

ORDINANCE NO. 16
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

**AN ORDINANCE PERTAINING TO THE REGULATION OF FALSE ALARMS IN
THE UNINCORPORATED TERRITORY OF SUMMIT COUNTY, COLORADO**

WHEREAS, section 30-15-401(1)(o), C.R.S. authorizes a board of county commissioners to enact ordinances to restrain and punish any person who gives, makes, or causes to be given a false alarm of fire and to assess costs associated with such false alarms; and

WHEREAS, section 30-15-401(1)(o.5), C.R.S., authorizes a board of county commissioners to adopt ordinances which control and regulate alarm systems which transmit information to law enforcement or other public safety officials located within the county; and

WHEREAS, response to false alarms consumes many hours of valuable law enforcement time and resources, reduces the mental preparedness of officers responding to alarms in the event that an actual emergency exists, and presents significant health, safety and welfare hazards to the citizens of Summit County; and

WHEREAS, it is the intent of the Board of County Commissioners that this ordinance be enforced particularly against those who are chronic offenders, that first time offenses be dealt with in a way that educates the offender as to the problem caused by false alarms; and

WHEREAS, it is the intent of the Board of County Commissioners that this ordinance imposes or creates no duties on the part of Summit County Government or its departments or employees. The obligation of complying with the requirements of this chapter, and any liability for failure to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining security and/or fire alarms; and

WHEREAS, the Board of County Commissioners finds that the adoption of a false alarm ordinance is in the best interest of the public health, safety, and welfare of the citizens of Summit County; now, therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SUMMIT, STATE OF COLORADO AS FOLLOWS:**

Section 1. Purpose and Intent.

This ordinance shall be known as and be referred to as the "Summit County False Alarm Code". The purpose and intent of this ordinance shall be to reduce the occurrence of False Alarms in unincorporated Summit County Colorado thereby increasing the efficiency and effectiveness of the Summit County Sheriff's Office and fire protection districts in protecting the public health, safety and welfare of the citizens of Summit County Colorado.

Section 2. Definitions.

(A) As used in this ordinance, such words and phrases shall have the following meanings:

- (1) **ALARM ADMINISTRATOR** means the Summit County Communications Center.
- (2) **ALARM BUSINESS** means the business, by an individual, partnership, corporation or other entity, of Monitoring, or sub-contracting the Monitoring, of an Alarm System at an Alarm Site.
- (3) **ALARM DISPATCH REQUEST** means a notification to the Alarm Administrator by the Alarm Business that an alarm, either manual or automatic, has been activated at a particular Alarm Site and that Alarm Business requests the Summit County Sheriff's Office or applicable fire protection district to respond to the Alarm Site. There is no duty to dispatch under any circumstances, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available law enforcement or fire protection resources.
- (4) **ANNUAL SERVICE CONTRACT** means an agreement entered between the Alarm Administrator and an Alarm Business for the purpose of providing the terms and conditions related to Summit County Sheriff's Office or applicable fire protection district's response to Alarm Dispatch Requests generated by the Alarm Business through the Alarm Administrator, which response is in any event at the discretion of the applicable law enforcement or fire protection agency.
- (5) **ALARM SITE** means a single premises 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.
- (6) **ALARM SYSTEM** means any device designed for the detection of fire or unauthorized entry on or into any building, place or premises, or for alerting others of the commission of an unlawful act, or any combination thereof, and when activated causes an audible and/or visual signal or transmits a signal or message to which public safety officers are expected to respond or which would imply to a reasonable person that public safety officers are needed at the alarm source to investigate a fire, criminal activity or emergency.
- (7) **FALSE ALARM** means the activation of an Alarm System resulting in a response by the Summit County Sheriff's Office or applicable fire protection district to the Alarm Site when the responding public safety personnel finds no evidence of a fire, criminal offense or attempted

criminal offense after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request, which is cancelled by the Alarm Business or the Alarm Site owner or occupant prior to the time the responding public safety personnel reaches the Alarm Site may be considered a False Alarm.

(8) MONITOR means the process by which an Alarm Business receives signals from Alarm Systems and relays an Alarm Dispatch Request to the Summit County Communications Center for the purpose of summoning public safety service provider response to the Alarm Site.

Section 3. Administration.

The Summit County False Alarm Code shall be administered by the Alarm Administrator.

Section 4. Alarm Regulation.

(A) Alarm Businesses and Alarm Site owners shall comply with all rules, regulations and contract terms promulgated by the Alarm Administrator that are not inconsistent with this ordinance.

(B) No Alarm Business or Alarm Site owner shall make an Alarm Dispatch Request or cause to be made an Alarm Dispatch Request for any Alarm Site located in unincorporated Summit County, Colorado, unless the subject Alarm Site is registered with the Alarm Administrator by an Alarm Business that has entered and is in compliance with a current Annual Service Contract with the Alarm Administrator.

(C) An Alarm Site Owner or Alarm Business, as applicable, shall pay all fees authorized under this ordinance or due under the terms of the Annual Service Contract within thirty days of invoice by the Alarm Administrator or Alarm Business. Any payment of such fees not received by the Alarm Administrator within such thirty day period shall be considered to not have been timely paid.

(D) To discourage False Alarms, the SCCC shall adopt a process of sending a letter or delivering other written notice informing the Alarm Site owner and Alarm Business which has had a False Alarm, or otherwise violated the terms of this ordinance, of the consequences of such False Alarm or other violation, the need to take corrective action and, when applicable, the prospect that four (4) burglary/intrusion False Alarms in any twelve-month period may result in law enforcement's disregarding intrusion/burglary type alarms from the Alarm Site and not responding to requests for law enforcement response unless there is an in-person call for assistance from someone at or near the Alarm Site that verifies the need for an immediate law enforcement response.

Section 5. Annual Alarm Contract.

(A) The contents of the Annual Service Contract shall include:

- (1) The term of the Annual Service Contract, and renewals thereto, shall be for a period of one year commencing January 1st and terminating December 31st annually.
- (2) The Alarm Business' agreement to collect from Alarm Site owners and pay to the Alarm Administrator an annual alarm registration fee for each Alarm Site that they monitor. The annual registration fee for Alarm Sites newly added during each calendar year must be submitted to the Alarm Administrator prior to commencement of Alarm System Monitoring and the fee shall be prorated to the date of Alarm System installation. No refund of an Alarm Registration fee will be made.
- (3) The Alarm Business' agreement to provide the Alarm Administrator with a list of all Alarm Sites including the property address, the property owner's name and contact information for the property owner.
- (4) A False Alarm response service fee schedule. The False Alarm response fee schedule shall allow public safety service provider response to one (1) False Alarm per Alarm Site in any twelve-month period without charging a response service fee. The False Alarm response fee schedule shall establish escalating False Alarm response service fees for response to Alarm Sites with two (2) or more False Alarms in the preceding one-year period.
- (5) A provision stating that the Summit County Sheriff's Office shall not have a contractual or other legal obligation to respond to any Alarm Site at which three (3) or more intrusion/burglary type False Alarms have occurred in any twelve-month period, or to any intrusion/burglary type Alarm Dispatch request for an Alarm Site for which fees accruing hereunder have been invoiced to the Alarm Site owner and not timely paid, unless there is an in-person call for assistance from someone at or near the Alarm Site that verifies the need for an immediate law enforcement response.
- (6) The Alarm Business' agreement to make all reasonable efforts to timely collect, or assist the Alarm Administrator in the collection of, all applicable False Alarm response service fees determined by the Alarm Administrator to be the responsibility of Alarm Site owners under contract with the Alarm Business. Alarm Business' agreement to cease to make Alarm Dispatch Requests to Alarm Sites whose owners have not paid any validly assessed fees authorized hereunder.
- (7) The agreement of the Alarm Business to timely pay all applicable False Alarm response service fees for Alarm Dispatch Requests generated by the Alarm Business and determined by the Alarm Administrator to be the responsibility of the Alarm Business.
- (8) The Alarm Business' agreement to make at least two (2) separate attempts to at least two (2) separate phone numbers to contact the owner or occupant of the Alarm Site to verify the necessity of public safety service provider response prior to Alarm Business' making an Alarm

Dispatch Request. Names and numbers of those contacted, or attempted to be contacted, must be provided by the Alarm Business if requested by the Alarm Administrator.

(9) The Alarm Administrator's agreement to forward Alarm Dispatch Requests to the appropriate public safety service provider.

(10) The agreement of the Alarm Business and Alarm Site Owner to comply with such other rules and regulations pertaining to False Alarms and Alarm Businesses as may be adopted by the Alarm Administrator; provided that such rules and regulations are not inconsistent with the provisions of this Ordinance.

(11) Such other terms and conditions deemed necessary and reasonable by the Alarm Administrator to implement the provisions of Summit County False Alarm Code.

Section 6. Penalties.

(A) Pursuant to C.R.S. § 30-15-402, any person who violates any county ordinance commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.

(B) Pursuant to C.R.S. § 30-15-402, the Board of County Commissioners hereby adopts the penalty assessment procedure provided in section C.R.S. § 16-2-201 for violations of this ordinance. Any arresting law enforcement officer is authorized to use the penalty assessment procedure provided in section C.R.S. § 16-2-201, for violations of this ordinance. If the penalty assessment procedure is used, the fine schedule shall be as follows:

First Violation:	\$150.00 fine.
Second Violation:	\$500.00 fine.
All Subsequent Violations:	\$1,000.00 fine per violation.

(C) Any person convicted of a violation of this ordinance shall pay a surcharge of ten dollars (\$10.00) as provided in C.R.S. § 30-15-402(2). This surcharge shall be paid to the Clerk of the Court by the defendant. If any of the regulations set forth herein shall conflict with any other applicable law or regulation, the more stringent requirement shall control.

(D) In addition, each failure of an Alarm Business to comply with the requirements stated herein is a violation of this Ordinance and may result in the cancellation of the applicable Alarm Business' Annual Service Contract or the accrual of fees charged to the Alarm Business pursuant to the Annual Service Contract. Alarm Businesses that are otherwise in compliance with the terms of this ordinance and the terms of a herein authorized and current Annual Service Contract, shall not be liable, criminally or otherwise, for the failure of their customer to pay fees assessed hereunder.

(E) Governmental entities shall be exempt from the penalty provisions of this ordinance.

Section 7. Fees.

The fees authorized hereunder shall be set, and adjusted as necessary, by the Alarm Administrator with the approval of the Summit County Communications Center Policy Board in amounts reasonably related to offsetting the cost to the Alarm Administrator for administering the Summit County False Alarm Code and the cost to public safety personnel for responding to False Alarms in unincorporated Summit County Colorado. The Alarm Administrator shall keep an annual account of all fees by type and amount that are generated hereunder. All fees authorized hereunder shall be paid into the treasury of Summit County. In addition to other remedies authorized hereunder, the SCCC may refuse to dispatch law enforcement response to activated intrusion/burglary type alarms at any Alarm Site for which fees accruing hereunder have been invoiced to the Alarm Site owner and not timely paid, unless there is an in-person call for assistance from someone at or near the Alarm Site that verifies the need for an immediate law enforcement response. Governmental entities shall be exempt from paying any fees authorized pursuant to this ordinance.

Section 8. Appeal of False Alarm Response Fee.

(A) The SCCC may waive the fee or penalty incurred by an Alarm Site owner or Alarm Business for a False Alarm and clear the violation as a warning if:

1. Notice is issued to the Alarm Site owner and Alarm Business describing a violation of this ordinance; and
2. Within fifteen (15) days after the date of the notice of False Alarm, the Alarm Site owner or Alarm Business either follows the instructions provided on the notice of violation or mails a written response to the SCCC requesting a waiver and clearance as a warning.
3. The Alarm Site owner and Alarm Business may present evidence before the SCCC or in the written response to the SCCC that shows: the steps that the Alarm Site owner or Alarm Business has taken, or is taking, to correct the False Alarm problem; the incidence of crime in the area of the Alarm Site; facts and circumstances of the False Alarm; and other relevant information.

Section 9. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to State law. Section headings and cross references of this ordinance shall not be deemed to govern, limit, modify or affect in any manner the scope, meaning or extent of the provisions of this ordinance or any section thereof. This ordinance imposes or creates no duties on the part of Summit County Government, or its departments and employees including but not limited to the Alarm Administrator and the Sheriff's Office, and the obligation of complying

with the requirements of this ordinance, and any liability for failure to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining Alarm Systems.

Section 10. No Liability.

The adoption of this ordinance shall not create any duty on the part of Summit County, the Summit County Sheriff, the Summit County Communications Center or any other emergency service responder to respond to any Alarm Dispatch Request. No person shall have any civil liability remedy against Summit County, the Summit County Sheriff, the Summit County Communications Center or any other emergency service responder, or their officers, employees or agents, for any claim for monetary damages or other civil relief arising out of or in any way connected to the adoption, enforcement or nonenforcement of this ordinance, or the failure of Summit County, the Summit County Sheriff, the Summit County Communications Center or any other emergency service responder to respond to any Alarm Dispatch Request. Nothing in this ordinance shall ever be interpreted or construed to create any liability on the part of Summit County, the Summit County Sheriff, the Summit County Communications Center or any other emergency service responder, or to waive any of the immunities, limitations on liability or other provisions of the Colorado Governmental Immunity Act, section 24-10-101, et seq, C.R.S., as amended from time to time, or any other immunities or limitations on liability otherwise available to the Summit County, the Summit County Sheriff, the Summit County Communications Center or any other emergency service responder, or their officers, employees or agents under applicable law.

Section 11. Application.

This ordinance shall apply to every Alarm Site within the unincorporated territory of Summit County, of which the County of Summit has jurisdiction and authority to regulate.

Section 12. Severability.

If any section, clause, sentence or part of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate the other provisions of this ordinance which can be given effect without such invalid provision.

Section 13. Effective Date.

This ordinance shall be effective thirty days after publication after adoption on second reading.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL IN THE SUMMIT COUNTY JOURNAL AND SET FOR PUBLIC HEARINGS THIS 24TH DAY OF May 2005.

**BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO**

By: Thomas A. Long
Thomas A. Long, Chairman

ATTEST:

By: Cheri Brunvand
Cheri Brunvand, Clerk & Recorder

READ, PASSED AND ADOPTED AFTER PUBLIC HEARINGS AND HAVING BEEN
PUBLISHED IN THE SUMMIT COUNTY JOURNAL ON May 13, 2005.
ORDERED PUBLISHED IN TITLE ONLY THIS 24TH DAY OF May 2005.

COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS

By: Thomas A. Long
Thomas A. Long, Chairman

ATTEST:

By: Cheri Brunvand
Cheri Brunvand, Clerk & Recorder