

RECORD OF ORDINANCE

Ordinance No. 07-17

Date Passed 3/28 2017

ORDINANCE NO. 07-17

AN ORDINANCE PROHIBITING FALSE ALARMS AND IMPOSING CIVIL AND CRIMINAL SANCTIONS.

WHEREAS, Lithopolis Police officers respond to all reports of alarms as appropriate to their duties to protect Village residents and visitors and property; and

WHEREAS, some of these alarms, after further investigation, are determined to be false alarms; and

WHEREAS, each response to a false alarm endangers police officers and others and also delays the police officer's ability to respond to actual emergencies while they respond to and investigate a false alarm; and

WHEREAS, certain properties in the Village generate a disproportionate number of false alarms.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. That Council finds occupancies which generate an unreasonable frequency of false alarms create an unnecessary risk of danger to the Village and its residents.

Section 2. That False Alarms are Prohibited

- A. "False alarm" means an alarm system, signal, or message eliciting an urgent response to which the Lithopolis Police respond, when a situation requiring such response does not in fact exist.
- B. Whenever an alarm is activated, requiring an urgent response by the Lithopolis Police to a location in the Village, a police officer who responded to the alarm address shall inspect the areas protected by the system and shall determine whether the response was in fact required as indicated by the alarm system.
- C. If the inspecting police officer determines the signal to be a false alarm, the police officer shall make a report of the false alarm to the Police Chief. A warning citation shall be issued by the officer to the person responsible for the property upon the third false alarm at that property in a calendar month. Each false alarm response shall constitute a separate false alarm.
- D. The Police Chief shall monthly file with the Fiscal Officer a report of all false alarms to which Lithopolis Police responded during the preceding month.
- E. For each false alarm in a calendar month in excess of two false alarms and up to and including six false alarms at any property, the property owner shall be assessed a service fee of fifty dollars (\$50.00) per occurrence, for which the Fiscal Officer shall invoice the property owner.
- F. Each false alarm in a calendar month in excess of six false alarms, transmitted by an alarm system shall result in an assessed service fee of one hundred dollars (\$100.00) per occurrence.
- G. If any of the service fees for false alarms imposed herein are not paid within 30 days after the mailing of the invoice, such charges shall be certified by the Fiscal Officer to the Auditor of either Franklin or Fairfield Counties, wherein the property which was the subject of the false alarm is located, to be included upon the tax duplicate for such property and thereafter collected in the manner provided by law.
- H. Upon receipt of a warning citation as provided herein or upon receipt of notice of any service fee assessment as provided herein, the person responsible for the property or the property owner may elect to respond in writing to explain the actual cause of such alarm(s). Such response must be submitted to the Chief of Police within ten days from the date of the issuance of the citation or mailing of the service fee assessment. If the Chief upholds the false alarm determination(s), the person receiving the citation or the property owner may request an appeal. Any request for appeal shall be made in writing to the Mayor within ten

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days from the date of mailing of the Police Chief's determination.

1. The Mayor shall hear appeals on the issue of whether the alarm system(s) in question activated a false alarm(s). The date, place and format of the hearing shall be determined by the Mayor.
 2. At the hearing, the person appealing shall have the right to present evidence and testimony.
 3. The Mayor shall make a decision whether to uphold or disallow the warning citation or the service fee assessment. The Mayor shall notify the citation recipient or property owner, the Fiscal Officer, and the Police Chief within ten days from the date the hearing is concluded. The decision of the Mayor is final.
- I. No person who is either the owner, a corporate officer of the owner, or person in charge of a property shall negligently allow an alarm to register seven or more false alarms within a calendar month. Any person who violates this provision shall be guilty of a misdemeanor of the fourth degree and subject to the penalties provided for a misdemeanor of the fourth degree as such are described in Chapter 2929 of the Ohio Revised Code.

Section 3. That this Ordinance shall take effect and be in full force at the earliest time permitted by law.

DATE PASSED: 3/28, 2017

ATTESTED: [Signature]

CLERK

SIGNED: [Signature]

MAYOR

APPROVED AS TO FORM:

[Signature]

VILLAGE SOLICITOR