

**KANABEC COUNTY ORDINANCE NO. 31  
FALSE ALARM ORDINANCE**

**Subdivision 1. Purpose.** Responding to false alarms endangers the safety of the public and the public safety personnel. This Ordinance is enacted to provide for the regulation of alarms used to summon public safety personnel to reduce the risk and expense associated with false alarms by decreasing their frequency and by establishing an alarm user registration system and fees to defray the costs of response to these alarms.

**Subdivision 2. General Provisions**

**2.1 Severability.**

If any portion of this ordinance should be declared unenforceable, it shall be severed from this ordinance, the remainder of which shall remain in full force and effect.

**2.2 Definitions.**

- (a) **Alarm System.** “Alarm System” means any equipment or device which signals either audibly or in any other manner so as to be seen, heard, or otherwise detected outside the protected area serviced by the alarm system that an emergency, including robbery, burglary, medical emergency, act of vandalism or unauthorized entry, has occurred, and which is intended to elicit a response from public safety personnel. An automobile alarm device is not considered to be an alarm system under this definition.
  
- (b) **Alarm User.** “Alarm User” means a person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained, regardless of whether it owns or leases the alarm system. For a person, firm, partnership, association, corporation, company or organization of any kind which owns separate properties with an alarm system, each separate location address constitutes a separate alarm user.
  
- (c) **False Alarm.** “False Alarm” means an alarm signal eliciting a response by public safety personnel when a situation requiring a response by public safety personnel does not, in fact, exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or error of the alarm user or his or her employees or agents. A false alarm does not include an alarm signal caused by severe climatic conditions, such as tornadoes, thunderstorms, violent conditions of nature or any other conditions which are beyond the control of the alarm user. A false alarm does not include alarm signals for which the alarm owner contacts dispatch or the Kanabec County Sheriff's Office prior to a response by public safety personnel and provides notice that there is no emergency.

- (d) **Public Safety Personnel.** “Public Safety Personnel” includes, but is not limited to, all personnel employed by any law enforcement agency, firefighters, emergency medical technicians, paramedics and ambulance crew.
- (e) **Response by Public Safety Personnel.** “Response by Public Safety Personnel” means the arrival of public safety personnel at the location of a false alarm in response to that alarm.

### **Subdivision 3. User Registration Fees; Exemptions.**

- 3.1 Upon the second false alarm in a calendar year, an alarm user registration fee of \$30.00 shall be imposed upon an alarm user.
  - (a) The County shall notify the affected alarm user in writing of the imposition of the alarm registration fee under this subdivision.
  - (b) Registration will be considered a lifetime registration if there are no false alarms in the future.
  - (c) Registration fees that are not paid in full within thirty (30) days of written notice under this subdivision shall be considered delinquent. The County is hereby empowered to collect all delinquent alarm user registration fees by all means allowed by law for collection of a debt.
- 3.2 Newly installed alarm systems are hereby granted a 30-day probationary period, commencing on the date of first operational use thereof, during which period false alarms will not be counted for the purpose of computing the amount of any alarm user fee imposed by this Ordinance. The owner of a newly installed alarm system must provide written notice to the Kanabec County Sheriff's Office that a new system has been installed within three (3) days of first operational use in order to qualify for this probationary period. This section also applies to owners of alarm systems that have been newly serviced or repaired. The owner of a newly serviced or repaired system must provide written notice along with verification to the Kanabec County Sheriff's Office that the system has been serviced or repaired within three (3) days of such service or repair.

### **Subdivision 4. Penalty/Fees.**

- 4.1 Upon the third false alarm, and for each subsequent false alarm, in a calendar year, an alarm user shall be subject to a penalty in the form of a fee.
- 4.2 The fee shall be established by the County Board and added to the Kanabec County Fee Schedule.
- 4.3 Fines are due within thirty (30) days of the date of the invoice.

**Subdivision 5. Notice.**

**5.1** Upon notice of the first false alarm report for a particular alarm system, the Kanabec County Sheriff's Office shall notify the alarm user by mail that a false alarm has been reported. The first notice shall include a copy of this Ordinance. Upon notice of the second or subsequent false alarm report for the alarm system, the Kanabec County Sheriff's Office shall mail a copy of the notice to the alarm user.

(a) All notices shall be sent by first class mail to the address the alarm system is located or to the owner of the premises as recorded on the property tax rolls maintained by the County Auditor.

(b) All notices shall contain a copy of the report generated by the Sheriff's Office detailing the date, time, location and facts supporting the conclusion that the alarm was false.

**Subdivision 6. Appeals.**

**6.1** An alarm user who has been charged an alarm user fee or fine may appeal the imposition of that fee in writing to the Kanabec County Coordinator within ten (10) days of receipt of written notice under this subdivision.

**6.2** The Kanabec County Coordinator shall provide the Board with the written appeal at the next regularly scheduled meeting of the Kanabec County Board of Commissioners.

**6.3** The Kanabec County Board of Commissioners shall review the written appeal and issue a written decision to affirm, modify, or rescind the alarm user fee within ten (10) days of receiving the appeal. The decision of the County Board shall be final.

**6.4** All appeal notices shall include a detailed description of why the alarm should not be considered a false alarm.

**6.5** The burden of proof to establish a false alarm is preponderance of the evidence.

**Subdivision 7. Effective Date.** This Ordinance shall become effective on the 1st day of October, 2010.

Passed by the Kanabec County Board of Commissioners this 25th day of August, 2010.

Signed \_\_\_\_\_  
Chairperson of the Kanabec County Board of Commissioners,  
Kanabec County, Minnesota

Attest: \_\_\_\_\_  
Kanabec County Coordinator