

## Chapter 10.60

### BURGLAR AND FIRE ALARM SYSTEMS

#### Sections:

10.60.010	<b>Definitions.</b>
10.60.020	<b>Notification required—Permit fees.</b>
10.60.030	<b>Exemptions from provisions.</b>
10.60.040	<b>Disposition of fees.</b>
10.60.050	<b>Employee training—Address identification—Automatic alarm shutoff.</b>
10.60.060	<b>Automatic dialing devices.</b>
10.60.070	<b>False alarms—Required reports of corrective action and disconnection.</b>
10.60.080	<b>Revocation of permit—Appeals procedure.</b>
10.60.090	<b>Enforcement.</b>
10.60.100	<b>Violation and penalty.</b>

#### 10.60.010 Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

"Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

"Alarm systems" means any mechanical or electrical/electronic or radio-controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms, sprinkler-activated alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle, auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service, self-contained smoke detectors, and medical-alert alarms.

"Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are

permanently active and terminate within the communication center of the metropolitan fire and police departments.

"Commercial premises" means any structure or area which is not defined in this section as residential premises.

"False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel. A maximum of three false burglar alarms, two false robber/panic alarms and two false fire alarms will be granted per alarm device within a fiscal permit year. All subsequent false activations will be considered chargeable violations.

"Fire officer" means the fire chief of the Metropolitan Nashville Fire Department or his designated representatives.

"Law enforcement officer" means the chief of police of the Metropolitan Nashville Police Department or his designated representatives.

"Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof, exclusive of the federal government.

"Residential premises" means any structure or combination of structures which serve as dwelling units including single-family as well as multifamily units.

(Ord. BL2004-353 § 1, 2004; Ord. BL2004-258 § 1, 2004; Ord. 93-872 § 1, 1994; Ord. 91-1523 § 2, 1991)

#### 10.60.020 Notification required—Permit fees.

A. Every person who shall own, operate or lease any alarm system, as defined in this chapter, within the Metropolitan Nashville and Davidson County, Tennessee area, whether existing or to be installed in the future, shall, prior to use of the alarm system, give notice to the metropolitan clerk on forms to be provided and obtain a permit. The information submitted on the forms shall include:

1. The name of the alarm company;
2. Whether installed in a residential or commercial premises;
3. The name, address, business and/or home telephone number of the owner or lessee of the alarm system;

4. The names, addresses and telephone numbers of at least two persons to be notified in the event of an alarm activation, including the name, address, and telephone number of at least one local person to be responsible for the alarm system.

B. At the time of submission of this notification, the owner, operator or lessee of the alarm system shall submit a fee of twenty dollars to the metropolitan clerk's office for obtaining a permit for each alarm device in the system if the system is maintained on residential premises, and fifty dollars for each alarm device if the system is maintained on commercial premises. All permit fees are due April 1st annually. Annual renewal fees of twenty dollars for residential users and fifty dollars for commercial users will apply. (Ord. BL2007-1443 §§ 1, 2, 2007; Ord. BL2004-353 § 2, 2004; Ord. 93-872 § 2, 1994; Ord. 91-1523 § 3, 1991)

#### **10.60.030 Exemptions from provisions.**

The provisions of this chapter shall not be applicable to residential premises within the city limits of Goodlettsville. (Ord. 93-872 § 3, 1994; Ord. 91-1523 § 11, 1991)

#### **10.60.040 Disposition of fees.**

All fees collected pursuant to this chapter shall be paid to the metropolitan government general fund. (Ord. 91-1523 § 10, 1991)

#### **10.60.050 Employee training—Address identification—Automatic alarm shutoff.**

A. Each owner, operator or lessee shall be responsible for training employees, servants or agents in the proper operation of an alarm system.

B. Each owner, operator or lessee of an alarm system shall ensure that the correct address identification is visible from the street or roadway on which the premises are located.

C. The current alarm registration sticker provided each permittee shall be displayed so as to be easily visible from the outside front of the building.

D. Any audible alarm shall be equipped with an automatic shutoff to function within twenty minutes of the alarm sounding, excluding fire alarms. (Ord. 93-872 § 4, 1994; Ord. 91-1523 § 4, 1991)

#### **10.60.060 Automatic dialing devices.**

A. It shall be a violation of this chapter for any automatic tape dialing device to call on the "911" emergency line. Such devices shall be restricted to dialing the nonemergency police communications phone numbers, and no dialer shall call any fire communications phone number.

B. Any automatic tape dialing device shall:

1. Have a clearly understandable recording;
2. Be capable of repeating itself a minimum of two times;
3. Be capable of automatically resetting itself so as to not continuously call police communications phone numbers.

C. Programmed messages on an automatic tape dialing device must include and are restricted to the following:

1. The owner's/resident's name, and the exact street number and name;
2. A statement that it is a burglar or robber/panic "ALARM ONLY." It shall not say burglary or robbery "in progress";
3. A statement of the hours the business is open if the device is used for both burglar and robber/panic alarms;
4. A statement that a third party has been notified, and the identity of that third party, if a third party is notified by the device. (Ord. 93-872 § 5, 1994; Ord. 91-1523 § 6, 1991)

#### **10.60.070 False alarms—Required reports of corrective action and disconnection.**

A. The only alarms the metropolitan police and fire departments will respond to are:

1. Burglary (residential and business);
2. Robbery (business only);
3. Fire (residential and business);
4. Medical (residential and business);
5. Panic (residential only).

B. Responsibility for a false alarm shall be borne by the owner, lessee, operator or user of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

C. A response to an alarm shall result when any fire or police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within five minutes of the original call, it will not be considered a false alarm, unless the responding metropolitan officer has already arrived before the call to cancel has been made. If a metropolitan officer has not arrived on the scene within thirty minutes of the original notification, it will not be a chargeable response.

D. After the allowable false alarms, as set out in the definition for false alarms in Section 10.60.010, each person who owns, operates, leases or controls any premises, commercial or residential, having an alarm system, shall be cited to metropolitan court for any response to a false alarm. No disconnection shall be

ordered on any premises required by law to have an alarm system in operation. (Ord. BL2004-353 § 3, 2004; Ord. 91-1523 § 8, 1991)

**10.60.080 Revocation of permit—Appeals procedure.**

A. Beginning with the sixth false burglary alarm, a fourth false robber/panic alarm or a fourth false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this chapter, the metropolitan police department or fire department may file a request for revocation of the permit with the board of appeals. The metropolitan clerk shall notify the permit holder that a request for revocation has been filed with the board of appeals. An appeal of the proposed revocation must be filed in writing and accompanied by an appeals fee of seventy-five dollars within fifteen days of receipt of the notice by the permit holder, or the permit may be revoked by the board. Upon receipt of a written appeal and appeals fee, a hearing shall be set before the board in accordance with its rules and regulations to determine whether or not the permit shall be revoked or the appeal upheld. The appeals fee shall be refunded only upon a determination by the board that the permit holder has not exceeded the allowable false alarms.

B. Reinstatement of a revoked permit may occur upon filing a written request for reinstatement accompanied by a nonrefundable reinstatement fee of seventy-five dollars, and after a hearing before the board to determine whether or not to reinstate the permit.

C. A permit which has been revoked may not be renewed until the original permit is reinstated by the board.

D. Pursuant to the administration of this chapter, a board of appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this chapter. The board shall be comprised of seven members, at least one of which shall be an African-American and one of whom shall be a female, provided, however, an African-American female shall not satisfy the requirement of one African-American and one female. Five members shall be appointed by the mayor and approved by the council; and two ex officio nonvoting members, one each from the fire department and from the police department who shall be appointed for a term of one year by the respective chief of the department. The remaining five members shall serve for terms of two years. Of the five members to be appointed by the mayor, one member shall be representative of the alarm industry, one member shall be a residential alarm user, and one member shall be a commercial alarm user.

E. The metropolitan clerk is designated as secretary of the board of appeals and shall serve as custodian of its records. (Ord. BL2007-1443 § 3, 2007; Ord. BL2004-353 § 4, 2004; Ord. 94-1036 §§ 1 and 2, 1994; § 1 of Amdt. 1 to Ord. 93-872, 12/7/93; Ord. 93-872 § 7, 1994)

**10.60.090 Enforcement.**

Metropolitan police and fire department officers are specifically authorized to enforce this chapter. Any metropolitan police or fire officer may lawfully issue a citation to an owner, lessee, operator or user of a functional alarm system who has not obtained the permit required by Section 10.60.020, or whose alarm system has given a false alarm in excess of the number allowed under the definition of false alarm in Section 10.60.010. (Ord. 91-1523 § 9, 1991)

**10.60.100 Violation and penalty.**

**Unlawful acts designated—Penalty.**

A. It is a violation of this chapter to have a functional alarm system without having obtained a permit as required by Section 10.60.020.

B. Having an alarm activated without a permit shall constitute a violation of this chapter.

C. It is a violation of this chapter to have more false alarms than are allowable within a fiscal permit year as set out in Section 10.60.010, subject to the provisions of Section 10.60.070(c).

D. Any person who owns, operates or leases an alarm system and who shall knowingly and purposefully fail to respond or have his designee respond to his premises within one hour after notification by fire or police personnel of alarm activation, whether false or not, shall be deemed to have violated this chapter.

E. It is a violation of this chapter for an alarm company or sprinkler company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such case, the permit shall be obtained the next business day.

F. It is a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the fire or police department is notified to cancel the call within five minutes of the original call, it will not be considered a false alarm, unless the responding metropolitan officer arrives on the scene before the original call is canceled. If a metropolitan officer has not arrived on the scene within thirty minutes of the original notifi-

cation, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

G. Any noncompliance with the requirements of this chapter shall constitute a violation, and each incidence of noncompliance shall constitute a separate violation, punishable as provided in Metropolitan Code Section 1.01.030; provided, however, that fines for false alarms shall not exceed twenty-five dollars for each false alarm.

H. There shall be a fee of twelve dollars whenever a citation involving an alarm permit violation listed in subsection B of this section is nullified by the nullification office of the metropolitan traffic violation bureau or is dismissed by the general session court upon the correction of the violation. This fee may be waived by the general sessions judges after a determination of indigency.

(Ord. BL2004-353 § 5, 2004; Ord. BL2004-258 § 2, 2004; Ord. BL2000-395 § 1, 2000; Ord. 95-1329 § 2 (part), 1995; § 2 to Amdt. 1 of Ord. 93-872, 12/7/93; Ord. 93-872 § 8, 1994; Ord. 92-470 § 1, 1992; Ord. 91-1523 § 5, 1991)