

ORDINANCE NO. 15-10778

AN ORDINANCE AMENDING CHAPTER 30 OF THE SALINA CODE BY ESTABLISHING ARTICLE III PERTAINING TO ALARM SYSTEMS DESIGNED TO SUMMON A POLICE RESPONSE WITHIN THE CITY OF SALINA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. Amendment. Chapter 30 of the Salina Code is amended by adding a new Article III, as follows:

ARTICLE III. ALARM SYSTEMS DESIGNED TO SUMMON A POLICE RESPONSE

Sec. 30-50. Purpose.

- (a) The vast majority of alarms to which the police department responds are false alarms reported to the police department by alarm monitoring companies.
- (b) Most false alarms are the result of improper maintenance or use of an alarm system.
- (c) The public and police officers are subjected to needless danger when the officers are called to respond to false alarms.
- (d) Officers responding to false alarms are not available to carry out other police duties.
- (e) In the interest of using limited police resources most effectively and efficiently, the number of false alarms should be reduced.
- (f) The purposes of this article are to reduce the dangers and inefficiencies associated with false alarms, to encourage alarm companies and property owners to properly use and maintain the operational reliability of their alarm systems, and to reduce or eliminate false alarm dispatch requests.

Sec. 30-51. Definitions. For purposes of this article, the following terms shall have the following meanings:

- (1) *Alarm administrator* means the person or persons designated by the chief of police to administer the provisions of this article.
- (2) *Alarm agreement* means the legal contract by and between the alarm installation company and/or monitoring company and the alarm user.
- (3) *Alarm agreement holding company* means the alarm installation company or monitoring company that holds the alarm agreement with the alarm user.
- (4) *Alarm installation company* means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation.
- (5) *Alarm dispatch request* means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.
- (6) *Alarm registration* means a registration and unique number issued by the alarm administrator to an alarm user, which authorizes the operation of an alarm system.
- (7) *Alarm response manager* means a person designated by an alarm installation company or monitoring company to handle alarm issues for the company and to act as the primary point of contact for the alarm administrator.

- (8) *Alarm site* means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.
- (9) *Alarm system* means a device or series of devices, which emits or transmits an audible or remote visual or electronic alarm signal, which is intended to summon police response. The term includes hardwired systems, surveillance cameras, and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems, but does not include an alarm installed in a motor vehicle or on an individual's person, or a system that will not emit an audio or visible signal from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.
- (10) *Alarm user* means a person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.
- (11) *Alarm user awareness class* means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.
- (12) *Alarm user list* means a list provided by an alarm agreement holding company, in a format approved by the alarm administrator, which includes a list of the company's existing alarm users within the city, along with each alarm user's registration number, name, billing address, telephone number, and alarm site address.
- (13) *Arming station* means a device that controls an alarm system.
- (14) *Automatic voice dialer* means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the police department requesting an officer dispatch to an alarm site.
- (15) *Burglar alarm* means an automated alarm intended to identify the unauthorized entry or attempted unauthorized entry into an alarm site.
- (16) *Cancellation* means the termination of a police response to an alarm site after an alarm dispatch request, by notification to the police department that there is not an existing situation at the alarm site requiring police response.
- (17) *Duress alarm* means a silent robbery alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires a police response.
- (18) *Enhanced call verification* means an attempt by the monitoring company, or its representative, to contact the alarm site, the alarm user, or the alarm user's designated representatives by telephone or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before initiating an alarm dispatch request for a burglar alarm, in an attempt to avoid a false burglar alarm dispatch request. For the purpose of this article, telephone verification shall require, at a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user or the alarm user's designated representative who can properly identify himself or herself and verify whether an alarm signal is valid before requesting

an officer dispatch. Names and numbers of those called shall be provided to the city or its alarm administrator, upon request.

- (19) *False alarm* means an alarm dispatch request that results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site. Excluded from this definition are:
- (a) Alarms caused by action of a communications services provider (i.e., telephone, cellular, or cable company);
 - (b) Alarms caused by a power outage of more than four (4) hours, severe weather such as a tornado, or an earthquake;
 - (c) Alarms activated after the alarm installation company has, in good faith, provided advance notice to the 911 dispatch center that the alarm system would be undergoing installation or modifications and maintenance that could trigger a false alarm signal; and
 - (d) Multiple false alarms at an alarm site within a twenty-four (24) hour period, which may be considered as one false alarm if the alarm user has taken immediate corrective action, unless the false alarms are directly caused by the alarm user.
- (20) *Holdup alarm* means a silent robbery alarm signal generated by the manual activation of a device intended to signal a robbery is in progress.
- (21) *Local alarm system* means an alarm system that is not monitored and annunciates an alarm only at the alarm site.
- (22) *Monitoring* means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the police department.
- (23) *Monitoring company* means a person in the business of providing monitoring services.
- (24) *One plus duress alarm* means the manual activation of a silent robbery alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).
- (25) *Panic alarm* means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.
- (26) *Protective-reactive alarm system* means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.
- (27) *Registration number* means a unique individual number issued by the police department and assigned to an alarm user as part of the alarm registration process.
- (28) *Responsible party* means a person who is capable of appearing at the alarm site upon request, has access to the alarm site and the code to the alarm system, and has the authority to approve repairs to the alarm system.
- (29) *Robbery alarm* means an alarm signal generated by the manual activation of a device intended to signal that a robbery is in progress and that a person is in need of immediate police assistance in order to avoid bodily harm, injury, or death. The term includes holdup alarms and duress alarms.
- (30) *SIA Control Panel Standard CP-01* means the ANSI – American National Standard Institute-approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by

Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

- (31) *Zones* mean a division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

Sec. 30-52. Administration; establishment of fees.

- (a) The chief of police is the principal city official for administration of this article.
- (b) All fees to be assessed pursuant to this article shall be recommended by the chief of police, approved by the board of commissioners, and listed in the fee schedule adopted pursuant to section 2-2.
- (c) The chief of police shall designate an alarm administrator to carry out the duties and functions described in this article.

Sec. 30-53. Required alarm registration.

- (a) No person shall operate, or cause to be operated, any alarm system without a valid annual alarm registration issued by the alarm administrator in accordance with this article. Any existing alarm user must register within sixty (60) days of the effective date of this article.
- (b) A separate alarm registration is required for each alarm site.
- (c) Failure to register any alarm system within thirty (30) days of receiving notice from the alarm administrator to do so shall be classified as use of a non-registered alarm system and will subject the alarm user to suspension and a late fee.

Sec. 30-54. Alarm registration applications.

- (a) Alarm registration applications shall be on a form furnished by the police department and completed and submitted to the alarm administrator by the alarm user or the alarm user's authorized agent. Each application shall be accompanied by a non-refundable registration fee and shall include the following information:
 - (1) The name, address, and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
 - (2) The address and description of the alarm site;
 - (3) For each alarm system located at the alarm site, the classification of the alarm system (i.e., burglar, robbery, holdup, duress, or other), and for each classification, whether such alarm is audible or silent;
 - (4) A description of any dangerous or special conditions present at the alarm site;
 - (5) The name and telephone numbers of at least two individuals who are able and have agreed to receive notification of an alarm activation at any time, respond to the alarm site within twenty (20) minutes, and provide access to the alarm site and deactivate the alarm system upon request; and
 - (6) A signed certification from the alarm user stating:
 - i. The date of installation;
 - ii. The name, address, and telephone number of the alarm installation company and monitoring company;

- iii. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant; and
 - iv. That the alarm installation company has trained the applicant to properly use the alarm system and avoid false alarms.
- (b) Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant, unless:
 - (1) The applicant has failed to pay any fee assessed under this article;
 - (2) An alarm registration for the alarm site has been suspended, and the alarm user has not reinstated the registration pursuant to this article; or
 - (3) The applicant has made a false statement of a material fact for the purpose of obtaining an alarm registration.
- (c) An alarm registration shall expire one (1) year from the date of issuance, and must be renewed annually by the alarm user by submitting an updated registration application and a registration renewal fee to the alarm administrator. The alarm administrator shall notify the alarm user of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit the renewal application prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered alarm system and will subject the alarm user to suspension and a late fee.

Sec. 30-55. Registration fees.

- (a) The alarm administrator shall charge and collect all registration fees, which may include an initial registration fee, a renewal registration fee, and late fees.
- (b) The initial registration fee shall be waived for any alarm user that submits a completed registration application to the alarm administrator within sixty (60) days following the effective date of this article.
- (c) Governmental entities shall not be required to pay registration or registration renewal fees for more than four (4) alarm sites during any calendar year, but are required to obtain and maintain a valid alarm registration for all alarm sites and are subject to all other provisions of this article, to the extent allowed by law.

Sec. 30-56. Transfer of registration prohibited; notification of changes to information.

- (a) An alarm registration may not be transferred to another person or alarm site.
- (b) An alarm user shall notify its monitoring company and the alarm administrator of any change to the information listed on the alarm registration application within ten (10) business days after such change.

Sec. 30-57. Duties of alarm users.

- (a) An alarm user shall:
 - (1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.
 - (2) Make every reasonable effort to arrive at the alarm system's location within twenty (20) minutes after being requested by the monitoring company or police department in order to:
 - i. Deactivate an alarm system;
 - ii. Provide access to the alarm site; or

- iii. Provide alternative security for the alarm site.
 - (3) Provide the monitoring company with the updated names and telephone numbers of at least two (2) individuals who are able and have agreed to:
 - i. Receive notification of an alarm system activation at any time;
 - ii. Respond to the alarm site at any time; and
 - iii. Provide access to the alarm site and deactivate the alarm system, if necessary.
 - (4) Not activate an alarm system for any reason other than the occurrence of an event that the alarm system was intended to report.
 - (5) Not operate or cause to be operated any automatic voice dialer.
 - (6) Maintain a set of written operating instructions for each alarm system at each alarm site.
 - (7) Notify the monitoring company of any suspension of police response pursuant to this article and request that the monitoring company not make an alarm dispatch request during the suspension.
- (b) One hundred eighty (180) days after the effective date of this article, the police department shall disconnect and discontinue any direct monitoring services provided to private alarm systems.

Sec. 30-58. Audible alarms; abatement of malfunctioning alarm.

- (a) No alarm system shall emit a sound resembling an emergency vehicle siren or civil defense warning. The chief of police shall make the final determination regarding compliance with this section.
- (b) No person shall install, modify or repair an alarm system within the city that has a siren, bell or other signal that is audible from any property adjacent to the alarm site and sounds for longer than ten (10) minutes after the alarm is activated.
- (c) If an audible alarm is activated and fails to reset itself or continues to activate for more than sixty (60) minutes and the responsible person listed on the alarm registration or other authorized person does not respond and silence the alarm, and the continued activation of the alarm is creating a nuisance or disturbance, the police department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The alarm user shall be responsible for the actual costs involved to abate or disconnect the alarm system, and the city shall not be responsible or liable for damage resulting from such abatement or disconnection.

Sec. 30-59. Alarm user list; designation of alarm response manager.

- (a) Within sixty (60) days of the effective date of this article, each alarm agreement holding company shall provide the alarm administrator with an alarm user list, in a format approved by the alarm administrator, containing the required information for all alarm users as of the effective date of this article. The alarm agreement holding company may apply to the alarm administrator for an extension based on extenuating circumstances.
- (b) An alarm installation company or monitoring company that converts the servicing or monitoring of any alarm system account from another company shall notify the alarm administrator of such conversion and shall provide to the alarm administrator, within sixty (60) days from the date of conversion, an alarm user list of the converted accounts in a format acceptable to the alarm administrator.

- (c) Each alarm installation company and monitoring company shall designate one individual as the alarm response manager for the company. The individual designated as the alarm response manager must be knowledgeable of the provisions of this article, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the alarm administrator. The name, address, telephone number, and email address of the alarm response manager shall be provided to the alarm administrator.
- (d) Each alarm installation company shall provide the name, address, and telephone number of any monitoring company it is using to monitor its alarm sites within the city, and monitoring companies shall do the same for any alarm installation company that uses its monitoring services within the city.

Sec. 30-60. Duties of alarm installation companies.

- (a) An alarm installation company that installs or modifies an alarm system on premises located within the city shall notify the alarm administrator within ten (10) days that the alarm system has been installed or modified, and shall send the alarm administrator the required information pertaining to the installation or modification. In the case of self-installed alarm systems that are to be monitored by a monitoring company, the monitoring company shall have the same duties imposed on an alarm installation company under this section. An alarm installation company shall be assessed a fee for each failure to notify the alarm administrator within ten (10) days after the installation or modification of an alarm system.
- (b) Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information and instructions related to:
 - (1) The applicable law relating to false alarms, including the alarm registration requirement and the potential for fees and suspension of an alarm registration;
 - (2) Preventing false alarms; and
 - (3) Operating the alarm system and ensuring that the alarm user of an alarm system equipped with a robbery or panic alarm has been provided adequate training as to the proper use of the alarm system's operation and function.
- (c) After the effective date of this article, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms installed prior to the effective date of this article.
- (d) After the effective date of this article, alarm installation companies shall not install single action devices for the activation of robbery or panic alarms. New devices shall require two actions or an activation time delay to provide more positive assurance that the user intends to activate the device.
- (e) Ninety (90) days after the effective date of this article, alarm installation companies shall, on new installations, use only alarm control panels that meet SIA Control Panel Standard CP-01.
- (f) An alarm installation company shall not use an automatic voice dialer for any alarm system.
- (g) All alarm systems shall be installed and supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system.

- (h) All audible alarm systems shall include a device which will limit the duration of the audible alarm to a period of not more than ten (10) minutes per activation.

Sec. 30-61. Duties of alarm monitoring companies.

A monitoring company shall:

- (a) Report alarm signals by using telephone numbers or other approved communication processes designated by the alarm administrator.
- (b) Ninety (90) days after the effective date of this article, employ enhanced call verification procedures on all burglar alarm dispatch requests. The police department may refuse to accept an alarm dispatch request from a monitoring company that has failed to comply with the procedures required by enhanced call verification. A monitoring company shall be assessed a fee for each failure to employ enhanced call verification procedures on burglar alarms.
- (c) Communicate alarm dispatch requests and cancellations to the police department in a manner and form determined by the alarm administrator.
- (d) Communicate any available zone information (north, south, front, back, door, window, etc.) about the location of alarm signals as part of an alarm dispatch request.
- (e) Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.
- (f) Notify dispatch of any alarm site that it knows, or reasonably should know, has pets, including a guard dog, or is fitted with a protective-reactive alarm system. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to take control of the animals or disarm the device.
- (g) After an alarm dispatch request, promptly advise the police department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site.
- (h) Upon request, immediately provide the police department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.
- (i) After the effective date of this article, maintain for a period of at least one (1) year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each zone activated, the time of the alarm dispatch request, and evidence of compliance with enhanced call verification procedures, as applicable. The alarm administrator or the city may request copies of such records for any alarm user. If the request is made within sixty (60) days after an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days after receiving the request.
- (j) Not make an alarm dispatch request for any alarm site after five (5) days' notice from the alarm administrator that the alarm user's registration status is that of non-registered or suspended.

Sec. 30-62. Duties and authority of the alarm administrator.

- (a) The alarm administrator shall designate the manner, form, telephone numbers, and processes for the communication of alarm dispatch requests and cancellations, and establish and implement a procedure to acquire and record information on alarm dispatch requests.
- (b) The alarm administrator shall establish and implement a procedure to notify an alarm user in writing after each false alarm, which notice shall include the following information:
 - (1) The date and time of an officer's response to the false alarm;
 - (2) The amount of the fee for the false alarm;
 - (3) Notice that the alarm user may attend alarm user awareness class to waive the fee, if the false alarm was the first false alarm at the alarm site during the applicable one-year registration period;
 - (4) Notice that police response to further alarms will be suspended after the fourth false alarm during the alarm user's one-year alarm registration period and an explanation of the procedure for reinstatement in the event of suspension; and
 - (5) A statement of the right to appeal the alarm administrator's decision.
- (c) With the approval of the chief of police, the alarm administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of a false alarm. The conference may be held in person or by telephone call, at the alarm administrator's discretion.
- (d) The alarm administrator shall establish an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms, and teach alarm users how to operate their alarm systems without generating false alarms.
- (e) If a false robbery or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the alarm administrator shall grant a waiver of the false alarm fee if immediate action is taken by the alarm user to remove or replace the single action, non-recessed device in accordance with the requirements of this article.
- (f) The alarm administrator shall make a copy of this article or a summary sheet available to each alarm user.
- (g) The alarm administrator may use electronic means to communicate with alarm users, alarm installation companies, and monitoring companies, as applicable, when requested by the recipient and at the alarm administrator's discretion.

Sec. 30-63. False alarm fees.

- (a) The alarm administrator shall assess an alarm user a fee for each false alarm occurring at the alarm user's alarm site.
- (b) Any person operating a non-registered alarm system will be subject to an additional fee for each false alarm, in addition to any other applicable fees or fines.
- (c) If cancellation of a police response occurs prior to an officer's arrival at the alarm site, the response is not considered a false alarm and no false alarm fee will be assessed.
- (d) If any fee is not paid within thirty (30) days after the invoice is mailed by the alarm administrator, a late fee shall be imposed.

- (e) The alarm administrator shall waive the false alarm fee for the first false alarm during each one (1) year registration period, upon the alarm user's successful completion of the online alarm user awareness class available through the alarm administrator. In order to have the fee waived, the alarm user shall be in possession of a valid registration, and shall have successfully completed the class within thirty (30) days of the fee notice. Alarm users without online access may request the online class materials and test be mailed to them. Reasonable additional time to complete the alarm user awareness class shall be allowed for mail delivery.
- (f) Failure to pay false alarm fees is a violation of this article. Nothing contained in this section shall prohibit prosecution in municipal court for violation of any provision of this article and assessment of any other penalties as provided by law.

Sec. 30-64. Alarm registration suspension.

- (a) The alarm administrator may suspend an alarm registration upon thirty (30) days' advance written notice to the alarm user, if it is determined that:
 - (1) There is a false statement of a material fact in the registration application;
 - (2) The alarm user has had four (4) false alarms at the alarm site within the one-year registration period, or the alarm user has had four (4) false alarms after having reinstated the alarm registration pursuant to section 30-65 during the same one-year registration period, except that the alarm administrator may waive a suspension upon receipt of documented work orders showing reasonable attempts to repair the alarm system prior to the notice of suspension;
 - (3) The alarm user has failed to make timely payment of any fee assessed under this article; or
 - (4) There is a violation of this article by the alarm user and the condition causing the violation was not corrected within thirty (30) days after written notice from the alarm administrator.
- (b) It shall be a violation of this section for a person to operate an alarm system during the period in which the alarm registration is suspended.
- (c) It shall be a violation of this section for a monitoring company to make an alarm dispatch request to an alarm site after the alarm administrator has provided five (5) days' advance notice to the monitoring company's alarm response manager that the registration for that alarm site has been suspended.
- (d) The police department may refuse a law enforcement response to an alarm dispatch request at an alarm site for which the alarm registration has been suspended or classified as non-registered pursuant to this article.

Sec. 30-65. Reinstatement of suspended alarm registrations.

A person whose alarm registration has been or will be suspended may obtain reinstatement of the registration by the alarm administrator, at any time, if the person:

- (a) Submits a new registration application;
- (b) Pays a reinstatement fee;
- (c) Pays, or otherwise resolves, all outstanding fees assessed under this article;
- (d) Submits a written notice from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and
- (e) Successfully completes an alarm user awareness class and test.

Sec. 30-66. Suspension of response to dispatch requests of certain monitoring companies.

- (a) The chief of police may suspend police response to alarm dispatch requests from a monitoring company if it is determined that:
 - (1) There is a violation of this article by the monitoring company and the condition causing the violation has not been corrected within sixty (60) days after written notice from the alarm administrator; provided, however, if the chief of police determines that the monitoring company is diligently seeking to correct the violation, and that the violation cannot reasonably be corrected within such sixty (60) day period, then a longer period of time as may reasonably be required to correct the violation shall be afforded, up to a total of sixty (60) additional days, upon a written request by the monitoring company submitted prior to the expiration of the initial sixty (60) day correction period; or
 - (2) The monitoring company has failed to pay any fee assessed under this article within sixty (60) days after the fee is due.
- (b) A suspension of police response made pursuant to this section may be appealed to the city manager, which appeal shall be conducted pursuant to the same procedures and in the same manner as set forth in section 30-67.
- (c) The alarm administrator shall notify all known alarm users subscribing to a monitoring company at least fifteen (15) days prior to the police department's suspension of response to the company's alarm dispatch requests.
- (d) If a suspension of police response is made pursuant to this section, the chief of police shall reinstate police response if the monitoring company:
 - (1) Corrects or otherwise resolves all conditions giving rise to the suspension;
 - (2) Pays a reinstatement fee and all costs and expenses incurred in notifying alarm users by mail of the suspension; and
 - (3) Pays, or otherwise resolves, all outstanding fees, fines, and other charges assessed under this article.

Sec. 30-67. Appeals.

- (a) An alarm user, alarm installation company, or monitoring company may appeal any decision of the alarm administrator under this article to the chief of police, as follows:
 - (1) The appealing party shall file a notice of appeal with the police department within twenty (20) days of receipt of the alarm administrator's decision, which shall set forth the reasons for the appeal and be accompanied by an appeal fee. The appeal fee will be returned to the appealing party if the appeal is successful, in whole or in part.
 - (2) The chief of police shall conduct a hearing on the appeal within thirty (30) days after the police department's receipt of the notice of appeal and shall consider the evidence submitted by the appealing party and the alarm administrator. The chief of police must affirm or reverse the decision or action taken by the alarm administrator based on the preponderance of evidence presented at the hearing, and must render a decision within fifteen (15) days after the date of the hearing. The chief of police's decision shall be a final order of the city.
 - (3) Filing of an appeal shall stay all actions and proceedings in furtherance of the alarm administrator's actions that are the subject of the appeal, until the appeal process has been exhausted.

- (4) If a notice of appeal is not filed within twenty (20) days of the alarm administrator's decision, the alarm administrator's decision shall be deemed a final order of the city.

Sec. 30-68. Limitations on police response; immunities preserved.

Nothing in this article is intended, nor shall it be construed, to create a contract, duty or obligation, either express or implied, of a police response to any alarm or any alarm dispatch request, under any circumstances, beyond those duties owed to the general public in the performance police services within the city limits, and the city's response to an alarm dispatch request shall be deemed conclusively to be for a public and governmental purpose. In addition, nothing contained herein shall be construed to waive any defenses or immunities available to the city, including but not limited to those available pursuant to the Kansas tort claims act, as amended. By applying for an alarm registration, the alarm user acknowledges that the law enforcement response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Sec. 30-69. Confidentiality of alarm information.

The board of city commissioners finds that all information contained in records gathered through the alarm registration or reinstatement process, the submission of customer lists by alarm installation companies and monitoring companies, or the appeals process, is of a sensitive and private nature and should not be available to the public. It is hereby declared to be the official policy of the city that all such documents submitted in compliance with this article shall be deemed to contain information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy and are further deemed to be plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person. All such information is therefore exempt from mandatory disclosure under the Kansas open records act pursuant to the exceptions contained in K.S.A. 45-221(a)(18) and (30), as amended, and any other applicable exceptions. All such information shall be kept so that the contents thereof shall not be known, except to persons authorized with the administration and enforcement of this article. The alarm administrator shall be charged with the responsibility of maintaining all records of any kind whatsoever under this article.

Sec. 30-70. Penalties.

- (a) It shall be unlawful for any person to violate any provision of this article.
- (b) Every day that a violation continues shall constitute a separate offense.
- (c) The violation of any provision of this article is hereby deemed to be grounds for revocation of any registration or authorization granted in accordance with this article.
- (d) The city shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this article.

Section 2. Effective. This ordinance shall be in full force and effect from and after November 1, 2015, following its adoption and publication by the following summary once in the official city newspaper.

Ordinance No. 15-10778 Summary

On July 6, 2015, the City of Salina, Kansas, passed Ordinance No. 15-10778. The ordinance establishes Chapter 30, Article III of the Salina Code pertaining to alarm systems designed to summon a police response within the City of Salina, Kansas. A complete copy of the ordinance is available at www.salina-ks.gov or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the city attorney.

Introduced: June 1, 2015
Passed: July 6, 2015

Jon R. Blanchard, Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

Certification of Publication Summary:

Greg A. Bengtson, City Attorney

RESOLUTION NUMBER 15-_____

A RESOLUTION PURSUANT TO SALINA CODE SECTION 2-2 ADOPTING FEES FOR ALARM SYSTEMS DESIGNED TO SUMMON A POLICE RESPONSE UNDER ARTICLE III OF CHAPTER 30 OF THE SALINA CODE.

WHEREAS, Salina Code Section 2-2 provides that the Governing Body shall determine, by resolution, all license fees, permit fees, and other user related fees or charges established by the ordinances of the City of Salina (“City”); and

WHEREAS, on July 6, 2015, the Governing Body passed and approved Ordinance Number 15-10778, which established Chapter 30, Article III of the Salina Code pertaining to alarm systems designed to summon a police response within the City of Salina, Kansas (“Alarm Ordinance”);

WHEREAS, under the Alarm Ordinance, the alarm administrator may assess certain fees related to the management of the Alarm Ordinance, including fees for registering alarm users and responding to false alarms; the Alarm Ordinance provides that such fees shall be recommended by the chief of police and adopted pursuant to Salina Code Section 2-2;

WHEREAS, the Governing Body of the City of Salina, Kansas now desires to establish the fees to be assessed under the Alarm Ordinance. **SO NOW THEREFORE**,

BE IT RESOLVED by the Governing Body of the City of Salina, Kansas:

Section 2. Alarm Ordinance Fees. The following fees are hereby established for purposes of the Alarm Ordinance and are incorporated into Article VII (Police Department) of the Comprehensive Fee Schedule:

ALARM USERS	FEES
Initial Registration	\$25.00*
Annual Registration Renewal	\$25.00
Registration Late Charge	\$25.00
Burglar False Alarm (fees for each false alarm during one-year registration period)	1- \$25.00* 2- \$50.00 3-\$75.00 4-\$100.00 5 -\$125.00 6 or more \$150.00 each additional
Robbery False Alarm or Panic False Alarm (fees for each false alarm during one-year registration period)	1- \$35.00* 2- \$75.00 3- \$100.00 4- \$150.00 5 or more \$200.00 each additional

Non-registered/Suspended Alarm Site (fees for each false alarm)	1 - \$100.00 2 - \$150.00 3 - \$200.00 4 - \$250.00 5 - \$300.00 6 or more \$350.00 each additional
Late Charge for Unpaid Fees	\$25.00
Reinstatement Fee	\$50.00
Appeal Fee	\$25.00
ALARM COMPANIES	FEES
Failure to Report New Install	\$50.00
Failure to use Enhanced Call Verification procedures	\$50.00
Appeal Fee	\$25.00
Late Charge for Unpaid Fees	\$25.00
Suspension Reinstatement Fee and Mailing Costs	\$200.00, plus \$10.00 per customer contacted
<i>* denotes those fees that may be waived pursuant to the terms of Chapter 30, Article III of the Salina Code.</i>	

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

Adopted by the Board of Commissioners and signed by the Mayor this 10th day of August, 2015.

[SEAL]

Jon R. Blanchard, Mayor

ATTEST:

Shandi Wicks, CMC, City Clerk