

ORDINANCE NO. 69

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OAKLAND, IOWA, 2018, BY REPEALING AND REPLACING CHAPTER 123 ALARM SYSTEMS

BE IT ENACTED by the City Council of the City of Oakland, Iowa:

CHAPTER ADDED: Chapter 123, of the City Code of Ordinance is hereby added to read in full as follows:

SECTION 1.

123.01 PURPOSE. It is the purpose of this chapter to protect the general public traveling the streets and the Oakland Fire Department; and their personnel from dangers created in response to erroneous, false, and mistaken response calls from security, fire, or other specialized electronic or mechanical alarms or alarm systems. It is the further purpose of this chapter to provide penalties for the operation of faulty alarm systems and penalties for the unnecessary expenditure of resources due to erroneous, false, and mistaken response calls.

123.02 DEFINITIONS. The following words and terms as used in this chapter shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise.

1. "Alarm company" means any person, firm, partnership, corporation or association who owns, manages, conducts or carries on the business of installing, servicing, maintaining, repairing, monitoring, replacing, moving or removing, or leasing in any building or other property within the jurisdiction of the City any known alarm system as defined herein.
2. "Building" includes any house, dwelling, apartment, business, structure, or place within the city.
3. "Burglar or medical alarm system" means any assembly of equipment, mechanical or electrical, and including all forms of audible exterior and interior alarms arranged to signal the occurrence of an illegal entry, holdup, and/or medical or other activity, requiring urgent attention, and to which police officers or fire and emergency medical technicians are expected to respond.
4. "Chief" refers to the Police, EMS and/or Fire Chief (or their designee) of the City.
5. "City" refers to the City of Oakland Fire Department and Pottawattamie County Sheriff's Department and their authorized personnel and may be one or more of such Departments where appropriate.

6. “False alarm” means any alarm that is activated on purpose or by accident or by system malfunction when there is no intrusion, fire, smoke or medical emergency. The City shall have full authority and discretion to determine those situations and/or circumstances that may constitute a false alarm, but which is not defined below.

A. Error or Mistake. Any action by any person, firm, corporation or other entity owning or operating any dwelling, building, or place, or any action by an agent or employee of said person, firm, corporation, or any other entity which results in the activation of an alarm system when no emergency exists.

B. Malfunction. Any unintentional activation of any alarm system caused by a mechanical malfunction, flaw in the design, installation, or maintenance of the system. This shall not include any activation caused by extraordinary violent conditions of nature such as severe thunderstorms, tornadoes, floods, and earthquakes.

C. Intentional Misuse. Any intentional activation of an alarm system when no burglary, hold-up, fire, or other emergency exists or is in progress.

D. Alarms that are cancelled by the alarm companies before the responding police, fire, or emergency personnel arrives at the scene will not be classified as a false alarm. However, with the exception of fire alarms, if an alarm has been cancelled three (3) times during the same 30-day period (month), the fourth (4th) alarm will constitute a false alarm.

7. “Fire alarm system” means any assembly of equipment, mechanical or electrical and including all forms of audible exterior and interior alarms arranged to signal the occurrence of a fire emergency requiring urgent attention, and to which firefighters and emergency medical technicians are expected to respond.

8. “Owner” includes any person, firm, corporation, entity, or leaseholder causing any alarm system to be installed in any building as defined herein. The owner (or designee on behalf of the owner) shall make application for a permit as required by this chapter.

9. “Permit” (or “registration”) means authorization granted by the city to an owner to operate an alarm system.

10. “Recurring alarm” means three (3) or more alarms in a 24-hour period.

11. “Tagged” or “tagging” means the method by which the Fire Department, or State Fire Marshal’s Office identifies the condition of the alarm system and/or the system’s compliance with all relevant city and state codes.

12. “Verify” means an attempt to avoid an unnecessary burglar alarm dispatch request by the monitoring company, or its representative, by attempting to contact the burglar alarm site and/or burglar alarm user by telephone or other electronic means to determine whether an alarm signal is valid before requesting law enforcement dispatch. At a minimum, a second call shall be made to a different number if the first verification call attempt fails to reach a burglar alarm user who can properly identify himself or herself to determine whether an alarm signal is valid before requesting law enforcement dispatch. Audio verification, video verification, or cross zoning shall be permitted in addition to the first and second verification call.

123.03 PERMIT OR REGISTRATION.

1. Effective from July 1, 2025, and after, it is unlawful for any alarm user to use or operate any alarm system without a current valid registration therefor. Any person, firm, or corporation installing an alarm system after July 1, 2025, shall have until January 1, 2026, to obtain a registration therefor. Any person, firm, or corporation installing an alarm system after January 1, 2026, shall have thirty (30) days from the date of installation to register the alarm system.

2. Application. The application to register an alarm system shall list:

A. For individuals: the registrant’s name, Oakland Fire District address, telephone number, date of birth, and social security number; for firms or corporations: the registrant’s name, Oakland Fire District address, telephone number, beginning date of operation in Pottawattamie County, and Federal employer identification number;

B. The protected property’s address, any business name by which the premises may be known as including the name of the complex or center where it is located, the type of premises it is, and the telephone number(s) for the protected property;

C. Type of alarm(s) and/or signal(s) being communicated by the annunciator and the type of activity indicated by the alarm(s) system(s);

D. The name, business address and telephone number of three natural contact persons, or an alarm answering service, having

ready access to the protected premises and who may be called upon to assist in the event the alarm is activated.

E. A list of any hazardous substances stored on the premises.

3. Issuance, Expiration, Renewal and Termination.

A. Upon receipt of the completed registration application, the mayor or their designee, if it is determined that the proposed system will comply with the provisions of this chapter, will issue a registration to the applicant. Such alarm system shall be deemed to comply with the provisions of this chapter if the system has been installed by: (i) a business or individual licensed to perform such installation services in Pottawattamie County; or (ii) a business or individual holding itself or himself or herself out to the public as being qualified to perform such installation services; or (iii) a business or individual experienced in performing such installation services. The registration will bear the applicant's identifying number and expiration date in addition to the terms and conditions stated in Section 36.04, which must be complied with to keep the registration in full force and effect.

B. The registration shall expire 24 months after the date of its issuance and may be renewed in the same manner as original registrations are obtained.

C. Renewal registrations will be dated on the date of issuance, the renewal application shall contain the applicant's signed statement, stating that there have been no changes in any of the information furnished on the previous application.

D. An alarm system registration shall automatically terminate upon any change of alarm user or protected premises. No registration is transferable to a new premises or a new user.

4. Fee for registration or renewal shall be \$100.00

5. Any person, firm, or corporation who operates an alarm system that is not registered shall be assessed a civil penalty of \$100.00 per day until a permit is obtained.

123.04 DUTIES. All registration holders shall:

1. Within ten days following any change of information contained within the application, file an amendment to his or her application setting forth the current accurate information;

2. Cause to be trained and retrained all employees, family members, and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and

practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered;

3. At all times be responsible for the proper maintenance and repair of the system and for the repair and/or replacement of any component, method of installation, design feature or like condition which may give rise to false alarm;

4. Set or program each alarm system so that each audible annunciator will automatically silence within fifteen minutes after being activated and will not sound again unless a new act or circumstance triggers it. Annunciators associated with fire alarms shall not be required to shut off automatically, nor shall water-flow alarms with local annunciators only be regulated by this chapter;

5. At all times abide by and comply with the rules and regulations for the operation of an alarm system established by this chapter and incorporated into the grant of the alarm system registration by this reference.

123.05 PROHIBITION AND TERMS.

1. No alarm system shall be installed, used, or maintained in violation of any of the provisions of this chapter.

2. No test of an alarm system incorporating a local audible annunciator shall be conducted between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day. No test of any alarm system shall be conducted contrary to the rules and regulations adopted pursuant to this code or contrary to applicable State law.

3. At any time prior to or following the issuance of any registration, the mayor, or their designee may conduct such investigation as determined necessary to verify that the information furnished by the applicant is accurate, and that the alarm system is in conformance to this chapter. Such alarm system shall be deemed to conform with the provisions of this chapter if the system has been installed by: (i) a business or individual licensed to perform such installation services in Pottawattamie County; (ii) a business or individual holding itself or himself or herself out to the public as being qualified to perform such installation services; or (iii) a business or individual experienced in performing such installation services.

123.06 REVOCATION OF REGISTRATION. The mayor may, upon recommendation of the directory of Pottawattamie County Division of Communications (911 Center) or the City's legal department, after notice to registrant and a hearing on the proposed action at which the hearing officer

confirms that registrant is in violation of the provision of this chapter, revoke any outstanding registration and prohibit any further use of the alarm system in question until such time that the mayor determines that the alarm system in question conforms to the provisions of this chapter.

123.07 PENALTY. In the event the Pottawattamie County 911 Center receives a false alarm, the alarm user shall be deemed guilty of a municipal infraction and required to pay a service fee after the first offense in any given calendar year, in accordance with the following schedule:

1. Next two (2) false alarms per calendar year, user shall pay \$200.00 per false alarm;
2. Next three (3) false alarms per calendar year, user shall pay \$300.00 per false alarm;
3. Over six (6) false alarms per calendar year, user shall pay \$500.00 per false alarm.

All money received in payment of said municipal infractions shall be deposited in the Fire Departments Operating Fund.

PASSED AND APPROVED by the Oakland City Council this _____ day of _____, 2025.

Brant Miller, Mayor

ATTEST:

Marissa Lockwood, City Administrator/Clerk

I certify that the foregoing was published as Ordinance No. 69 on the _____ day of _____, 2025.

Marissa Lockwood, City Administrator/Clerk