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**CHAPTER 3****POLICE REGULATIONS****355. EXCESSIVE FALSE ALARMS**

**Section 355.01. Purpose.** The City finds that the occurrence of false alarms is a threat to the public health and safety by causing the unnecessary mobilization of emergency personnel and their diversion from other locations or activities in which assistance may be needed. Many false alarms are caused by equipment which is improperly installed or inadequately maintained or by inadvertent activation of a system by a person legitimately on the premises. The City also recognizes that persons suspecting the existence of an emergency should seek assistance immediately. In order to balance these goals, the City seeks to encourage proper use and maintenance of alarm systems and the implementation of sound security practices.

**Section 355.03. Definitions.** For the purposes of this ordinance, certain words or terms are defined as follows:

- (a) "Alarm system" means any equipment or device, designed or intended to signal the presence of an emergency such as a fire, unauthorized intrusion, crime in progress or medical emergency.
- (b) "Alarm user" means the individual, firm, partnership, association, corporation, company or organization of any kind occupying the premises where an alarm system is maintained. If the occupant cannot be readily determined, the term "alarm user" means the owner of the premises as determined by the real estate records of Hennepin county.
- (c) "False alarm" means the activation of an alarm system when a condition requiring emergency fire, police or ambulance response does not in fact exist and which is caused by mechanical failure or malfunction; improper installation or maintenance; negligent use or maintenance of the alarm system; or by the actions of a person or person legitimately on the premises. Activations caused by utility mishaps, unusual or unforeseen weather or climatic conditions, or other circumstances reasonably beyond the control of the alarm user shall not constitute false alarms.

**Section 355.05. False Alarm Fee Established.** Any alarm user who incurs more than one (1) false alarm for police emergencies or any false alarm for a fire emergency at a single address or premises during any calendar year shall be required to pay a false alarm fee to the city. The fee schedule shall be established by the city council. The responding fire or police department shall file a written report of each false alarm with the city clerk. Upon receipt of a report prepared by the responding fire or police chief regarding a false alarm at a particular address or premises, the city clerk shall notify the alarm user of the provisions of this ordinance and any fees due. If the alarm user is a tenant, the city clerk shall also send a copy of the notice to the property owner. The alarm user shall have ten days after receipt of the notice to pay the fee required by this ordinance. False police alarms that are cancelled prior to the arrival of responding officers will not be charged. False fire alarms that are cancelled prior to the dispatching of the fire department will not be charged.

**Section 355.07. Assessment.** On or before October 15 of each year, the city clerk shall calculate the total of unpaid false alarm fees attributable to each lot or property. After notice and hearing, the city council may levy the unpaid fees against the properties as special assessments and the city clerk shall certify the same to the county auditor for collection along with taxes payable the following year.

**Section 355.09. Appeals.** An alarm user charged with a false alarm fee pursuant to this ordinance may file a written appeal to the responding fire or police chief within 15 days of receipt of the notice from the city clerk. Within 10 days of receipt of the appeal, the responding fire or police chief shall make a determination regarding whether a false alarm occurred at the site within the meaning of this ordinance. The alarm user may appeal the decision of the responding fire or police chief to the city council within 15 days of receipt of the chief's decision. The city council shall consider the appeal at its next regular meeting, following 10 days notice to the alarm user and the chief.

**Section 355.11. Severability.** Every section of this ordinance is declared separate from every other section. If any section is held to be invalid by a court of competent jurisdiction, no other section shall be invalid by such action or decision.

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**Amendment History of this Section**

*Adopted December 3, 1991 (Ord. 259).*

*Amended January 28, 1999 (Ord. 307). Large-scale revision of Section 355 occurred, and most subsections were amended.*

*Amended July 20, 2004 (Ord. 370). Amended Subsection 355.05 to reduce police false alarms allowed before a fee is incurred to one (1) per year*

*Amended March 6, 2012 (Ord. 522). Amending Section 355.05, 355.07 and 355.09.*