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.

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 are hereby amended by changing the definition of "Verify," changing the notification requirements for alarm companies, by adding enforcement provisions, and for other purposes, and will read as follows:

Sec. 18-34. - Purpose and intent.

(a) The purpose of this division is to encourage alarm owners and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms. The City of Sandy Springs finds that excessive false alarms unduly burden the Sandy Springs police and fire-rescue departments and wastes limited public safety resources.

(b) This division governs alarm systems intended to summon a public safety department and requires registration, assessment of fees for excessive false alarms, provides procedures for repeat offenders, provides for the severability of the parts hereof if declared invalid, and provides an effective date.

(c) This division does not govern calls made directly to the emergency communications center by residents, businesses or guests of the City of Sandy Springs. The City's emergency resources are always available and will always respond to the direct calls of its citizens and business owners. This division shall apply only to calls made to the emergency call center by contracted third parties not physically present at the alarm site.

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 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 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 or such other call center as may be designated by the City for the intake of alarm company requests for dispatch of public safety department personnel.

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.

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:

(a). Visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site, or 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. The provisions of this subsection (a) shall sunset at 11:59 p.m. on June 18, 2019.

(b). Effective June 19, 2019, *verify* or *verified* means visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site by means of:

1. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment;
2. Confirmation by a private guard responder at the alarm site;
3. Audible and/or visual evidence provided by a monitored alarm system, provided that such audible or visual evidence shall be made available to the emergency communications center prior to dispatch of the City's public safety department(s).

Sec. 18-36. - Alarm permits.

(a) Permit required. No alarm system shall be used in the city unless the alarm company first obtains a permit for such alarm system from the city. Each alarm system shall be assigned a unique number, and the alarm company shall provide the alarm permit number to the emergency communications center to facilitate public safety department dispatch. An alarm company shall notify each contracting alarm user in writing upon the registration of the alarm user's alarm system and provide each alarm user with the permit number for their respective alarm system. Additionally, alarm companies must copy the city on each notification to an alarm user that is required under this subsection (a).

(b) Registration. Each alarm company has the duty to obtain and complete an alarm permit registration application on a form provided by the city in accordance with adopted codes. The registration form shall include the following information:

(1) The name(s), address of the premises, mailing address (if different from the address of the premises), business, cellular and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed;

(2) The name, address and telephone number of a minimum of two persons who can be notified in the event of the activation of the alarm system, who shall be capable of responding to the premises within 30 minutes, and who are authorized to enter the premises to ascertain the status thereof;

(3) The name, address and telephone number of the alarm company which has contracted to service and/or monitor the alarm system and a valid permit number issued by the city pursuant to Sec. 18-39(b) of this division; Alarm companies not registered with the alarm administrator but attempting an alarm system permit registration shall not be issued an alarm permit number.

(4) The date the registration is signed or the alarm system is placed in operation for any reason;

(5) The type of alarm system being registered, including whether the system is monitored through video surveillance;

(6) The name, address, nature of relationship and services of all other entities providing services to the alarm site in connection with the alarm system, including without limitation contracted monitoring services; and

(7) Any other documentation that is required by adopted codes.

(c) Non-transferability; new registration required. Alarm permits are not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the alarm company shall register for an alarm permit for any new alarm user before putting the alarm into operation.

(d) Reporting updated information. When information required on the alarm permit registration application changes, the alarm company shall provide correct information to the city within 14 days of the change. If an alarm company becomes noncompliant with the requirements of this division, including without limitation changes in information or any failure to pay fines pursuant to Section 18-41(e), such permit may be suspended until the alarm company comes into compliance. Upon the suspension of an alarm company's permit for noncompliance with any provision of this chapter, an alarm company shall no longer be registered with the city and shall not be entitled to request public safety department response to the activated intrusion alarms of its contracting alarm users. Further, such suspended alarm company shall be responsible for notifying all of its contracting alarm users within the city in writing that the alarm company's permit has been suspended and that the alarm company is no longer entitled to request public safety department response to the activated intrusion alarms of its contracting alarm users. Failure of an alarm company to notify all of its contracting alarm users pursuant to this section shall result in the suspension of the alarm company's permit for a period of three (3) months following such alarm company coming in to full compliance with the provisions of this chapter. Suspension of an alarm company pursuant to this subsection (d) may be appealed pursuant to Sec. 18-44 of this Division.

(e) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate alarm permit shall be required for each structure and/or tenant.

(f) Failure to register. All alarms and alarm companies in the city are required to be registered with the city and issued a permit number, and alarm companies must provide a valid permit number for each alarm when requesting police or fire dispatch in response to said alarm. Failure to provide a valid permit number for an alarm shall be a violation of this ordinance subject to enforcement by the city.

Sec. 18-37. - Duties of the alarm user/owner.

An alarm user or owner shall be required to:

(a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;

(b) Respond or cause a representative to respond to the alarm system's location within 30 minutes upon notification of the need to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises;

(c) Ensure that an alarm system is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report;

(d) KNOX Rapid Entry System:

1. All new and existing commercial occupancies having an automatic fire alarm system shall have an approved KNOX System installed in a location approved by the fire department.

2. The KNOX System box shall contain all keys, fobs, reader cards, etc. for all locked areas of the building as required by the fire department. "Keys" shall include but not be limited to, all areas of the building, automatic fire alarm systems, pull station resetting tools, all elevators and elevator machine rooms, sprinkler systems riser rooms, and gated areas with keypad access, including the front gate and any interior gate/areas, including pools and common areas. "Keys" shall not include keys to individual multifamily rental units.

3. All commercial properties within the city with power operated vehicle or pedestrian access gates shall have an approved KNOX key switch system for access by public safety personnel. All commercial properties with non-power operated vehicle or pedestrian access gates shall be equipped with a KNOX padlock.

4. All building owners and managers shall notify the fire department immediately of changes of locks and/or keys, fobs, reader cards, etc., for building access to allow for the placement of new keys in the KNOX System box.

Sec. 18-38. - Fire alarm system certification.

All newly installed or recertified commercial fire alarm systems shall be approved by the fire department enforcement official. The certification shall indicate that the fire alarm system is in compliance with adopted codes. The certification shall be signed by a qualified fire alarm technician.

Sec. 18-39. - Duties of an alarm company.

An alarm company shall be required to:

(a) Obtain and maintain required state and local license(s) and/or permits;

(b) Register with the alarm administrator its name, address, contact phone number, name and address of its registered agent in Georgia, and a statement certified by the alarm company acknowledging venue and jurisdiction in Georgia state court and Sandy Springs municipal court for violations under this ordinance. Failure to provide all of the required information shall result in denial of registration. Alarm companies not registered with the alarm administrator attempting alarm permit registration pursuant to Sec. 18-36(a) shall not be issued an alarm permit number.

(c) Reporting updated information. When any information required for alarm company registration under this Section 18-39 changes, the alarm company shall provide correct information to the alarm administrator within 14 days of the change. If changes in information cause an alarm company to become noncompliant with the registration requirements herein, such registration may be revoked or deemed invalid by the City until such time as the alarm company comes into compliance.

(d) Register with the alarm administrator any alarm system prior to the alarm system being put into operation;

(e) Provide the owner with notice of the existence of this division, a copy of the alarm system operation instructions in accordance with adopted codes, and the manufacturer's instructions.

(f) Maintain current contact information, including alarm user permit numbers. At the time of filing an alarm report with the city to facilitate dispatch, all alarm companies shall provide the emergency communications center with the name of the alarm company's representative

requesting police or fire dispatch, a valid permit number for the alarm company and for the alarm user, and a telephone number for contacting the alarm company representatives and obtaining the information required under subsection (g) of this Section 18-39, or its successor.

(g) Alarm companies that request police or fire response to alarm signals shall maintain a record of all calls to the emergency communications center stating the date and time of the call, location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the name and number of any person called in an attempt to verify an intrusion alarm, the time such calls were placed, and shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the emergency communications center at the time emergency dispatch is requested and to the city's designated representative at any time during normal business hours;

(h) Alarm companies shall use control panels meeting SIA Control Panel Standard CP-01 on all new installations;

(i) Prior to activation of the alarm system, the alarm company must provide verbal and written instructions explaining the proper operation of the alarm system to the alarm user and provide written information on how to obtain service from the alarm company;

(j) An alarm company performing monitoring services for an intrusion alarm system shall verify that an intrusion alarm signal is valid before requesting dispatch. Any intrusion alarm not verified by the alarm company prior to requesting dispatch will not be eligible for response by the police department.

(k) All newly installed or recertified commercial alarm systems shall be approved by the alarm administrator. The certification shall indicate that the alarm system is in compliance with adopted codes. The certification shall be signed by a qualified alarm technician;

(l) An alarm company shall communicate a cancellation to the emergency communications center as soon as possible following a determination that response is unnecessary.

(m) It is the responsibility of the alarm company and its technician to prevent false alarms during installation, system repairs, or system service. Proper notification shall be made to the alarm company that the system is in a test mode to avoid dispatching public safety departments in response.

(n) Upon registration with the city, alarm companies must provide the alarm administrator a listing of each alarm site in the city using an alarm system furnished and/or monitored by said alarm company. Alarm companies are responsible for supplying the alarm administrator with any changes of its list of alarm users within fourteen (14) days of such change. Failure to timely notify the alarm administrator of additions, deletions or changes to the alarm company's list of alarm users shall be a violation of this ordinance and subject to penalties established by resolution of council.

Sec. 18-40. - Prohibited acts.

(a) It shall be unlawful to activate an alarm system for the purpose of summoning a public safety department when no fire, medical emergency, burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than ten minutes.

(c) It shall be unlawful to install, maintain, or use an automatic voice dialer that reports, or causes to be reported, any recorded message to the emergency communications center or the police department.

(d) It shall be unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision. Use of this device shall result in no emergency response.

(e) Alarm companies shall not install a device for activating a panic or holdup alarm that has a single action, non-recessed button. Any panic or holdup alarm that utilizes a single action, non-recessed activation button existing at the time of this ordinance shall have up to September 1, 2022 to conform to the provisions of this ordinance.

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 verified by an alarm company shall be deemed falsely verified and shall result in a violation of this ordinance by the alarm company.
3. 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.

Sec. 18-42. - Reconnection of fire alarm systems.

(a) A fire alarm system may be reactivated upon a finding by the fire department enforcement official that the alarm user and/or the alarm company have taken corrective action to remedy the cause of the false fire alarms at the premises.

(b) The fire department enforcement official shall have the right to inspect the fire alarm system and test it prior to approving a new order to reconnect or reactivate the alarm system.

(c) The fire department enforcement official shall not approve a new order to reconnect or reactivate a fire alarm system if the alarm company has failed to pay any fee pursuant to this division.

Sec. 18-43. – Reserved.

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.

Sec. 18-45. - Confidentiality, immunity and severability.

(a) Confidentiality. To the extent allowed by law, information contained and gathered through the alarm system registration process will be held in confidence by the city.

(b) Governmental immunity. Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either express or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm system registration, the alarm company and alarm user acknowledges that the police department and fire department response may be influenced by factors such as: the availability of responding units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(c) Severability. The provisions of this division are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

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

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

APPROVED AND ADOPTED this the 19th day of June, 2018.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)