

Marshall County
Ordinance #22
Burglar Alarms

SECTION 1. Statement of Intent.

Marshall County property owners have automatic, burglary, fire and panic alarm systems installed in residences, businesses or other structures or areas.

This ordinance addresses the problem of falsely activated alarms causing the inefficient use of law enforcement resources. The ordinance will create uniform procedures for reporting alarms; define a false alarm; require designation of a qualified key holder; establish yearly limits for excused false alarms and penalties when such limits are exceeded.

SECTION 2. Reporting Alarms.

Alarms shall be reported to the Marshall County Communications Center in one of two ways:

- A. The alarm is detected by a monitoring system provided by a private business. A representative of that business shall contact the Marshall County Communications Center and provide as much information as possible. This information should include the time of the original alarm, type of alarm, specific location of the alarm, and any other related information in the possession of the monitoring station.
- B. The alarm is reported directly to the Marshall County Communications Center by means of a recorded message transmitted by telephone from an automatic dialer. If an automatic dialer system is used, it shall be with prior written approval from the administrator of the Marshall County Communications Center.

SECTION 3. Duties of Owner or Key Holder.

For every alarm in use, the homeowner, business owner or other person responsible for the protected property (hereinafter “responsible party”) shall have on file with the Marshall County Communications Center and with any alarm monitoring company:

- A. The name and address of the responsible party for that alarm.
- B. A means by which the Marshall County Communications Center can contact the responsible party in the event of an alarm.
- C. A list of names, addresses, and phone numbers of person(s) who possess keys to, or otherwise have access to the protected property (key holders),

- D. The responsible party shall use only key holder(s) who have a working knowledge of the alarm system and the ability to operate the system controls.
- E. The responsible party shall assure that a key holder is available at all times. Availability shall include the ability to either go to the alarm location or to verbally release the responding officer(s) and accept full responsibility for consequences concerning the protected property.
- F. The responsible party shall assure that the alarm system is in proper working order. If any part of the system malfunctions and causes a false alarm, the responsible party shall take reasonable steps to have the system repaired.

SECTION 4. False Alarms.

A. Definition: A false alarm occurs when the Marshall County Communications Center is notified of an alarm and the cause of the alarm is determined to be a result of either:

- 1. Malfunctioning or improperly installed or maintained equipment associated with the individual alarm system, or
- 2. Human error caused by a person lawfully at the protected property.

B. Determination of a false alarm shall be at the discretion of the communications operator receiving the alarm and/or or the officer dispatched to the alarm location after investigating and documenting the alarm notification.

C. If a false alarm determination is made, then the Marshall County Sheriff's Office shall notify the responsible party of that determination. Notice shall be in writing and sent by regular mail to the responsible party.

SECTION 5. Violations.

The responsible party will be in violation of this ordinance if:

A false alarm occurs at the protected property more than two (2) times in a calendar year. A calendar year begins at 12:00 A.M. on January 1 and ends at 11: 59 P.M. on December 31 of each year.

Law enforcement is dispatched to an activated alarm and no key-holder can be contacted within fifteen (15) minutes after the alarm's activation.

An owner or key holder fails to fulfill their duties as described in that above section of the Ordinance.

SECTION 6. Penalties.

Any responsible party in violation of this Ordinance shall be deemed to have committed a County Infraction. A County Infraction is a civil offense not punishable by jail or imprisonment.

A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred fifty (\$250.00) for a third and any subsequent violation in a calendar year.

All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code Chapter 665.

Notice of a County Infraction shall conform to the 2003 Iowa Code Section 331.307(4) and any amendments to such law.

Court procedure for a County Infraction shall conform to the 2003 Iowa Code Section 331.307(5-7) and any amendments to such law.

The issuance of a County Infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

SECTION 7. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

SECTION 8. Effective Date.

This Ordinance shall be in full force and effect on January 1, 2004 after its passage and publication as required by law.

Dated at Marshalltown, Iowa this 16th day of December 2003.

History:

December 16, 2003, Recorded Instrument No. 0401017