

CHAPTER 10

GENERAL AND MISCELLANEOUS PROVISIONS

Article 1. Definitions and Construction

Sec. 10-1-1. Definitions.

Unless the context clearly indicates another meaning, when the following words and phrases are used in this code or in the other ordinances of the City, they shall have the meanings respectively indicated herein:

- (1) The word "City" shall mean the City of Chickasha, Oklahoma.
- (2) The words "City Commission" or "Commission" when used to refer to the governing body of this City shall mean the City Council.
- (3) The word "person" shall mean and include person, firm, partnership, agency and unit of governing. *(Code 1972, § 10-1.)*

Sec. 10-1-2. Masculine to include feminine and neuter.

When used in this code or in the other ordinances of the City, the masculine gender includes the feminine and neuter unless a contrary intention plainly appears. *(Code 1971, § 10-2.)*

Sec. 10-1-3. Singular number to include plural and vice versa.

When used in this code and in the other ordinances of the City, the singular number includes the plural and the plural the singular, except where a contrary intention plainly appears. *(Code 1972, § 10-3.)*

Sec. 10-1-4. Building Code References.

When used in this code and in other ordinances the terms BOCA, Life Safety Code, NFPA or other references to building codes shall be referred to the International Code most applicable. *(Ord. No. 2004-07, 02/16/2004)*

Article 2. Ordinances in Effect on Outlying Territory of City.

Sec. 10-2-1. Ordinances in effect in outlying real property of City.

All ordinance of the City now in effect within the City are hereby extended to all real property belonging to, or under the control of, the City outside the corporate limits of the City, and shall be in full effect therein, insofar as they are applicable. All ordinances of the City, which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all said outlying real property, insofar as they may be applicable. Any words in any ordinance indicating that the effect of an ordinance provision is limited to the corporate limits of the City shall be deemed to mean and include also the said outlying real property belonging to, or under the control of the City, unless the context clearly indicates otherwise. *(Code 1972, § 10-4.)*

Article 3. Separability Clause

Sec. 10-3-1. Separability clause; code and ordinances.

If a court of competent jurisdiction should hold one or more ordinance sections or a part of an ordinance section of this code or of an ordinance passed hereafter invalid, such holding shall not affect the remainder of the code or ordinance nor the context in which such section, sections or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section, sections or part of a section so held invalid. *(Code 1972, § 10-5.)*

Article 4. Oklahoma Municipal League

Sec. 10-4-1. Membership authorized.

The City is hereby authorized to procure the services of the Oklahoma Municipal League and to have membership therein and to appropriate funds to pay for such services and membership. (Code 1972, § 10-6.)

Article 5. Police and Fire Alarms

Sec. 10-5-1. Purpose.

- (a) The purpose of this ordinance is to encourage alarm users and alarm businesses to maintain the operational reliability and properly use alarm systems and to reduce or eliminate false alarm dispatch requests.
- (b) This ordinance governs systems intended to summon police, fire or ambulance response, requires permits for chronic false alarm locations, establishes fees, provides for penalties for violations, establishes a system of administration, sets conditions for suspension or loss of permits.

Sec. 10-5-2. Definitions.

- (a) "Alarm Administrator" means a person or persons designated by the City Manager, the authority to administer, control and review alarm applications, permits and alarm dispatch requests.
- (b) "Alarm Business" means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.
- (c) "Alarm Dispatch Request" means a notification to the Police and/or Fire Department by an automatic dialer recorded message, in-station alarm, third person reporting an audible or visual alarm signal or an alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.
- (d) "Alarm Site" means a single premise or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.
- (e) "Alarm System" means a device or series of devices, including, but not limited to systems interconnected with radio frequency signals, which are designed to discourage a crime, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition.

Alarm system does not include:

- (1) an alarm installed on a vehicle unless the vehicle is permanently located at a site; or
- (2) an alarm designed to alert only the inhabitants of a premise that does not have a sounding device that can be heard on the exterior of the alarm site.
- (f) "Fire Alarm" means a device that signals the occupant(s) and/or alarm business or communications center that a fire may be in progress.
- (g) "Medical Alarm" means a device that signals an alarm business or medical facility that a patient is in need of prompt medical attention.
- (h) "Alarm User" means any person, firm, partnership, corporation or other entity who (which) uses an alarm system at its alarm site.
- (i) "Chief" means the Chief of Police of the City or an authorized representative.

- (j) “Conversion” means the transaction or process by which one alarm business begins monitoring of an alarm system previously monitored by another alarm site.
- (k) “Duress Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.
- (l) “False Alarm Dispatch” means an alarm dispatch request to the City of Chickasha when the responding Police Officer, finds no evidence of a criminal offense, attempted criminal offense, after a completed and timely investigation of the alarm site and/or which results in an emergency dispatch for the Fire Department and after timely investigation by the Fire Officer in charge, no evidence of smoke, fire or other related cause for the alarm is discovered. An alarm dispatch request to the police, which is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site, shall not be considered a false alarm dispatch. False alarm dispatches to the Fire Department, even if canceled by the alarm business or the alarm user prior to the time the responding Fire Department personnel reaches the alarm site, shall still be considered a false alarm dispatch.
- (m) “Holdup Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (n) “Keypad” means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.
- (o) “Monitoring” means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the City for the purpose of summoning police response to the alarm site.
- (p) “Person” means an individual, corporation, partnership, association, organization or similar entity.
- (q) “Takeover” means the transaction or process by which an alarm user takes over control of an existing alarm system that was previously controlled by another alarm user.
- (r) “Verify” means an attempt, by the alarm business, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.
- (s) “Chronic False Alarm Location” means an alarm site where three false alarm dispatches have occurred within a six-month period.

Sec. 10-5-3. Chronic false alarm location: permit required, applications; fee: transferability: false statement

- (a) Alarm site where three or more false alarm dispatches have occurred within a six-month period, will be identified by the alarm administrator as a chronic false alarm location.
- (b) Alarm sites that have been identified as a chronic false alarm location will be required to obtain a chronic false alarm location permit.
- (c) The permit must be obtained by the alarm user within 10 normal business days of receiving notification that the alarm site has been identified as a chronic false alarm location.
- (d) It will be an offense to operate an alarm system after being identified as a chronic false alarm location, and after the 10-day period without a Chronic False Alarm Location permit.
- (e) The fee for a Chronic False Alarm Location permit shall be ten dollars (\$10.00) and the permit shall remain valid for one year from the date of

issue. At the end of the year following the issuance of the permit, no new permit will be required unless the alarm site continues to be identified as a chronic false alarm location by the alarm administrator. The renewal fee for Chronic False Alarm Location permit shall be ten dollars (\$10.00) per year and extended for one year.

- (f) The Chronic False Alarm Location permit will expire if the alarm user moves from the alarm location specified in the permit.
- (g) Upon receipt of a completed application form and the permit fee, the alarm administrator shall issue a Chronic False alarm Location permit to an applicant unless the applicant has:
 - (1) failed to pay a fine assessed.
 - (2) Had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.
- (h) Each permit application must include the following information:
 - (1) the name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this ordinance.
 - (2) the classification of the alarm site as either residential, commercial or apartment;
 - (3) for each alarm system located at the alarm site, the purpose of the alarm system, a burglary, holdup, duress, or other;
 - (4) signed certification from the alarm user and the alarm business stating:
 - (a) the date of installation, conversion or takeover of the alarm system, whichever is applicable;
 - (b) the name, address, and phone number of the alarm business performing the alarm system installation, conversion of alarm system takeover and responsible for providing repair service to the alarm system;
 - (c) the name, address, and phone number of the alarm business monitoring the alarm system if different from the installing alarm business.
 - (d) that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant; and
 - (e) that the alarm business has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (i) Any false statement of a material matter made by an applicant for the purpose of obtaining a Chronic False Alarm permit shall be sufficient cause for refusal to issue a permit.
- (j) A Chronic False Alarm permit cannot be transferred to another person. An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within five (5) business days.
- (k) Information contained in permit applications shall be held in confidence by all employees or representatives of the City with access to such information.
- (l) The permit holder shall be issued a Building Identification decal, by the alarm administrator, identified by number, which shall be affixed by alarm user, to the premise's main entrance for quick reference by arriving officers.

Sec. 10-5-3-1. Alarm Systems in apartment complexes contracted for by individual tenant

- (a) In circumstances where a Chronic False Alarm Location permit has been required and an alarm system was installed by an individual tenant in an apartment complex unit that is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the alarm business which is providing the monitoring service.
- (b) For purposes of enforcing this article against an individual residential unit, the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's residential unit.

Sec. 10-5-3-2. Alarm system in apartment complexes – furnished by the apartment complex as an amenity

- (a) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall obtain a required Chronic False Alarm permit for each alarm site identified as a chronic false alarm location. The fee for this permit shall be ten dollars (\$10.00) per residential unit identified as a chronic false alarm location.
- (b) For purposes of assessing fines and enforcing this article, the alarm permit holder is responsible for payment of fines for false alarm dispatches emitted from the alarm systems in residential units.
- (c) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to common tenant areas and office, storage and equipment areas. If those locations are identified as a chronic false alarm location. The fee for each such permit shall be ten dollars (\$10.00) as the residential units.

Sec. 10-5-4. Permit duration and renewal.

A permit shall expire one year from the date of issuance. Permits need not be renewed if the alarm administrator determines, based on the number of false alarm dispatches in the last six months, that the alarm location is no longer classified as a chronic false alarm location. The alarm administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of their permit. It is the responsibility of the alarm user to request a determination from the alarm administrator concerning their status as a chronic false alarm location or submit an application prior to the permit expiration date. Failure to renew or obtain approval from the alarm administrator will be classified as use of a non-permitted chronic false alarm location system and citations and penalties shall be assessed without waiver.

Sec. 10-5-5. Proper alarm systems operation and maintenance.

- (a) An alarm user shall:
 - (1) maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches, and
 - (2) make every reasonable effort to respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the City to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises, and
 - (3) if police believe that the user is in danger, the user agrees to allow police entry securing the premises for protection of the user or other persons or to take any other action to protect the user or premises as police deem appropriate, and

- (4) not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (b) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes after being activated.

Sec. 10-5-6. Monitoring procedures.

- (a) An alarm business performing monitoring services shall:
 - (1) not request dispatch for police response during the first week after installation of an alarm system, but rather use that week to train the alarm user on the proper use of the alarm system unless extenuating circumstances necessitate immediate requests for response as determined by the administrator;
 - (2) report alarm signals by using telephone numbers designated by the alarm administrator;
 - (3) attempt to verify every alarm signal, except a duress or holdup alarm activation before requesting a police response to an alarm signal;
 - (4) communicate alarm dispatch requests to the City in a manner and form determined by the alarm administrator;
 - (5) communicate verified cancellations of alarm dispatch requests to the City in a manner and form determined by the alarm administrator;
 - (6) ensure that all alarm users of alarm systems equipped with duress alarm are given adequate training as to the purpose use of the duress alarm;
 - (7) alarm business shall provide the Police Department with the name of the responsible user that will meet the officers at the alarm site for physical entry upon request.
- (b) The alarm administrator shall:
 - (1) designate a manner, form and telephone numbers for the communication of alarm dispatch requests;
 - (2) develop a procedure to accept verified cancellation of alarm dispatch requests.

Sec. 10-5-7. Duties of alarm business.

- (a) After the effective date of this ordinance, alarm businesses shall not install a device for activating a holdup alarm that is single action non-recessed button.
- (b) Automatic dialing devices; certain connection prohibited. It is unlawful for any person to program an alarm automatic dialing device to any telephone line which, when activated, dials the digits 9-1-1. It is unlawful for an alarm user to fail to disconnect or reprogram an alarm automatic dialing device, which is programmed to dial the digits 9-1-1. The alarm business or user will be given another number by the alarm administrator for use.

Sec. 10-5-8. Alarm system operating instructions.

An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

Sec. 10-5-9. Alarm dispatch request records.

- (a) The officer responding to an alarm dispatch request shall record such information as necessary to permit the alarm administrator to maintain records, including, but not limited, to the following information:
 - (1) identification of the alarm site;

- (2) arrival time at the alarm site and dispatch received time;
 - (3) date and time;
 - (4) weather conditions;
 - (5) name of alarm user's representative on premises, if any;
 - (6) identification of the responsible alarm business, and/or;
 - (7) unable to locate the address.
- (b) The responding police or fire officer shall indicate on the dispatch record whether the dispatch was a false alarm dispatch.
 - (c) In case of an assumed false alarm dispatch, the responding police or fire officer shall leave notice at the alarm site that the police or fire department has responded to a false alarm dispatch. The notice shall include the following:
 - (1) the date and time of response to the false alarm dispatch;
 - (2) the identification number of the responding police or fire officer and;
 - (3) a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms.
 - (d) Alarm businesses, which perform monitoring services, must maintain for a period of at least one-year, following request for police or fire dispatch to an alarm site, records relating to the dispatch. Records must include the name, address and phone number of the alarm user, the alarm system zone(s) or point(s) activated, the time of request for police or fire dispatch and evidence that an attempt to verify was made to the alarm site prior to the request for police or fire dispatch. The alarm administrator may request copies of such records for individually named alarm users.

Sec. 10-5-10. System performance reviews.

If there is a reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm.

Sec. 10-5-11. Violations.

- (a) A person commits an offense if they violate by commission or omission any provision of this ordinance that imposes upon him or her a duty or responsibility and is subject to a fine not to exceed the maximum fine allowed by law for non-jury trials plus court costs. (*Ord. No. 2003-05, 05/19/2003*).
- (b) Alarm dispatch requests, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.
- (c) Faulty alarms often go off more than once before repair can be made. Twenty-four (24) hours from the first false alarm at a site shall constitute one day. Only one false alarm shall be counted per day per site. Apartment units or multiple sites at other addresses shall constitute separate sites.

Sec. 10-5-12. Revocation, suspension or loss of alarm permit.

- (a) A Chronic Alarm Location permit may be suspended or revoked pursuant to this ordinance by the alarm administrator if it is determined that:
 - (1) there is a false statement of a material matter in the application for a permit;

- (2) the permit holder has failed to make timely payment of fine assessed under this ordinance (b), or:
- (b) A person commits an offense if he operates an alarm system during the period in which his alarm permit is suspended or revoked.
- (c) Unless there is separate indication that there is a crime in progress, the chief may refuse police response to an alarm dispatch request at an alarm site for which the alarm permit is revoked or has not been permitted pursuant to this ordinance.
- (d) If the alarm permit is reinstated, pursuant to Section 14, the alarm administrator may revoke the alarm permit if it is determined that two (2) subsequent false alarm dispatches occur within thirty (30) days after the reinstatement date.

Sec. 10-5-13. Appeal from denial, suspension or revocation of a permit.

- (a) If the alarm administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he or she shall send written notice of his action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or alarm user and the alarm business.

The applicant or alarm user may appeal the decision of the alarm administrator to the chief by filing a written request for a review setting forth the reasons for the appeal within twenty days after receipt of the notice from the alarm administrator. An alarm business may submit the request for review on behalf of an alarm user.

Filing of a request for appeal shall stay the action by the alarm administrator suspending or revoking a permit until the chief has completed his/her review. If a request for appeal is not made within the twenty-day (20) period, the action of the chief is final.

- (b) Alarm users shall be entitled to a hearing before the City Manager of Chickasha within twenty (20) days of receipt of a notice of a sustained denial or revocation of permit by the Chief. An alarm business may submit a request for hearing on behalf of an alarm user.
- (c) The City Manager shall consider the evidence by any interested person(s). The City Manager shall make a decision on the basis of a preponderance of the evidence presented including, but not limited to, certification that alarm users have been re-trained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The City Manager must render a written decision within thirty (30) days after the request for an appeal is filed. The City Manager shall affirm, reverse, or modify the action of the chief. The decision of the City Manager is final as to administrative remedies with the City.

Sec. 10-5-14. Reinstatement of permit.

A person whose alarm permit has been revoked may be issued a new permit if the person:

- (1) submits an updated application and;
- (2) pays, or otherwise resolves, all citations and fines, and;
- (3) submits a certification from an alarm business, which complies with the requirements of this article, stating the alarm system has been inspected and corrected by the alarm business.

Sec. 10-5-15. Public safety communications center alarm connections.

(1) The Public Safety Communications Center has limited space for the continuation of direct alarm connections. The alarm administrator shall determine the cost of such connections and such cost shall be billed to the alarm owner with payment made to the City of Chickasha prior to alarm activation. All existing alarms presently connected shall be allowed to continue.

(2) A monthly monitoring fee shall be charged for direct service to the communications center to cover the cost of maintenance for upgrading of technology to accept and support such service. The monitoring service fee shall be \$10.00 per month.

(3) The alarm administrator shall determine the maximum number of alarms compatible with the initial move of the communication center and shall not exceed that number except as authorized by the City Manager. The City Manager may authorize additional alarm connections if it is in the best interest of the City of Chickasha to do so; such as facilities owned by the City, or to meet an extraordinary public safety need.

(4) Priority shall be given to alarms that insure the safety to the maximum number of people.

(5) Alarm business desiring to make connections within the Public Safety Communications Center shall provide evidence of State License and responsible alarm business contacts in the event of alarm problems.

Sec. 10-5-16. Effective date.

This ordinance shall become effective on May 7, 1998. (*Ord. No. 98-12*).