

**CHAPTER 37
ALARM REGULATION**

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37.01 TITLE. This chapter may be cited as the Alarm Regulation Ordinance.

37.02 LEGISLATIVE FINDINGS; PURPOSE.

(1) The County Board of Supervisors finds that alarm devices, as hereafter defined, serve a useful function but that some such devices are prone to generating false alarms and that such false alarms undermine the value of alarms generally, reduce the level of law enforcement at times, and expose both law enforcement officers and the general public to unnecessary risks because of the response that must be made to such alarms.

(2) The purpose of this chapter is to reduce the number of false alarms by eliminating automatic telephone alarm devices preprogrammed to telephone county emergency numbers, by requiring permits for certain types of

alarms and by imposing penalties upon the owners of alarm devices which repeatedly generate false alarms.

37.03 AUTHORITY. This chapter is enacted under the authority of sections 59.07(5) and 59.07(64), Wis. Stats.

37.04 ADMINISTRATION; ENFORCEMENT.

(1) The Public Protection and Judiciary Committee of the Dane County Board shall act as the policy oversight body with respect to the operation of this chapter.

(2) Implementation and day-to-day administration of this chapter shall be the responsibility of the Dane County Sheriff's Office (hereafter referred to as DCSO). The sheriff shall designate at least two (2) persons as Security Control Officers, who shall act as custodians of application records and perform such other functions with respect to this ordinance as may from time to time be directed by the sheriff. The DCSO shall maintain records of permit holders and the status of alarm permits.

(3) The DCSO shall be responsible for the collection of fees associated with the alarm permit registration process.

(4) The Dane County Corporation Counsel's Office shall prosecute violations of this ordinance.

(5) Any law enforcement officer employed by the County of Dane may issue citations for violations of this chapter, under Chapter 2 of the Dane County Code of Ordinances.

(6) In lieu of issuing citations under Chapter 2, the Corporation Counsel may issue formal summons and complaints in any particular case.

[History: 37.04 am., OA 28, 2011-12, pub. 01/30/12.]

37.05 DEFINITIONS. Unless the context clearly requires otherwise, the following words and phrases shall have the meanings indicated:

(1) *Alarm* or *alarm device* or *device* shall mean any device, whether mechanical, electrical or otherwise, which is designed to be activated by a criminal act, a fire or other act unauthorized by the owner of the device and which sends an audible, electronic, voice or other type of signal intended to alert law enforcement officers of the criminal act, fire or other unauthorized act.

(2) *Committee* shall mean the Public Protection Committee of the Dane County Board of Supervisors.

(3) *Console* shall mean the alarm reception console in the department's communication center, which console received signals directly from Type I alarms.

(4) *Department* shall mean the Dane County Sheriff's Department.

(5) *False alarm* means any signal generated by an alarm device which in fact is not activated by the type of activity the device is intended to detect, or which is not due to an emergency situation. False alarms include, but are not limited to, alarms which are triggered by negligent or willful acts of employees of alarm owners. *False alarm* does not include alarms caused by violent weather conditions or alarm requests where the responding law enforcement officer finds evidence of a criminal offense or attempted criminal offense. Multiple false alarms within a 24-hour period may be counted as one false alarm event at the discretion of the Sheriff Security Control Deputies.

(6) *Owner* means the owner of an alarm device, or his or her agent or employee.

(7) *Person* means individuals, associations of individuals, firms, corporations and business entities.

(8) *Response to alarm or responded to by law enforcement officers* means a request for law enforcement response which was made to the Public Safety Communications Center and was communicated to law enforcement officers to respond.

(9) *Type I Alarm* means any alarm device which is linked to the console in such a manner that upon being activated alarm signals are sent directly to the console.

(10) *Type II Alarm* is any alarm device which when activated sends a prerecorded message over telephone lines to the DCSO.

(11) *Type III Alarm* is any alarm device which when activated sends its signal to agencies, persons or firms, private or public, other than the DCSO. Type III alarms which send signals to public law enforcement agencies other than the DCSO are not covered by the terms of this ordinance in any manner whatsoever.

(12) *Type IV Alarm* is any alarm device located in the unincorporated areas of the County and which generates an alarm signal which is either audible, visible, or both to persons passing by the premises where the alarm is located.

[History: (10) am., OA 26, 1986-87, pub. 11/14/86; (5) am., (8) cr., (8)-(11) renum., (12) am., OA 28, 2011-12, pub. 01/30/12.]

[37.06 - 37.10 reserved.]

37.11 ALARM DEVICES; GENERAL REGULATION. Except as hereafter provided, no device which transmits any type of signal to the department or to any agency of Dane County government shall be installed or maintained in existence unless in accordance with the terms of this chapter and any such existing device shall be removed within 30 days of the effective date of this ordinance.

37.12 ALARM DEVICES; REGULATION EXCEPTED. It is not intended hereby to regulate any alarm device which is not designed to, directly or indirectly, and does not in fact, generate a response from any agency of Dane County government. Alarm devices which generate signals to private firms which in turn call upon county government agencies for response shall be subject to the penalties for false alarms hereinafter set forth and such other requirements as are established.

37.13 RESPONSIBILITY FOR ACTS OF OTHERS. Owners of alarms shall be responsible for the acts of persons acting under their control or under their authority. Owners of commercial establishments utilizing Type I, Type III or Type IV alarms shall be responsible for the acts of their employees or others acting under their control, at their direction or with their permission. Employees, patrons or agents of an alarm owner shall be presumed to be acting at the direction of or under the control of the owner or tenant of the premises where the device is located unless the circumstances show otherwise. Owners of alarms shall be responsible for false alarm signals generated by alarm devices on their premises or under their control only if the owner, his or her agent, or any other person, upon observing an alarm signal, conveys a request for emergency service to the DCSO or any other county agency.

[History: 37.13 am., OA 28, 2011-12, pub. 01/30/12.]

37.14 PERMITS; APPLICATION MATERIALS CONFIDENTIAL. Applications for permits under this ordinance are confidential and shall not be released to any person by the custodian thereof, except upon court order.

37.15 PERMITS; WHO ISSUES. Permits authorized by this ordinance shall be issued only by the DCSO's Security Control Officers. The DCSO shall be responsible for recordkeeping and the collection of fees associated with the permit registration process.

[History: 37.15 am., OA 28, 2011-12, pub. 01/30/12.]

[37.16 - 37.20 reserved.]

37.21 TYPE I, III, and IV ALARMS; PERMITS REQUIRED. (1) Any person desiring to install a Type I, III, or IV alarm after the effective date of this ordinance shall first secure a permit from the department. Permits shall be renewed on an annual basis by January 1st of each year.

(2) Within thirty days of the effective date of this ordinance owners of existing Type I, III, or IV alarms shall secure permits therefor or disable such devices. Owners of Type I alarms shall disable such devices so that no signal is generated directly to the Public Safety Communications Center. Permits shall be renewed on an annual basis by January 1st of each year.

[History: 37.21 am., OA 28, 2011-12, pub. 01/30/12.]

37.22 TYPE I, III, and IV ALARMS; APPLICATIONS FOR PERMITS. (1) Persons desiring to obtain a permit for a Type I, III, or IV alarm shall first complete an application therefor containing the following information:

(a) the name, complete address (including apt/suite number), mailing address if different from the address of the alarm site, and telephone numbers of the person who will be the permit holder. The permit holder shall be responsible for the proper maintenance and operation of the alarm system and the payment of all costs assessed under this ordinance.

(b) the classification of the alarm site as either residential (includes, but is not limited to, single family dwelling, apartment, condominium, mobile home) or commercial.

(c) for each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarm, other); for each classification, whether such alarm is audible or silent; and any special conditions of the alarm site, and

(d) the nature of the business or facility which the device is intended to protect; the nature of unauthorized acts or events which the device is

intended to protect against; and such additional information as may be reasonably requested by the DCSO.

(2) Applicants for permits shall provide the names and telephone numbers of at least three individuals who are able and have agreed to:

(a) receive notification of an alarm system activation at any time;

(b) respond to the alarm site any time to deactivate the device upon request of the DCSO;

(c) upon request, can grant access to the alarm site and deactivate the system if necessary; and

(d) empower repair persons to conduct repairs, at the owner's sole expense, in the event of a malfunctioning alarm.

(3) The committee shall, from time to time, review the application requirements for permits to determine the need for the information requested. Any applicant for a permit may at any time ask the committee to review the need for additional information requested by the DCSO and the committee may either waive the requirement for such additional information or order the applicant to provide such information, according to the terms and purposes of this ordinance.

[History: 37.22 am., OA 28, 2011-12, pub. 01/30/12.]

37.23 TYPE I, III, and IV ALARMS; PERMIT DURATION AND FEES. (1) Permits issued on or after January 1, shall be valid only for the calendar year in which issued. Failure to renew will be classified as use of a non-registered alarm system and may be subject to citations and penalties as provided in this chapter without waiver.

(2) Type I alarms for which the permit has expired shall be disabled within 10 days of the expiration date so that any alarm signal which is generated by the device is not received at the console.

(3) Type III and IV alarms for which the permit has expired shall be disabled within 10 days of the expiration date of the permit.

(4) There shall be no prorating of permit fees and no refunds of registration or registration renewal fees.

(5) The fees for a permit shall be \$25.00.

(6) One permit shall cover all alarm devices installed at one address. Additional permits shall be required at other addresses of the permit holder.

(7) Any outstanding fees or fines owed by an applicant must be paid before an alarm permit may be issued or renewed.

(8) An alarm permit may not be transferred to another person or alarm site.

[History: 37.23 am., OA 28, 2011-12, pub. 01/30/12.]

37.24 TYPE I ALARMS; TESTING REQUIREMENTS.

(1) Owners of Type I alarms may not conduct tests of the alarm device(s) without first obtaining the consent of the sheriff or his or her designee and then only upon full compliance with the conditions imposed by the sheriff.

(2) The department is authorized to impose conditions upon any owner desiring to conduct a test of an alarm system, including the following: that a deputy is present on the premises when the test is conducted; that authorization by the department be given only to representatives of the owner specified in the application papers; that such tests be conducted at times and dates determined by the department; and such other conditions as the department may reasonably require.

(3) Any permit holder conducting more than six (6) tests of a Type I alarm at any one location in one (1) calendar year shall pay a fee of \$25.00 per test to the Dane County Treasurer or obtain a written waiver, in advance, from the DCSO.

(4) The department may with due diligence accept verbal notices of tests and authorize the same if in the opinion of the department the integrity of the alarm system will not be jeopardized.

(5) For purposes of this section, *test* means only those owner created situations where an alarm signal is actually received at the console.

(6) The provisions of this section shall in no way be considered to repeal, amend or abridge the authority of the department to initiate tests from the console or otherwise, and no such departmentally authorized test shall be counted in determining the number of tests otherwise regulated by this section.

[History: (3) am., OA 28, 2011-12, pub. 01/30/12.]

37.25 TYPE I, III, and IV ALARMS; INSTALLATION AFTER EFFECTIVE DATE.

All Type I, III, and IV alarms installed after the effective date of this ordinance shall be at the sole expense of the owner including, in the case of Type I alarms, the expense of connection to or modification of the console.

[History: 37.25 am., OA 28, 2011-12, pub. 01/30/12.]

37.26 TYPE I ALARMS; NO COUNTY LIABILITY.

(1) The County assumes no liability for the operation of any Type I alarm, including operation of the console, and any person owning a Type I alarm assumes the entire risk of its proper operation.

(2) Owners of Type I alarms shall be liable for the maintenance of both the console and alarm devices linked thereto, and shall indemnify, defend and hold harmless the County, its officers, employees, officials and agents in the event of any action or claim brought against the County, its officers, employees, officials or agents, alleging any loss, expense, injury or liability of any kind suffered by any third party because of any alleged defective condition, maintenance or operation of the console or any alarm device linked thereto, and every such owner submitting an application for a permit will be deemed to have consented to the provisions of this section after its effective date.

37.27 TYPE I, III, and IV ALARMS; PENALTIES.

(1) Any person who violates section 37.21(1) shall forfeit not less than \$25 nor more than \$300 for each day that a violation exists.

(2) Any person who violates section 37.21(2) shall forfeit not less than \$25 nor more than \$300 for each day that a violation exists beyond the thirty day transitional period specified in section 37.21(2).

(3) Any person who fails to disable an alarm upon expiration of a permit, in the manner required by subsections 37.23(2) and (3), shall forfeit not less than \$25 nor more than \$300 for each day of non-compliance.

(4) Any person who violates subsections 37.24(1) or (2) of this ordinance shall forfeit not less than \$25 nor more than \$300 for each violation. Each test conducted in violation of either section shall be considered a separate violation.

[History: 37.27 am., OA 28, 2011-12, pub. 01/30/12.]

[37.28- 37.30 reserved.]

37.31 TYPE II ALARMS; PROHIBITED.

(1) It shall be a violation for any person to install a Type II alarm after the effective date of this chapter.

(2) Existing installations of Type II alarms shall be deactivated or changed in such a manner that the alarm signal no longer is linked to a telephone of any County department or agency, within thirty (30) days of the effective date of this ordinance.

37.32 TYPE II ALARMS; PENALTIES. Any person violating subsections 37.31(1) or (2) shall forfeit not less than \$25 nor more than \$300 for each day a violation exists.

[History: Sections 37.41, 37.42, 37.43, 37.51, 37.52, and 37.53 are repealed in their entirety, OA 28, 2011-12, pub. 01/30/12.]

[37.33 - 37.60 reserved.]

37.61 FALSE ALARMS; PENALTIES. (1) The owner of any alarm device shall pay forfeitures according to the following schedule for false alarms generated by the device and responded to by law enforcement officers employed by Dane County:

	<u>No. of False Alarms</u>	<u>Penalty</u>
(a)	0-2	no penalty
(b)	3rd and 4th	not less than \$25 nor more than \$75
(c)	5th	not less than \$50 nor more than \$150
(d)	6th and subsequent	Not less than \$100 nor more than \$200
(2)	The number of false alarms shall be calculated by reference to the number occurring with any particular calendar year.	

37.62 FALSE ALARMS; REVOCATION OF PERMITS. (1) Any owner who fails to take action to reduce the incidence of false alarms shall have his or her permit revoked by the committee. Such action is required when there have been three or more false alarms at any one location in any one calendar year. Evidence that there have been more than six false alarms in any one calendar year shall constitute a rebuttable presumption that the owner has failed to take reasonable action to reduce the number of false alarms and the burden of proving that reasonable action has been taken shall be upon the owner of the alarm.

(2) After deciding to seek revocation of any permit, the department shall notify the owner of

its intention to seek revocation, stating with specificity the grounds therefor and the date on which a hearing on its petition for revocation will be heard. Such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner.

(3) Such notice shall inform the owner of his or her right to a hearing before the committee or a person appointed by the committee, and the date of such hearing, which shall be held in not less than 15 days nor more than 30 days exclusive of the date of the notice.

(4) In the event the addressee refuses acceptance of the notice, the date of refusal shall be deemed to be the date of receipt of the notice.

(5) In the event the post office is unable to deliver the notice for reasons other than a refusal of acceptance by the addressee, the date of return to the department shall be deemed to be the date of receipt.

(6) In lieu of serving the notice by mail, the department may effectuate service by personal delivery of the notice to the owner or an employee or agent of the owner, or adult member of the owner's household.

(7) Where the owner does not receive or constructively receive the notice of hearing at least 10 days before the date of the hearing, the hearing shall be rescheduled in such a manner that at least 10 days' notice or constructive notice is provided.

(8) At any such hearing, the owner shall be allowed to call witnesses, cross-examine witnesses, testify on his or her own behalf, make objections to evidence, and make argument, written or oral, as permitted by the committee or hearing officer. All such hearings shall be recorded by tape recording, and any person desiring a duplicate recording or typed transcript thereof shall bear the actual costs thereof.

(9) The committee by its chair, or the hearing officer, shall make rulings on admissibility of evidence and other motions of the parties. Decisions of the committee or the hearing officer shall be based solely upon the record of the hearing and shall include findings of fact and conclusions. Appeals from such decisions may be taken in the manner permitted by law.

[37.63 – 37.99 reserved.]

END OF CHAPTER