

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 13-10

**AN ORDINANCE AMENDING THE GREENWOOD MUNICIPAL CODE (1993),
CHAPTER 6, ARTICLE 4, DIVISION VI, SECTIONS 6-113 AND 6-115 REGARDING
FAULTY AND FALSE FIRE ALARMS AND ADDING SECTION 6-367 TO CHAPTER
6, ARTICLE 11 REGARDING FAULTY AND FALSE POLICE ALARMS**

WHEREAS, the City of Greenwood Fire Department charges a fee of Fifty and no/100 Dollars (\$50.00) per piece of fire apparatus dispatched to the building or premises for faulty alarms if such a faulty alarm occurs three (3) or more times in a calendar year to a particular location; and

WHEREAS, the City of Greenwood has determined that it is in the best interests of the City and its residents to standardize and amend its procedure for faulty and false alarms across the Police and Fire Departments in the interests of efficiency, proper allocation of public safety resources, and the public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, AS FOLLOWS:

Section 1. The Greenwood Municipal Code (1993), Chapter 6, Article 4, Division 6, Section 6-113 "Faulty Alarms" is hereby amended by deleting its current text in its entirety and replacing it with text to read as follows:

Sec. 6-113 Faulty Alarms.

(a) Whenever an alarm issues as a result of improper installation or improper maintenance, the alarm issuer may be assessed a Fifty Dollars (\$50.00) penalty per piece of responding firefighting apparatus for each faulty and/or false alarm recorded within any calendar year after the occurrence of the second faulty and/or false alarm requiring Fire Department response. Said penalty shall be paid by the alarm user to the City of Greenwood Controller's Office who shall deposit the funds in the Non-Reverting Fire Safety Fund.

(b) If the above fine is not paid within thirty (30) days of its due date, then in addition to said penalty, there shall be a late fee of Twenty-Five and no/100 Dollars (\$25.00).

(c) The enforcing authority for this Section shall be the City of Greenwood Fire Department, the Controller, and Corporation Counsel.

(d) Any alarm company, alarm user, or any other individual or party affected by and subject to a fine under this Section shall have the right to appeal the fines and penalties to the Board of Public Works and Safety by requesting such an appeal in writing within thirty (30) days of the issuance of the fine. Parties must be notified of this right to appeal at the time the fine is issued.

(e) The Board of Public Works and Safety shall have the discretion to waive such fines when in its sole discretion it determines it is in the best interest of justice and the public interest.

Section 2. The Greenwood Municipal Code (1993), Chapter 6, Article 4, Division 6, Section 6-115 "False Alarms" is hereby amended by deleting its current text in its entirety and replacing it with text to read as follows:

Sec. 6-115 False Alarms.

(a) For the purposes of this Section, a fire alarm shall be deemed and construed as being any act as follows: The giving, signaling, or transmission to any public fire station or company or to any officer or employee, whether by telephone, electronically, alarm system, spoken word, or otherwise, of information to the effect that there is a fire, at or near the place indicated by the person or alarm system signaling or transmitting such information.

(b) Whenever a false alarm issues, the alarm issuer may be assessed a Fifty Dollars (\$50.00) penalty per piece of responding firefighting apparatus for each false and/or faulty alarm recorded within any calendar year after the occurrence of the second false and/or faulty alarm requiring Fire Department response. Said penalty shall be paid by the alarm user to the City of Greenwood Controller who shall deposit the funds in the Non-Reverting Fire Safety Fund.

(c) If the above fine is not paid within thirty (30) days of its due date, then in addition to said penalty, there shall be a late fee of Twenty-Five and no/100 Dollars (\$25.00).

(d) The enforcing authority for this Section shall be the City of Greenwood Fire Department, the Controller, and Corporation Counsel.

(e) Any alarm company, alarm user, or any other individual or party affected by and subject to a fine under this section shall have the right to appeal the fines and penalties to the Board of Public Works and Safety by requesting such an appeal in writing within thirty (30) days of the issuance of the fine. Parties must be notified of this right to appeal at the time the fine is issued.

(f) The Board of Public Works and Safety shall have the discretion to waive such fines when in its sole discretion it determines it is in the best interest of justice and the public interest.

(g) It shall be unlawful for any person to tamper with or injure any fire alarm equipment maintained for the purpose of transmitting fire alarms to the Fire Department.

(h) Nothing in this Section shall prohibit the sounding of any signal essential for the carrying on of any fire drill. The Fire Chief or his/her designee must be notified at least twenty-four (24) hours in advance of when a fire drill is to take place.

Section 3. The Greenwood Municipal Code (1993), Chapter 6, Article 11 is hereby amended by adding Section 6-367 "Faulty and False Alarms" to read as follows:

Sec. 6-367 Faulty and False Alarms.

(a) For the purposes of this Section, an alarm shall be deemed and construed as being any act as follows: The giving, signaling, or transmission to any police station or company or to any officer or employee, whether by telephone, electronically, alarm system, spoken word, or otherwise, of information to the effect that there is a crime or need for law enforcement response, at or near the place indicated by the person or alarm system signaling or transmitting such information.

(b) Whenever an alarm issues as a result of improper installation or improper maintenance, the alarm issuer may be assessed a Fifty Dollars (\$50.00) penalty for each faulty alarm recorded within any calendar year after the occurrence of the second false alarm requiring Police Department response. Said penalty shall be paid by the alarm user to the City of Greenwood Controller who shall deposit the funds in the Non-Reverting Police Equipment and Training Fund.

(c) Whenever a false alarm issues, the alarm issuer may be assessed a Fifty Dollars (\$50.00) penalty for each false alarm recorded within any calendar year after the occurrence of the second false alarm requiring Police Department response. Said penalty shall be paid by the alarm user to the City of Greenwood Controller who shall deposit the funds in the Non-Reverting Police Equipment and Training Fund.

(c) If the above fine is not paid within thirty (30) days of its due date, then in addition to said penalty, there shall be a late fee of Twenty-Five and no/100 Dollars (\$25.00).

(d) The enforcing authority for this Section shall be the City of Greenwood Police Department, the Controller, and Corporation Counsel.

(e) Any alarm company, alarm user, or any other individual or party affected by and subject to a fine under this section shall have the right to appeal the fines and penalties to the Board of Public Works and Safety by requesting such an appeal in writing within thirty (30) days of the issuance of the fine. Parties must be notified of this right to appeal at the time the fine is issued.

(f) The Board of Public Works and Safety shall have the discretion to waive such fines when in its sole discretion it determines it is in the best interest of justice and the public interest.

Section 4. Section 3 of Ordinance 09-12 entitled "An Ordinance to Establish Special Non-Reverting Funds to Administer Monies Received by the Fire Department from Restrictive Donations for Fire Prevention and from Unrestricted Donations to the Fire Department" creating the Fire Department Safety Fund is hereby amended by adding the words "and all fees received by the City from faulty and false fire alarms" after the words Fire Department in the third line.

Section 5. Section 5 of Ordinance 04-62 entitled "An Ordinance to Establish Special Non-Reverting Funds to Administer Monies Received by the Police Department from Forfeitures and Seizures, Laboratory Fees, and Unrestricted Donations to the Police Department" creating the Police Department Equipment and Training Fund" is hereby amended by adding the words "and all fees received by the City from faulty and false police alarms" after the words Police Department in the third/fourth line.

Section 6. This Ordinance shall have no effect upon any other sections of the Greenwood Municipal Code (1993), Ordinance 09-12, Ordinance 04-62 or ordinances not specifically changed by this Ordinance, except as herein provided, and all other sections of the Greenwood Municipal Code (1993), not inconsistent herewith shall remain the same.


Section 7. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.


Section 8. This ordinance shall be in full force and effect after its passage, approval and publication according to law.

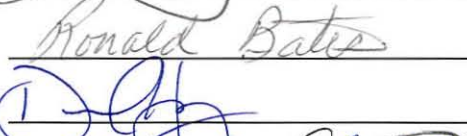
Passed by the Common Council of the City of Greenwood, Indiana, this 15th day of April, 2013.




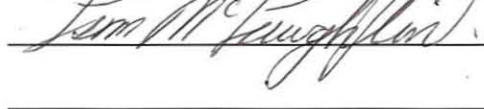
David Hopper, President
Greenwood Common Council

FOR










AGAINST

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 15th day of April, 2013, is presented by me this 2nd day of April, 2013, at 9:00 o'clock A.m., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 15th day of April, 2013, is ~~ap~~proved by me this 10 day of April, 2013, at 4:00 o'clock P.m.

Mark W. Myers
MARK W. MYERS, Mayor of
the City of Greenwood, Indiana