

ARTICLE 7. BURGLARY, ROBBERY, FIRE, AND EMERGENCY ALARM SYSTEMS.

SEC. 12.07.001. DEFINITIONS.

For the purpose of this Article the following terms, phrases, words, and their derivations shall have the meaning given herein. Where not inconsistent with the text, words used in the present tense include the past tense, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ALARM SIGNAL is a detectable signal, audibly, visually or both, to which public safety personnel are expected to respond on an emergency basis, generated by an alarm system, indicating the commission of, or attempt to commit, a crime or the existence of a fire.

ALARM SYSTEM is any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other emergency activity requiring immediate attention and to which public safety personnel are expected to respond. Alarm systems that are designed only to alert persons other than public safety personnel to a medical emergency or to alert persons on the premises, including no outside detectable audible or visual signal and that do not cause undue annoyance of persons on adjoining properties need not meet the requirement of this Article.

ALARM SYSTEM PROVIDER is any person, firm, or corporation engaged in the business of providing alarm systems to alarm users in the City of Independence.

ALARM USER is any person in possession of any building, structure or facility, or part thereof, who purchases, leases, contracts for or otherwise obtains an alarm system; any person who contracts for the servicing or maintenance of an alarm system; or any person who contracts with or hires an alarm business to monitor an alarm system.

AUTOMATIC DIAL PROTECTION DEVICE is an electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion or an emergency message indicating a need for emergency response.

FALSE ALARM is an alarm signal eliciting a response by public safety personnel when a situation requiring an immediate response does not in fact exist.

An alarm will not be considered a false alarm if it is determined that the alarm was caused by:

1. Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions.
2. Vandalism causing physical damage to the premises.
3. Telephone line malfunction verified in writing to the Chief of Police by an authorized telephone company representative within seven (7) days of the occurrence.
4. Electrical service interruption verified in writing to the Chief of Police by an authorized electric utility representative within seven (7) days of the occurrence.

5. Attempted entry of a location causing visible, physical or other evidence of damage to the location.
6. Severe weather causing physical damage to the premises.
7. The test of a local alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding sixty (60) seconds and when the Independence, Missouri, Police Department or Fire Department, whichever department is appropriate, has been notified of the test.

LOCAL ALARM SYSTEM is an alarm system which when activated causes an audible and/or visual signaling device to be activated only on the premises within which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

PUBLIC SAFETY PERSONNEL are members of the Police Department and the Fire Department of the City of Independence, Missouri.

SEC. 12.07.002. ALARM USER PERMIT.

A. No person(s) shall use an alarm system after the effective date of this Article which is designed to elicit, either directly or indirectly, a response by public safety personnel without first obtaining a permit for such alarm system from the Chief of Police.

Exception: A permit shall not be required to operate local alarm systems affixed to motor vehicles.

B. All persons using an alarm system installed prior to the effective date of this Article, who do not already have an alarm system permit, shall obtain a permit from the Chief of Police not later than 30 days after the effective date of this Article authorizing the continued use of the alarm system. Every alarm system provider shall, upon installation of an alarm system within the City, make application for an alarm system permit to the Chief of Police on behalf of the alarm system user.

C. No permit shall be issued for a new installation until work required by the Building Code of the City of Independence, Missouri has been completed and final inspections have been made and the work approved by the City Building Official.

D. The permit shall be requested on an application provided by the Chief of Police which shall include:

1. Common address at which the alarm system is installed, not to include Post Office boxes.
2. Full name and address of the alarm user.
3. Full name, street address and telephone number of the owner(s) of the property at which the system is installed.
4. Description of the alarm system, including whether it is equipped to cease emitting an audible alarm sound within fifteen (15) minutes of activation for property located within an area zoned residential or within five hundred feet (500') of an area zoned residential, and within thirty (30) minutes of

activation for property located within all other areas not zoned residential and not within five hundred feet (500') of an area zoned residential.

5. Full name and address of the firm installing (or who has already installed) the alarm system.

6. Date the alarm system was installed.

7. If the alarm system is serviced or maintained by someone other than the alarm user, full name(s) address(es) of the person(s) servicing or maintaining the alarm system.

8. If the alarm system is monitored by someone other than the alarm user, full name(s), address(es) and telephone number(s) of the person(s) monitoring the alarm system.

9. Name, address and telephone number of a person to be contacted by the Independence, Missouri, Police Department in the event the alarm user is not available.

10. Any other information required by the Chief of Police to facilitate compliance with this Article.

E. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm user permit within thirty (30) days of obtaining possession of the property.

F. Whenever the information provided on the alarm user permit application changes, the correct information will be provided to the Chief of Police within thirty (30) days of the change.

G. Alarm user permit applications shall be confidential and shall be inaccessible to the general public and all persons other than the alarm user, the courts and law enforcement agencies.

SEC. 12.07.003. GRACE PERIOD.

A. False alarms reported by, or caused to be reported by, an alarm system used or installed prior to the effective date of this Article shall not be considered for any purpose until thirty (30) days after the effective date of this Article.

B. After the effective date of this Article, false alarms reported, or caused to be reported, within the first thirty (30) days following installation of the alarm system shall not be considered for any purposes of Sections 12.07.008 or 12.07.009.

SEC. 12.07.004. LOCAL ALARM SYSTEMS - LENGTH OF ALARM.

A. Local alarm systems located within an area zoned residential or within five hundred feet (500') of an area zoned residential shall automatically discontinue emitting an audible sound within fifteen (15) minutes of activation. An alarm system which emits an intermittent signal shall discontinue emitting any audible sound within fifteen (15) minutes of activation. However, an alarm system installed prior to the effective date of this Article, which does not have the capability to automatically discontinue the audible alarm sound within fifteen

(15) minutes of activation shall not be subject to the requirement of this subsection. Nevertheless, said alarm system shall be subject to the provisions of Section 12.07.005.

B. Local alarm systems located within an area not zoned residential and not within five hundred feet (500') of an area zoned residential shall automatically discontinue emitting an audible sound within thirty (30) minutes of activation. An alarm system which emits an intermittent signal shall discontinue emitting any audible sound within thirty (30) minutes of activation. However, an alarm system installed prior to the effective date of this Article, which does not have the capability to automatically discontinue the audible alarm sound within thirty (30) minutes of activation shall not be subject to the requirement of this subsection. Nevertheless, said alarm system shall be subject to the provisions of Section 12.07.005.

SEC. 12.07.005. LOCAL ALARM SYSTEMS - NUISANCE.

A. A local alarm system regulated by Section 12.07.004 "A" which fails to discontinue emitting an audible sound within 15 minutes of activation is declared to be a nuisance. A local alarm system regulated by Section 12.07.004 "B" which fails to discontinue emitting an audible sound within 30 minutes of activation is declared to be a nuisance.

B. Employees of the City of Independence, Missouri, are authorized to take necessary and reasonable steps to abate the nuisance declared by this section. These steps shall be limited to the exterior of buildings or other structures.

C. A notice shall be sent to the permit holder within a reasonable time following abatement of the nuisance.

D. This section is remedial, not punitive.

SEC. 12.07.006. FEE ASSESSMENT.

Any person using an alarm system that reports, or causes to report, false alarms shall be assessed a fee of Twenty-Five Dollars (\$25.00) per false alarm in excess of two (2) false alarms per calendar year. Failure to pay the assessment may result in prosecution for failure to pay the assessment.

SEC. 12.07.007. AUTOMATIC DIAL PROTECTION DEVICES.

No automatic dial protection device shall be used to report or cause to be reported, any recorded message to the Independence, Missouri, Police Department or Fire Department.

SEC. 12.07.008. VIOLATIONS.

A. It shall be unlawful for any person to violate any provision of this Article.

B. It shall be unlawful to use an alarm system which reports, or causes to report, false alarms.

SEC. 12.07.009. PENALTIES.

Any person convicted of violating any provision of this Article shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for a term not to exceed six months (6) months, or by both such fine and imprisonment.

SEC. 12.07.010 - 12.07.999 RESERVED.