

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 18 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES) OF THE CODE OF THE CITY OF SANDY SPRINGS, GEORGIA; TO DELETE, MODIFY AND ADD PROVISIONS PERTAINING TO THE REGULATION OF ALARM SYSTEMS AND RELATED PROVISIONS GOVERNING FALSE ALARMS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Sandy Springs (the “Code”) to further protect the public health, safety, and welfare of the citizens of Sandy Springs; and

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Division 2 of Article II of Chapter 18 relating to Alarm Systems is hereby amended by adding the definition of Medical Alarm to Section 18-35 and for other purposes, and will read as follows:

Sec. 18-35. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

Adopted code(s) means the code adopted by the city and, in the absence of an adopted code, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72) and the National Fire Protection Association Life Safety Code 101 (NFPA 101).

Alarm activation report means a document issued by the enforcement official indicating that the activation was deemed to be the result of either a valid incident or a false alarm.

Alarm administrator means a person or persons designated by the city to administer, control and review false alarm reduction efforts and to administer the provisions of this division.

Alarm company means any individual, partnership, corporation or other entity engaging in the business of planning, installing, servicing, maintaining, repairing, replacing and/or monitoring alarm systems in the City of Sandy Springs. An alarm company shall include without limitation any office to which alarm systems are connected, where operators supervise the circuits on a continuous basis and where there is a subsequent relaying of such messages by a live voice to the city’s emergency communications center. Where an alarm company contracts with another entity to perform services related to an alarm system, *alarm company* shall mean any entity contracting with the alarm user. Where more than one entity contracts with the alarm user to provide services related to an alarm system, *alarm company* shall mean the entity

approved by the alarm administrator and designated as the responsible party in such alarm system's registration with the city pursuant to Sec. 18-36 of this division.

Alarm initiating device means a device that is designed to either manually or automatically respond to smoke, fire, or activation of a fire suppression system.

Alarm permit means a permit issued by the city to allow the installation, operation and/or monitoring of an alarm system within the city.

Alarm signal means a detectable signal, whether audible, visual, and/or silent, generated by an alarm system, to which a public safety department is requested to respond.

Alarm Site means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of a fire, illegal or unauthorized entry or other activity requiring immediate attention and to which a public safety department will be requested to respond, but does not include alarms installed in motor vehicles, domestic violence alarms, or alarms designed to elicit a medical response. Alarm system also includes a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of an alarm signal or supervisory signal-initiating devices and to initiate the appropriate response to those alarm signals.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Automatic voice dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to the emergency communications system requesting public safety department dispatch.

Cancellation means the process by which a response is terminated when the alarm company notifies the emergency communications center that there is not an existing situation at the alarm site requiring public safety department response after an alarm dispatch request.

City means the City of Sandy Springs, Georgia.

City council means the governing body of the city consisting of the mayor and members of council.

Duress Alarm means a silent alarm signal which is generated when an alarm user enters a designated code into the alarm system keypad different from the regular arm and disarm code and designed to alert the alarm company that the alarm user is being forced to turn the alarm system off against the user's will.

Emergency communications center means the ChatComm Emergency Communications (911) Center.

Enforcement official means the fire chief or the police chief, or their respective designated representatives.

False alarm means the activation of an alarm system to summon a public safety department that results in: (a) an inspection by a public safety department that indicates no fire, medical emergency, unauthorized entry, robbery, or other such crime was committed, occurred or attempted in or on the premises which would have activated a properly functioning alarm system; or (b) the cancellation of a request to summon a public safety department due to no emergency situation at the alarm site requiring response. Notwithstanding the foregoing, an alarm activated during an alarm system testing procedure shall not be considered a false alarm so long as the alarm company, or designee, is put on notice that the alarm system is being tested and no public safety department response is requested by the alarm company. False fire alarm means a false alarm to summon the fire department.

Fee means the assessment of a monetary charge payable to the city authorized pursuant to this division, to defray the expenses of responding to a false alarm.

Fire chief means the fire chief of the City of Sandy Springs, Georgia.

Fire department means the City of Sandy Springs fire-rescue department.

Fire watch means a person or persons approved by the fire department enforcement official who is assigned to the premises for the purpose of protecting the occupants from fire or similar emergencies. A fire watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the fire alarm system located on the premises.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Intrusion alarm means an alarm system signaling an entry or attempted entry into the area protected by the system.

KNOX Rapid Entry System or *KNOX System* means a secure access program that provides immediate entry for emergency responders into buildings and other secured property. The KNOX System utilizes three devices: KNOX boxes, KNOX key switches and KNOX padlocks. The KNOX box is a small, wall-mounted safe that holds building keys for emergency responders to retrieve for access in emergency situations. A KNOX key switch allows electric override to power operated gates and doors. A KNOX padlock allows access to non-power operated gates and doors.

Medical alarm means a wireless pendant or transmitter that can be activated by the user in an emergency to transmit a signal to an alarm company to summon emergency medical personnel.

Monitored system means an alarm system which is monitored by a remote monitoring facility which receives signals from the alarm system and notifies emergency response forces.

Owner means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

Panic alarm means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Police chief means the chief of police of the City of Sandy Springs, Georgia.

Police department means the City of Sandy Springs police department.

Premises means any building, structure or combination of buildings, and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein an alarm system is installed.

Private guard responder means a private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime, fire or other emergency has occurred at an alarm site.

Public safety department(s) means the Sandy Springs police department and the Sandy Springs fire department individually or collectively, as the context indicates.

Qualified alarm technician means any person who inspects, installs, repairs or performs maintenance on alarm systems and has successfully completed training consistent with alarm industry standards. A qualified fire alarm technician shall additionally be: a) factory trained and certified; b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or c) licensed or certified by a state or local authority.

Report of service/repair means appropriate documentation in a format acceptable to the enforcement official that verifies proper repairs or maintenance have been performed by both the alarm company and the owner.

Serve shall mean hand-delivery of written notification by a representative of the city to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within 30 minutes, serve shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the owner or authorized representative and/or placing a copy of an alarm activation report affixed to the main entrance door of the premises.

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for alarm system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for false alarm reduction."

Verify means:

1. Visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site; or
2. Where an alarm is not monitored by visual surveillance, an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an

alarm signal is valid before requesting public safety department dispatch. For the purpose of this division, telephone verification shall require at a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify himself/herself to attempt to determine whether an alarm signal is valid before requesting public safety department dispatch. If neither attempt successfully reaches the alarm site or an alarm user who can properly identify himself/herself and determine whether an alarm signal is valid, then the alarm shall be considered verified for the purposes of this division.

SECTION II: Division 2 of Article II of Chapter 18 relating to Alarm Systems is hereby amended by changing Section 18-41 relating to Enforcement of Provisions to revise penalties for excessive false alarms and for other purposes, and will read as follows:

Sec. 18-41. - Enforcement of provisions.

(a) Excessive false alarms to summon police department.

1. It is hereby found and determined that any false alarms to summon the police department is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for each false alarm to summon the police department within any twelve (12) month period may be assessed against an alarm company in amounts established by resolution of city council.
2. Activation of an intrusion alarm which is determined to be false but which is visually or audibly verified by an alarm company shall be deemed falsely verified and shall result in a violation of this ordinance by the alarm company.
3. Failure by an alarm company to verify an intrusion alarm before requesting police dispatch shall be a violation of this ordinance.
4. Only those locations registered with the city and serviced by a registered alarm company will be eligible to receive police services in response to an activated alarm. Audible alarms from unregistered locations are subject to violation of the city noise ordinance.

(b) Excessive false alarms to summon the fire department.

- (1) It is hereby found and determined that any false alarm to summon the fire department is excessive, constitutes a public nuisance and shall be unlawful. Civil penalties for each false alarm to summon the fire department within any twelve (12) month period may be assessed against an alarm company in amounts established by resolution of city council.
- (2) Only those locations registered with the city and serviced by a registered alarm company will be eligible to receive fire services in response to an activated fire alarm.

(c) Public safety departments will not respond to an activated intrusion alarm system at an alarm site following the third false alarm (registered or unregistered) within any twelve (12) month period. Such suspension of alarm response shall be for a period of one (1) calendar year following the date the determination is made to suspend public safety department response to an alarm site pursuant to this subsection (c), provided there is no transfer of ownership of the alarm site. Suspension of public safety department response to an alarm site pursuant to this subsection (c) may be appealed pursuant to Sec. 18-44 of this Division. Notwithstanding the foregoing, the police or fire chief or their respective designee may at their discretion identify those critical or high risk locations not subject to automatic suspension for false alarms when such suspension would be detrimental to the safety of the public.

- (d) Other civil penalties. Violations of other provisions of this division shall be enforced through the assessment of civil penalty(ies) in amounts established by resolution of city council.
- (e) Payment of civil penalties. Civil penalties shall be paid within 30 days from the date of the invoice from the city.
- (f) Except for alarms at a wholesale or retail firearms business, intrusion alarm response shall be dispatched by the police department only after an attempted or actual crime has been verified by the alarm company, alarm user or private guard responder, pursuant to this division. This subsection (f) shall not apply to fire, medical, holdup, duress or panic alarm response.
- (g) Noncriminal (civil) violation. A violation of any of the provisions of this division shall be civil in nature and shall not constitute a misdemeanor or infraction.
- (h) Fire watch. The fire department enforcement official has the authority to order a fire watch in accordance with adopted codes, due to repetitive false fire alarms, until corrective action is taken, for any of the following reasons:
 - (1) Failure to meet all requirements or pay the fees provided for in this division within 15 days after notice is mailed;
 - (2) Occurrence of a third false fire alarm at a premises pursuant to section 18-41(c) of this division; or
 - (3) The failure of a person notified pursuant to section 18-37(c) of this division to appear within 30 minutes of notification occurs four or more times within a twenty four (24) month period.
- (i) Notice to disconnect or deactivate fire alarm system. Written notices to disconnect or deactivate a fire alarm system where applicable law does not require an alarm be operative shall be mailed by certified mail, return receipt requested to the alarm user and alarm company, and shall specify the date on which the alarm company shall be required to disconnect or deactivate the fire alarm system. This date shall be at least 15 days after the notice is mailed to the alarm user and the alarm company. The alarm user and/or alarm company may appeal the order of the fire department enforcement official pursuant to section 18-44.
 - (1) Each building affected because the alarm signal from the fire alarm system has been disconnected or deactivated shall be required to establish a fire watch until the fire alarm system has been returned to service. The fire watch shall meet the requirements set forth by the fire department. Duties of the fire watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.
 - (2) The owner is responsible for paying all costs associated with establishing a fire watch.
- (j) The fire department enforcement official shall have the authority to direct the owner or the alarm company to silence an activated fire alarm system, and have the alarm company take corrective action taken and thereafter reset it.
- (k) Any false information provided to the alarm administrator or the emergency communications center by any alarm user, alarm company or private guard responder is a violation of this code, and may be subject to additional civil or criminal penalties under state law.
- (l) Apartment Building Alarm Systems. If an alarm system installed, or caused to be installed, to service any tenant in an apartment building is monitored by an alarm company, the alarm company shall provide to the alarm administrator the name of a representative of the apartment building owner or property manager who can grant access to the rental unit by police or fire department officials responding to an alarm dispatch.

SECTION III: Division 2 of Article II of Chapter 18 relating to Alarm Systems is hereby amended by changing Section 18-44 relating to Appeals to revise the deadline for filing an appeal and for other purposes, and will read as follows:

Sec. 18-44. - Appeals.

- (a) Appeals process. Assessments of civil penalties and other enforcement decisions made under this division may be appealed by filing a written notice of appeal with the police chief or the fire chief, as applicable, within thirty (30) days after the date of notification of the assessment of civil penalties or other enforcement decisions. The written notice of appeal shall contain the cause for the appeal and any other pertinent information relevant to the case. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decisions. The police chief and fire chief shall each respectively designate a hearing officer from the police department and the fire department to hear appeals related to their agency. The respective hearing officer shall render a decision within five business days and give written notification of his/her decision. The hearing officer's decision may be appealed to the respective chief by filing a written notice of appeal within ten days of receipt of the hearing officer's decision. The respective chief shall have the final decision in this matter. The hearing officer's decision and the decision of the respective chief are subject to review by the courts having jurisdiction by proceedings in the nature of writ of certiorari.
- (b) Appeal standard. The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.
- (c) Appeal of order to disconnect or deactivate. An alarm user or alarm company to whom a notice to disconnect or deactivate a fire alarm system was mailed pursuant to section 18-41(i) shall be entitled to appeal the order to the fire department hearing officer. An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. The appeals shall be made within 15 days after notice to disconnect is mailed to the owner. The fire department hearing officer or his designee shall review the facts and circumstances and shall determine whether the owner has shown good cause why the order should be withdrawn. If the hearing officer affirms the order to disconnect or deactivate a fire alarm system, the owner shall have 15 days after the written decision is mailed to the owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the hearing officer.
- (d) Responsibility for fees/costs. In the event the appeal is not upheld, the owner or alarm company shall also be responsible for any fee assessed to reimburse the city for any costs incurred by the hearing officer in enforcing this division.

SECTION IV: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION V: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION VI: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VII: This Ordinance shall become effective immediately upon its adoption.

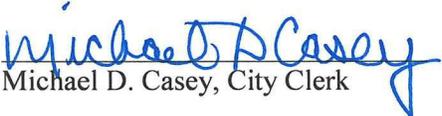
APPROVED AND ADOPTED this the 15th day of May, 2018.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

