

ORDINANCE NO. 11-02-1,

**AN ORDINANCE REGULATING ALARM SYSTEMS
AND PRESCRIBING PENALTIES**

WHEREAS, the Sheriff's Department of the County of Cass is desirous of the enactment of an ordinance for the purpose of reducing the number of false police alarms activated by residences and businesses of the County;

WHEREAS, notwithstanding due care and caution, each and every time an emergency vehicle is called to answer a false alarm, the citizens and employees of the County and the property of the County is greatly endangered, which could result in causing serious injury or loss of life to an innocent bystander or emergency personnel;

WHEREAS, the average cost for each emergency run that the Sheriff's Department makes is substantial;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Cass, Indiana as follows:

(a) False alarms means an alarm eliciting a sheriff's response when the situation does not warrant such a response. For The purpose of this chapter, this means anything that is non-criminal.

(b) Alarm systems means any device used for the detection of unauthorized entry or attempted entry into a building, structure of facility, or dwelling; or for alerting others of the commission of an unlawful act within a building, structure of facility or dwelling.

For the purpose of this chapter, an alarm system shall not Include:

- (i) An alarm installed on a motor vehicle.
- (ii) An alarm designed and operated so that no notification

is given to the Sheriff's Department until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have checked the alarm site and determined that the alarm was the possible or probable result of criminal activity of the kind for which the alarm system was designed to give notice. Said alarm shall be equipped to disconnect any exterior sounding alarm automatically within 10 minutes of activation.

(iii) An alarm installed upon premises occupied by The United States, the State of Indiana, or any political subdivision thereof.

(c) An alarm business means any individual, partnership, corporation or other entity, who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm systems or causes to be sold, leased, maintained, services, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility or dwelling.

(d) Alarm agent means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing services, repairing, altering, moving, or installing on or in any building, structure, facility or dwelling, any alarm device.

Section 2. Registration of Alarm Business

Prior to doing business within Cass County, an alarm system business shall register with the Cass County Sheriff's Department on a form designated by the county for the purpose. On such form the business shall set forth:

- (a) The full name and address of the alarm business;
- (b) The full name, business address and home address of manager;
- (c) A telephone number at which the Sheriff's Department can notify personnel of the business of a need for assistance at any time;
- (d) The name, address, and date of birth of all Employees with access to the alarm.

An alarm system business doing business at the time this ordinance becomes effective shall have thirty (30) days to register as required above, with a fee of one hundred dollars (\$100.00).

An alarm system business shall promptly notify the Cass County Sheriff in writing of any change in the information contained in the registration form.

Section 3. **Prohibited Acts**

It shall be a prohibited act punishable by fines as provided in this ordinance to any of the following acts:

(a) For a person who owns or controls property on which an alarm system is installed to issue, cause to be issued or permit to be issuance of a false alarm.

(b) For a person who owns or controls property to install, maintain or permit to operate any alarm which automatically dials into any Sheriff's Department public or emergency telephone line when an alarm is activated.

(c) For a person participating in the ownership or management of an alarm system business to do any business within Cass County without registering as required by ordinance.

Each separate occurrence, under subsection (a) , and each separate day, under subsection (b) and (c) shall constitute a separate and distinct violation.

Section 4. **Notice of Violation**

The Sheriff or designee may issue a notice of violation.

Upon issuance of the first three violations per calendar year of section 5 (a) only for any specific property, any fine will be excused upon the violator submitting a written report to the Sheriff's Department on the cause of the alarm within two weeks of service of notice of violation. Such report must show that steps have been taken to correct the problem and that the problem will not occur again in the future.

Section 5. **Contents of Notice of Violation**

The notice of violation shall state the name of the violator, the location, the date and time of the violation, the section of this ordinance which was violated, the penalties for the violation and the violator's right to appeal under any section thereof, if applicable.

Section 6. **Service of Notice of Violation**

A notice of violation shall be served upon the violator at the violator's last known address. Service shall be complete upon mailing (regardless of the receipt of the notice) or posting of the notice upon the property where the alarm is located.

Section 7. **Hearing on Excuse**

Any person noticed of a violation of section 5 (a) may petition the Board of County commissioners of the County of Cass for a hearing to show that for some reason beyond the violator's control, the false alarm was activated. The petition for the hearing must state specifically the reasons beyond the violator's control for the activation of the alarm. The violator must also furnish the Board with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within two weeks of the service violation. After the hearing, the Board of County Commissioners of the County of Cass, in its sole discretion, will determine whether the false alarm was activated for reasons beyond the control of the violator, the violation will be excused and no fine imposed.

Section 8. **Penalties on Compromise**

- The fine imposed on any section of this ordinance will be:
- Twenty five dollars each (\$25.00) for the first three penalties,
- Fifty dollars each (\$50.00) for the next three succeeding violations,
- One hundred dollars each (\$100.00) for the next three succeeding violations,

- Two hundred dollars each for all subsequent violations.
Fine structure if based on the number of violations per calendar year;

provided the fine is paid within two weeks of service of the notice of violation.

Otherwise, the amount of the fine is doubled.

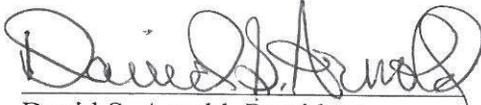
The fine imposed will be due and payable to the Cass County Sheriff within two weeks of the citation date and deposited by the Sheriff with the Cass County Auditor for deposit into the Cass County Sheriff's Department account. In the event on a hearing on excuse was held, the fine will be due within two weeks of the date that the decision was made.

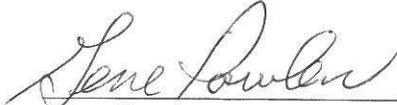
Section 9. **Effective Date**

Amendments set forth in Ordinance 11-____ shall be in full force and effect as of July 1, 2011.

Approved by the Board of Commissioners of the County of Cass, Indiana this ____ day of _____, 2011.

THE CASS COUNTY
BOARD OF COMMISSIONERS


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