices installed by telephone companies to protect telephone  
20 equipment or systems which might be damaged or disrupted by the use of an alarm  
21 system. Alarm system shall include the terms "automatic" or "manual hold up alarm  
22 system," "burglar alarm systems," "security alarm systems," and "automatic" or  
23 "manual fire alarm systems."

24 (2) Alarm system does not include audible alarms fixed to automobiles or  
25 other vehicles; or smoke detectors for dwellings which are not connected to a  
26 monitoring agency.

27 **ALARM USER.** Any person, firm, partnership, association, corporation,  
28 company, or other entity or organization of any kind having ownership or control (as  
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1 a tenant, owner or otherwise) of any dwelling or commercial building, structure, or  
2 facility where an alarm system is maintained or activated.

3 **AUDIBLE ALARM.** A device designed for the detection of a condition that  
4 would result in a public safety response on the premises, which generates an audible  
5 sound on the premises when it is activated.

6 **AUTOMATIC TELEPHONE DIALING DEVICE.** A device which is  
7 interconnected to an alarm system which automatically sends a pre-recorded  
8 message or coded signal to a law enforcement agency indicating the activation of the  
9 alarm system or a device which is interconnected to telephone lines and is  
10 programmed to select a pre-determined number and transmit by voice message or  
11 code signal and emergency message indicating a need for emergency response.

12 **COMMERCIAL BUILDING.** A commercial building is any building or  
13 portion thereof which is not a one, two, three, or multi-family dwelling.

14 **DWELLING.** A building or portion therefore used primarily as a place of  
15 abode for one or more human beings, but not including hotels, lodging or boarding  
16 houses or tourist homes.

17 **DWELLING - MULTI-FAMILY.** A building or portion thereof used for  
18 occupancy by four or more families living independently of each other.

19 **DWELLING - ONE FAMILY.** A building used for occupancy by one  
20 family.

21 **DWELLING - THREE FAMILY.** A building used for occupancy by three  
22 families living independently of each other.

23 **DWELLING - TWO FAMILY.** A building used for occupancy by two  
24 families living independently of each other.

25 **DWELLING - TWO FAMILY.** A building used for occupancy by two  
26 families living independently of each other.

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1                    **DWELLING UNIT.** A dwelling or a portion of a dwelling or of an  
2 apartment or hotel used by one family for cooking, living, and sleeping purposes.

3                    **EXEMPTED FACILITY OR ENTITY.** The following facilities or entities  
4 shall be exempted from the payment of penalties for false alarms as designated in  
5 this section:

- 6                    (1) Long term care facility as defined in IC 12-7-2-125.5;  
7                    (2) Nursing facilities as defined in IC 12-7-2-133;  
8                    (3) Private psychiatric institutions as defined in IC 12-7-2-145 and IC 12-  
9                    15-18-3;  
10                   (4) Psychiatric hospitals as defined in IC 12-7-2-151; and  
11                   (5) Facilities owned, or leased by the city and under the control and  
12                   operated by the Parks and Recreation Department.

13                   **FALSE ALARM.** The activation of an alarm system through mechanical  
14 failure, malfunction, improper installation, or as a result of the negligence, misuse or  
15 misconduct of an alarm user or alarm company of an alarm system or of the agents,  
16 employees or representatives of an alarm user or alarm company. This does not  
17 include alarms caused by severe weather, natural or manmade disaster, power or  
18 telephone service outages, authorized alarm testing, for which prior notification to  
19 the Consolidated Communications Partnership has been made or malicious acts of  
20 person or persons not under the direct control of the owner, lessee, or his employees  
21 or agents.

22                   **LICENSE.** An authorization of the City of Fort Wayne to allow an alarm  
23 company to install or maintain an alarm system within the City of Fort Wayne which  
24 is commercially monitored or which is electronically connected to the Consolidated  
25 Communications Partnership or an alarm system which when activated would result  
26 in a Police or Fire Department response.

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1                    **LOCAL ALARM SYSTEM.** A signal system which when activated causes  
2 an audible and/or visible signaling device to be activated only in or on the premises  
3 in which the alarm system is installed, operated or maintained.

4                    **MONITORED ALARM SYSTEM.** An alarm system using a digital alarm  
5 communication system or supervised dedicated circuits transmit alarm, supervisory  
6 and trouble signals from one or more protected premises to a remote location at  
7 which appropriate action is taken.

8                    **VIOLATIONS BUREAU.** The Violations Bureau of the City of Fort Wayne  
9 whose address for the purposes of this chapter shall be City Clerk's Office Suite 110,  
10 200 East Berry Street, Fort Wayne, IN 46802 and whose phone number for the  
11 purposes of obtaining information concerning this chapter shall be (260) 427-1208.

12                    **§ 102.02 LICENSES.**

13                    (A) *Alarm company - licenses.*

14                    (1) All alarm companies shall obtain from the City Clerk a license which  
15 authorizes the alarm company to install alarm systems.  
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17                    (2) The initial registration fee for a License shall be \$250 and shall be  
18 valid for one year. There shall be an annual renewal fee for the License of \$100. The  
19 annual renewal date and the date upon which the annual renewal fee is due shall be  
20 July 1 of each year regardless of when the alarm company originally registered. By  
21 June 1, the City Clerk's Office shall send a letter to all alarm companies notifying  
22 them that the renewal fee is due. The original license fee and renewal license fee  
23 being charged shall be used in part to help defray expenses for mailings, notices,  
24 registrations forms and other costs associated with the administration of the  
25 licensing. Payment of all License fees and renewals shall be submitted to the City  
26 Clerk, be made payable to the City of Fort Wayne and be deposited into the General  
27 Fund of the City of Fort Wayne.  
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1                   (3)    *Application for license.* All applications for a License required by  
2 this Article shall be made on forms designated by the City Clerk and shall include  
3 the following information:

- 4                   (a)    The full name and address of the alarm company.  
5                   (b)    The full name, business address and home address of the  
6                   manager or person to be contacted at the alarm company.  
7                   (c)    A telephone number at which the Fort Wayne Police  
8                   Department or Fort Wayne Fire Department or Allen County  
9                   Sheriff's Department can notify personnel of the alarm company  
10                  of a need for assistance at any time.  
11                  (d)    The names and addresses of all alarm agents employed by the  
12                  alarm company.

13                  An alarm company shall promptly notify the City Clerk in writing of any change in  
14                  the information contained in the registration form.

15                  (4)    It is a violation of this chapter for any alarm company who is  
16                  otherwise required to obtain a license, to knowingly install an alarm system without  
17                  obtaining such a license.

18                  (5)    Penalty for violation of this section: An alarm company or other  
19                  person or entity violating this section (§ 102.02(A)) shall be guilty of an infraction  
20                  and subject to a minimum fine of \$200 for each offense and up to the maximum fine  
21                  allowed by law.

22                  (6)    An alarm company's license shall be personal to the company holding  
23                  the license and is not transferable.

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25                  **§ 102.03 ISSUANCE OF LICENSES.**

26                  (A)    The City Clerk shall issue to an alarm company a license upon the  
27                  submission of an application and the appropriate fee in accordance with this chapter.  
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1 Upon the payment of the annual renewal fee for renewal of a license the City Clerk  
2 shall further issue a renewal license or other document evidencing that the annual  
3 license fee has been duly and timely paid by the alarm company. The City Clerk  
4 shall be entitled to withhold the issuance of a license to an alarm company if the City  
5 Clerk finds or believes that any statement made in an application is incomplete or  
6 false.

7 (B) Immediately after receipt of an application for license duly completed from  
8 an alarm company and payment of any fee required, and upon the receipt of renewal  
9 fees (when required) and notices of change of information regarding licenses, the  
10 City Clerk shall forward the application to the Executive Director of the  
11 Consolidated Communications Partnership and the Ordinance Violations Bureau. All  
12 information on such application shall be protected as confidential information;  
13 provided, however, nothing in this chapter shall prohibit the use of such information  
14 for legitimate law enforcement purposes and for enforcement of this chapter.

15 **§ 102.04 AUTOMATIC TELEPHONE DIAL DEVICES**  
16 **PROHIBITED.**

17 (A) It shall be unlawful for any alarm company or other person or entity to  
18 sell, offer for sale, install, maintain, lease, operate or assist in the operation of an  
19 alarm system containing an automatic telephone dialing device over any telephone  
20 lines exclusively used by the public directly to request emergency service from the  
21 Fort Wayne Police Department, the Fort Wayne Fire Department, or the  
22 Consolidated Communications Partnership.

23 (B) The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Executive  
24 Director of the Consolidated Communications Partnership, or their respective  
25 designees, upon receiving knowledge of an alarm system containing an automatic  
26 telephone dialing system installed or operated in violation of this section shall order  
27 in writing the owner, operator or lessee to disconnect and cease operation of such  
28 alarm system within 72 hours of receipt of the order.  
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1 (C) Any alarm system containing an automatic telephone dialing device  
2 installed prior to the effective date of this chapter shall be removed within 30 days of  
3 the effective date of this chapter.

4 (D) Penalty for violation of this chapter: Any alarm user, alarm company or  
5 other person or entity violating this section shall be guilty of an infraction and  
6 subject to a minimum fine of \$200 for each offense and up to the maximum fine  
7 allowed by law. Said fine or penalty when collected shall be deposited into the  
8 general fund of the City of Fort Wayne.

9 (E) Notwithstanding the foregoing, nothing in this section is intended to  
10 prohibit the direct connection between the local banking institutions and the  
11 Consolidated Communications Partnership up to and including July 31, 1998,  
12 however, after July 31, 1998, the City of Fort Wayne will no longer monitor alarm  
13 systems for banking institutions and therefore automatic telephone dialing devices or  
14 any device being used by banking institutions to connect directly to the Consolidated  
15 Communications Partnership or any City of Fort Wayne Department shall be  
16 prohibited.

17 **§ 102.05 AUDIBLE ALARM.**

18 (A) All alarm users, alarm companies or other persons or entities who install or  
19 maintain any alarm system with an audible alarm (except such system on a vehicle)  
20 shall conspicuously affix on the exterior of the protected building or structures:

21 (1) The name and telephone number of the alarm user or such other person  
22 or entity responsible for the control of the premises if it is a local alarm system, or

23 (2) The name and phone number of the alarm company if it is a monitored  
24 alarm system.

25 (B) All alarm users, alarm companies or any other persons or entities who  
26 install or maintain any alarm system with an audible alarm shall install and/or  
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1 maintain said alarm system in such a way that it automatically discontinues emitting  
2 an audible sound within 15 minutes after activation of the alarm and which will  
3 prevent the alarm from sounding again as a result of the same event that caused the  
4 original activation.

5 (C) When manual fire alarm signaling devices are installed and are not directly  
6 connected to the Fort Wayne Fire Department or monitored by a 24 hour security  
7 service, a permanent sign shall be installed at each actuating device. These signs  
8 shall read as follows:

9 IN CASE OF FIRE

- 10
- 11 1. Pull this alarm
  - 12 2. Telephone the Fire Department 9-1-1
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14 (D) Penalty for violation of this section: All alarm users, alarm companies or  
15 other persons or entities violating this section shall be subject to a fine of \$50 for  
16 each action or omission which constitutes a violation of this section. Said fine or  
17 penalty when collected shall be deposited into the general fund of the City of Fort  
18 Wayne.

19 **§ 102.06 VALIDITY OF ALARMS.**

20 (A) Whenever an alarm system is activated in the City of Fort Wayne which  
21 results in a response to the premises by the Police or Fire Department, the officer on  
22 the scene of the activated alarm system shall inspect the area protected by the alarm  
23 system and shall determine whether a public safety response was required or if it was  
24 a false alarm.

25 (B) If the officer at the scene of the activated alarm system determines the alarm  
26 to be false, the officer shall make a report of the false alarm, notice of which shall be  
27 sent to the alarm user at the address of the alarm user, or at least the last known  
28 address of the alarm user, if different from the premises address, or to the address  
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1 and the attention of the person or entity designated by the alarm user as its agent for  
2 notification. A copy of the report shall be sent to the Ordinance Violations Bureau  
3 who shall track the number of false alarms.

4 (C) The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
5 designee, shall have the right to inspect the premises to which a response has been  
6 made and may cause such inspection to be made at any reasonable time after the  
7 occurrence of a false alarm.

8 **§ 102.07 FALSE ALARM PENALTIES AND ENFORCEMENT.**  
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10 (A) Whenever an alarm user issues, causes to be issued, or permits the issuance  
11 of a false alarm, this section shall apply; provided, however, this section shall not  
12 apply to a mentally incapacitated person utilizing alarm systems in a dwelling or  
13 dwelling unit.

14 (B) An alarm user shall be assessed a \$50 penalty for each false alarm recorded  
15 within any calendar year by the Ordinance Violations Bureau after the occurrence of  
16 the second false alarm requiring Police Department response. Said \$50 penalty shall  
17 be paid by the alarm user to the City of Fort Wayne Ordinance Violation Bureau who  
18 shall deposit the funds in the General Fund of the Fort Wayne Police Department.

19 (C) An alarm user shall be assessed a \$50 penalty for each false alarm recorded  
20 within any calendar year by the Ordinance Violations Bureau after the occurrence of  
21 the second false alarm requiring City of Fort Wayne Fire Department response. Said  
22 \$50 penalty shall be paid by the alarm user to the City of Fort Wayne Ordinance  
23 Violation Bureau who shall deposit the funds in the General Fund of the Fort Wayne  
24 Fire Department.

25 (D) *Enforcing Authority.* The authority for enforcing this chapter shall be with  
26 the Fort Wayne Police Department, Fort Wayne Fire Department, the City Clerk and  
27 the Ordinance Violation Bureau.  
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1 (E) Any alarm company, alarm user, or any other individual or company  
2 affected by and subject to a fine under this chapter shall have the right to appeal the  
3 fines and penalties which right to appeal shall be governed by and handled in  
4 accordance with the procedures established by the Ordinance Violations Bureau.

5 **§ 102.08 EFFECTIVE DATE.**

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7 (A) The effective date of this chapter shall be the later of November 1, 1997, or  
8 the date of its passage, any and all necessary approval by the Mayor of the City of  
9 Fort Wayne, and any publication or other notices required under Indiana law.

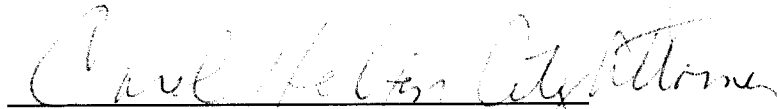
10 (B) All alarm companies required to obtain licenses under this chapter shall  
11 obtain said License on the later of November 1, 1997, or 60 days after the effective  
12 date of this chapter to obtain its License.

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14 **SECTION 2.** That this Ordinance is in full force and effect from and  
15 after its passage and any and all necessary approval by the Mayor.

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18 Council Member

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21 APPROVED AS TO FORM AND LEGALITY

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23 Carol Helton, City Attorney

24 Carol Helton, City Attorney  
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# CHAPTER 102: PRIVATE EMERGENCY ALARM SYSTEMS

## Section

- 102.01 Definitions
- 102.02 ~~Registration; Licenses~~
- 102.03 Issuance of ~~permits; Licenses~~
- 102.04 Automatic telephone dial devices prohibited
- 102.05 Audible alarm
- 102.06 Validity of alarms
- 102.07 False alarm penalties and enforcement
- 102.08 Effective date

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## § 102.01 DEFINITIONS.

**ALARM AGENT.** Any person who is employed by an alarm company either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.

**ALARM COMPANY.** Any person or entity whether an individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, removing, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, removed, or installed any alarm system in or any building, structure or facility.

### **ALARM SYSTEM.**

(1) An assembly of equipment and devices arranged to signal the presence of a hazard requiring attention and to which Police or Fire Department personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the ~~Communications Department~~ Consolidated Communications Partnership. Alarm systems also include those designed to register a signal which is audible, visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the appropriate emergency provider of the

signal. Alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarm system shall include the terms "automatic" or "manual hold up alarm system," "burglar alarm systems," "security alarm systems," and "automatic" or "manual fire alarm systems."

(2) Alarm system does not include audible alarms fixed to automobiles or other vehicles; or smoke detectors for dwellings which are not connected to a monitoring agency.

**ALARM USER.** Any person, firm, partnership, association, corporation, company, or other entity or organization of any kind having ownership or control (as a tenant, owner or otherwise) of any dwelling or commercial building, structure, or facility where an alarm system is maintained or activated.

**AUDIBLE ALARM.** A device designed for the detection of a condition that would result in a public safety response on the premises, which generates an audible sound on the premises when it is activated.

**AUTOMATIC TELEPHONE DIALING DEVICE.** A device which is interconnected to an alarm system which automatically sends a pre-recorded message or coded signal to a law enforcement agency indicating the activation of the alarm system or a device which is interconnected to telephone lines and is programmed to select a pre-determined number and transmit by voice message or code signal and emergency message indicating a need for emergency response.

**COMMERCIAL BUILDING.** A commercial building is any building or portion thereof which is not a one, two, three, or multi-family dwelling.

**CONTROLLER.** The Controller of the City of Fort Wayne whose address for the purposes of this chapter shall be Civil City Accounting Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone number for the purposes of obtaining information concerning this chapter shall be (219) 427-1104.

**DWELLING.** A building or portion therefore used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

**DWELLING - MULTI-FAMILY.** A building or portion thereof used for occupancy by four or more families living independently of each other.

**DWELLING - ONE FAMILY.** A building used for occupancy by one family.

**DWELLING - THREE FAMILY.** A building used for occupancy by three families living independently of each other.

**DWELLING - TWO FAMILY.** A building used for occupancy by two families living independently of each other.

**DWELLING UNIT.** A dwelling or a portion of a dwelling or of an apartment or hotel used by one family for cooking, living, and sleeping purposes.

**EXEMPTED FACILITY OR ENTITY.** The following facilities or entities shall be exempted from the payment of penalties for false alarms as designated in this section:

- (1) Long term care facility as defined in IC 12-7-2-125.5;
- (2) Nursing facilities as defined in IC 12-7-2-133;
- (3) Private psychiatric institutions as defined in IC 12-7-2-145 and IC 12-15-18-3;
- (4) Psychiatric hospitals as defined in IC 12-7-2-151; and

(5) Facilities owned, or leased by the city and under the control and operated by the Parks and Recreation Department. ~~Nothing in this exemption is intended nor should it be implied that any of the aforementioned entities are exempt from the registration and licensing requirement as subsequently prescribed herein.~~

**FALSE ALARM.** The activation of an alarm system through mechanical failure, malfunction, improper installation, or as a result of the negligence, misuse or misconduct of an alarm user or alarm company of an alarm system or of the agents, employees or representatives of an alarm user or alarm company. This does not include alarms caused by severe weather, natural or manmade disaster, power or telephone service outages, authorized alarm testing, for which prior notification to the ~~Communications Center~~ Consolidated Communications Partnership has been made or malicious acts of person or persons not under the direct control of the owner, lessee, or his employees or agents.

**LICENSE.** An authorization of the City of Fort Wayne to allow an alarm company to install or maintain an alarm system within the City of Fort Wayne which is commercially monitored or which is electronically connected to the ~~Communications Center of the City of Fort Wayne~~ Consolidated Communications Partnership or an alarm system which when activated would result in a Police or Fire Department response.

**LOCAL ALARM SYSTEM.** A signal system which when activated causes an audible and/or visible signaling device to be activated only in or on the premises in which the alarm system is installed, operated or maintained.

**MONITORED ALARM SYSTEM.** An alarm system using a digital alarm communication system or supervised dedicated circuits transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-14-01, passed 10-9-01; Am. Ord. G-07-02, passed 3-26-02; Am. Ord. G-09-02, passed 4-9-02)

**VIOLATIONS BUREAU.** The Violations Bureau of the City of Fort Wayne whose address for the purposes of this chapter shall be City Clerk's Office Suite 110, 200 East Berry Street, Fort Wayne, IN 46802 and whose phone number for the purposes of obtaining information concerning this chapter shall be (260) 427-1208.

**§ 102.02 REGISTRATION; LICENSES.**

~~(A) Alarm user's registration.~~ All alarm users, within 30 days of the installation of an alarm system for all multi-family dwellings and commercial buildings where alarm systems are installed shall register with the City Clerk's office any such alarm system according to the provisions set out herein. Said initial registration shall be completed as more specifically set out in § 102.02(A)(3).

~~(1) The registration shall be on a form prescribed by the Clerk and shall include the following information:~~

~~(a) Name, telephone number, and address of the alarm user, including the name of an individual with authority to bind the alarm user and who has information pertinent to the alarm system.~~

~~(b) Address and telephone number at which the alarm system is located, including the name of an individual with authority to bind the alarm user and who has information pertinent to the alarm system.~~

~~(c) Alarm systems service (police, fire, other).~~

~~(d) Alarm system type (commercial monitoring, audible, silent, direct connection, other).~~

~~(e) Names, addresses and telephone numbers of at least two people who shall be contacted and who shall respond in the event of an alarm activation.~~

~~(f) The name, address and telephone number of the alarm company.~~

~~(g) Any other additional information requested on registration forms provided by the Controller.~~

~~(2) Registrations by alarm users must be completed for each individual structure where an alarm system is in operation in a multi-family dwelling, or a commercial building. Registration shall be completed by alarm users for each individual business within a single structure where an alarm system is installed and in operation.~~

~~(3) There shall be no registration fee for alarm users otherwise required to register an alarm system except as noted herein. Upon the occurrence of a third false alarm for a particular alarm system within the same calendar year, the alarm user will be required to pay a \$50~~

registration fee to the Controller' Office. This registration fee shall be in addition to the penalty for failure to register as designated in § ~~102.02(A)~~(7) of this chapter.

~~(4) The Clerk shall send a copy of the registration form to the Ordinance Violations Bureau and the Director of Communications, for the City of Fort Wayne (hereinafter "Director of Communications").~~

~~(5) It is a violation of this chapter for any alarm user who is otherwise required to register an alarm system, to knowingly maintain or use an alarm system without completing and submitting the registration form and the registration fee as required in this chapter.~~

~~(6) An alarm user is required to notify the Clerk of a change of registration information within 30 days of the time when the change of information has occurred.~~

~~(7) Penalty for violation of this section: An alarm user or other person or entity violating any provision of this section (§ ~~102.02(A)~~) shall be subject to a fine of not less than \$50 nor more than the maximum fine allowed by law. If said violation is failure to register pursuant to this section, then said violator shall be fined for each 12 month period in which they fail to register unless registration is completed within ten days after receiving notification of the failure to register by the Clerk, provided that prior notification has not been given.~~

~~(8) Registration completed pursuant to this article shall be personal to the alarm user who completes registration for a specific location and is not transferable.~~

~~(9) Any fees collected as a result of registration or licensing or as a result of penalties for violation of this section (§ ~~102.02(A)~~) shall be deposited into the General Fund of the City of Fort Wayne.~~

~~(BA) Alarm company - licenses.~~

(1) All alarm companies shall obtain from the ~~Controller~~ City Clerk a license which authorizes the alarm company to install alarm systems.

(2) The initial registration fee for a License shall be \$250 and shall be valid for one year. There shall be an annual renewal fee for the License of \$100. The annual renewal date and the date upon which the annual renewal fee is due shall be July 1 of each year regardless of when the alarm company originally registered. By June 1, ~~the Controller~~ City Clerk's Office shall send a letter to all alarm companies notifying them that the renewal fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations forms and other costs associated with the administration of the licensing. Payment of all License fees and renewals shall be submitted to the ~~Controller~~ City Clerk, be made payable to the City of Fort Wayne and be deposited into the General Fund of the City of Fort Wayne.

(3) *Application for license.* All applications for a License required by this Article shall be made on forms designated by the ~~Controller~~ City Clerk and shall include the following information:

(a) The full name and address of the alarm company.

(b) The full name, business address and home address of the manager or person to be contacted at the alarm company.

(c) A telephone number at which the Fort Wayne Police Department or Fort Wayne Fire Department or Allen County Sheriff's Department can notify personnel of the alarm company of a need for assistance at any time.

(d) The names and addresses of all alarm agents employed by the alarm company.

An alarm company shall promptly notify the ~~controller~~ City Clerk in writing of any change in the information contained in the registration form.

(4) It is a violation of this chapter for any alarm company who is otherwise required to obtain a license, to knowingly install an alarm system without obtaining such a license.

(5) Penalty for violation of this section: An alarm company or other person or entity violating this section (§ ~~102.02(BA)~~) shall be guilty of an infraction and subject to a minimum fine of \$200 for each offense and up to the maximum fine allowed by law.

(6) An alarm company's license shall be personal to the company holding the license and is not transferable.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

### **§ 102.03 ISSUANCE OF PERMITS; LICENSES.**

(A) ~~The Controller shall issue to an alarm user who duly submits a registration form a permit or other document evidencing that registration has been completed.~~ The ~~Controller~~ City Clerk shall ~~further~~ issue to an alarm company a license upon the submission of an application and the appropriate fee in accordance with this chapter. Upon the payment of the annual renewal fee for renewal of a license the ~~Controller~~ City Clerk shall further issue a renewal license or other document evidencing that the annual license fee has been duly and timely paid by the alarm company. The ~~Controller~~ City Clerk shall be entitled to withhold the issuance of a ~~permit to an alarm user or~~ a license to an alarm company if the ~~Controller~~ City Clerk finds or believes that any statement made in a ~~registration or~~ an application is incomplete or false.

(B) Immediately after receipt of a ~~registration form duly completed from an alarm user or~~ an application for license duly completed from an alarm company and payment of any fee required, and upon the receipt of renewal fees (when required) and notices of change of information regarding ~~registration or~~ licenses, the ~~Controller~~ City Clerk shall forward the

~~registration or application to the Executive Director of Communications for the City of Fort Wayne the Consolidated Communications Partnership and the Ordinance Violations Bureau. All information on such registration or application shall be protected as confidential information; provided, however, nothing in this chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this chapter.~~

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

**§ 102.04 AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED.**

(A) ~~It shall be unlawful or for any alarm company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an alarm system containing an automatic telephone dialing device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne. Consolidated Communications Partnership.~~

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(B) The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the ~~Chief of Communications Executive Director of the Consolidated Communications Partnership~~, or their respective designees, upon receiving knowledge of an alarm system containing an automatic telephone dialing system installed or operated in violation of this section shall order in writing the owner, operator or lessee to disconnect and cease operation of such alarm system within 72 hours of receipt of the order.

(C) Any alarm system containing an automatic telephone dialing device installed prior to the effective date of this chapter shall be removed within 30 days of the effective date of this chapter.

(D) Penalty for violation of this chapter: Any alarm user, alarm company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

(E) Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the ~~Fort Wayne Communications Department Consolidated Communications Partnership~~ up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor alarm systems for banking institutions and therefore automatic telephone dialing devices or any device being used by banking institutions to connect directly to the ~~Fort Wayne Communications Department Consolidated Communications Partnership~~ or any City of Fort Wayne Department shall be prohibited.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

**§ 102.05 AUDIBLE ALARM.**

(A) All alarm users, alarm companies or other persons or entities who install or maintain any alarm system with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:

(1) The name and telephone number of the alarm user or such other person or entity responsible for the control of the premises if it is a local alarm system, or

(2) The name and phone number of the alarm company if it is a monitored alarm system.

(B) All alarm users, alarm companies or any other persons or entities who install or maintain any alarm system with an audible alarm shall install and/or maintain said alarm system in such a way that it automatically discontinues emitting an audible sound within 15 minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.

(C) When manual fire alarm signaling devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

IN CASE OF FIRE

1. Pull this alarm
2. Telephone the Fire Department 9-1-1

(D) Penalty for violation of this section: All alarm users, alarm companies or other persons or entities violating this section shall be subject to a fine of \$50 for each action or omission which constitutes a violation of this section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

**§ 102.06 VALIDITY OF ALARMS.**

(A) Whenever an alarm system is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated alarm system shall inspect the area protected by the alarm system and shall determine whether a public safety response was required or if it was a false alarm.

(B) If the officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm, notice of which shall be sent to the alarm user at the address of the alarm user, or at least the last known address of the alarm user, if different from the premises address, or to the address and the attention of the person or entity designated by the alarm user as its agent for notification. A copy of the report shall be sent to the Ordinance Violations Bureau who shall track the number of false alarms.

(C) The Police Chief or the Fire Chief of the City of Fort Wayne, or his designee, shall have the right to inspect the premises to which a response has been made and may cause such inspection to be made at any reasonable time after the occurrence of a false alarm.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

#### **§ 102.07 FALSE ALARM PENALTIES AND ENFORCEMENT.**

(A) Whenever an alarm user issues, causes to be issued, or permits the issuance of a false alarm, this section shall apply; provided, however, this section shall not apply to a mentally incapacitated person utilizing alarm systems in a dwelling or dwelling unit.

(B) An alarm user shall be assessed a \$50 penalty for each false alarm recorded within any calendar year by the Ordinance Violations Bureau after the occurrence of the second false alarm requiring Police Department response. Said \$50 penalty shall be paid by the alarm user to the City of Fort Wayne Ordinance Violation Bureau who shall deposit the funds in the General Fund of the Fort Wayne Police Department.

(C) An alarm user shall be assessed a \$50 penalty for each false alarm recorded within any calendar year by the Ordinance Violations Bureau after the occurrence of the second false alarm requiring City of Fort Wayne Fire Department response. Said \$50 penalty shall be paid by the alarm user to the City of Fort Wayne Ordinance Violation Bureau who shall deposit the funds in the General Fund of the Fort Wayne Fire Department.

~~(D) Any alarm user required to register and who fails to register or otherwise comply with § 102.02 of this chapter and who causes to be issued, or permits the issuance of a false alarm shall be assessed a \$50 penalty for each false alarm recorded by the Ordinance Violations Bureau. If said fine is not paid within 30 days of its due date, then in addition to said penalty there will be a late fee of \$25. Any penalties and any late fees due under this section shall be paid by The alarm user to the City of Fort Wayne Ordinance Violations Bureau who shall deposit the funds in the General Fund of the Fort Wayne Police Department or the Fort Wayne Fire Department depending on which department responded to the false alarm.~~

~~(E) *Enforcing Authority.* The authority for enforcing this chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller-City Clerk and the Ordinance Violation Bureau.~~

~~(F) Any alarm company, alarm user, or any other individual or company affected by and subject to a fine under this chapter shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.~~

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

#### **§ 102.08 EFFECTIVE DATE.**

(A) The effective date of this chapter shall be the later of November 1, 1997, or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

~~(B) All alarm users required to register under this chapter who have alarm systems installed on or before the effective date of this chapter, shall register pursuant to § 102.02 of this chapter not later than February 1, 1998. All alarm users required to register under this chapter and installing and activating alarm systems on or after the effective date of this chapter, shall be required to register pursuant to this chapter within the time parameters specified herein.~~

(~~B~~) All alarm companies required to obtain licenses under this chapter shall obtain said License on the later of November 1, 1997, or 60 days after the effective date of this chapter to obtain its License.

(Ord. G-09-97, passed 8-23-97; Am. Ord. G-07-02, passed 3-26-02)

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Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Mitch Harper  
Read the second time by title and referred to the Resolutions  
Committee. Read the third time in full and on motion by Councilman  
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	_____	_____	_____	<u>✓</u>

DATED: 4-14-15 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. G-2-15 on the 14<sup>th</sup> day of  
April, 2015

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY,  
CITY CLERK  
John N. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15<sup>th</sup> day  
of April, 2015, at the hour of 3:00 O'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17<sup>th</sup> day of APRIL  
2015, at the hour of 4:00 O'clock PM E.S.T.  
Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. G-15-03-23**

**REPORT OF COMMITTEE ON REGULATIONS**

**APRIL 7, 2015**

*Mitch Harper, Chair  
Glynn Hines, Co-Chair  
All Council Members*

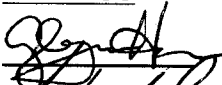
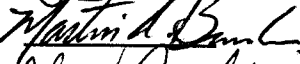


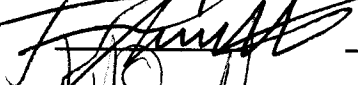
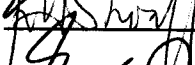
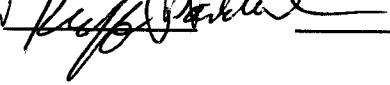
**AN ORDINANCE** repealing and replacing Chapter 102: Private Emergency Alarm Systems in its entirety. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

	_____	_____	_____
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**SANDRA E. KENNEDY  
CITY CLERK**