

ORDINANCE NO. 65

AN ORDINANCE RELATING TO AND REGULATING THE USE OF BURGLARY, FIRE, HEALTH AND SAFETY ALARMS IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR
ORDAINS:

SECTION 1. PURPOSE. The purpose of this Ordinance is to provide regulations for the use of burglary, fire, health and safety alarms, to ensure the availability of the Town's public safety services for appropriate public safety needs, and to encourage alarm users to adequately maintain and utilize alarm systems. Fees for false alarms are established in Ordinance No. 54 (Fees & Charges).

SECTION 2. DEFINITIONS.

2-1. Alarm System. Any alarm installation designed to be used for the prevention or detecting of burglary, robbery or fire on the premises which contains an alarm installation, including health alarm systems in buildings which are used in case of life-threatening situations. Automobile alarm devices shall not be considered an alarm system under the terms of this Ordinance.

2-2. Alarm User. Any person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.

2-3. False Alarm. Any alarm signal eliciting a response by the Town's public safety personnel (Law Enforcement Agency or Fire Department), when a situation requiring a response does not in fact exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or the inadvertence of the user of any alarm system or its employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, or violent conditions of nature.

SECTION 3. FALSE ALARM REPORTS. The Town Clerk shall advise the law enforcement agency to report all false alarms occurring within the Town. The report shall include the identification of the alarm user and the date, time and location of the false alarm, and the probable cause of the false alarm.

SECTION 4. USER FEES.

4-1. An alarm user whose alarm system has resulted in the reporting of false alarms shall be charged a user fee as established in Ordinance No. 54 (Fees & Charges).

4-2. Exceptions to User Fees.

4-2.1. Newly installed alarm systems are hereby granted a thirty (30) day probationary period, commencing on the date of installation of the system. Proof of the installation date must be provided to the Town by the alarm owner.

4-2.2. Alarm system owners who, through personal initiative or by Town order, make alterations to, or upgrade their existing alarm system, are granted a fifteen (15) day probationary period, commencing on the date of first operation, after completion of alterations or upgrade, during which time false alarms will not be counted for the purpose of computing the amount of false alarm fees imposed by this Ordinance.

4-2.2.(a). In order to be eligible for this waiver, alarm owners must notify the Town prior to work being done on their alarm system.

4-2.3. Ramsey County facilities located in White Bear Township shall be exempt from user fees during such time that White Bear Township contracts for police services through Ramsey County.

SECTION 5. NOTICE. Upon notice of the first false alarm report for a particular alarm system, the Town shall notify the alarm user by regular mail that a false alarm has been reported. The notice shall include a copy of the Town's false alarm regulations. After receipt of the second and subsequent false alarm reports for a particular alarm system, the Town shall notify the alarm user of each alarm report by regular mail, and shall inform the user if a user fee is payable.

SECTION 6. PAYMENT OF USER FEES. If a user fee is payable, the fee must be paid to the Town within thirty (30) days from the date of notice.

SECTION 7. APPEAL OF A USER FEE. An alarm owner who is required by the Town to pay a fee as a result of a false alarm, may make a written appeal of the false alarm fee to the Town Clerk within ten (10) days of the mailing of the Town's notice. The Town Clerk will present the appeal to the Town Board. The alarm user shall be invited to appear before the Town Board. The Board will have authority to make a final determination as to whether or not the user is to be charged a fee for the false alarm. If the alarm user is not present when the Board reviews the appeal, the Town Clerk or his/her designee shall notify the alarm user by regular mail, of the result of the Town Board's review. User fees,

as determined by the Town Board, shall be paid within fifteen (15) days of mailing of the Town's notice of the Board's decision.

SECTION 8. COLLECTION OF DELINQUENT FEES. All delinquent charges for user fees shall be certified by the Town Clerk or his/her designee to the Ramsey County Department of Property Taxation for collection with taxes due against the property of which the alarm system is located. An administrative charge, as established in Ordinance No. 54 (Fees and Charges), shall be collected for each and every delinquent account which is to be certified to the County Auditor for collection with the tax rolls. This certification process shall occur annually, subject to deadlines imposed by Ramsey County or State Statutes.

SECTION 9. EXCESSIVE ALARM REPORT. When the operation of an alarm system has resulted in six (6) or more false alarms within one calendar year, the Town shall, by written notice, request the alarm user to provide the Town with a written report indicating the actions taken or to be taken within a definite period of time, by the alarm user to discover and eliminate the cause of the false alarms. Said report is to be completed and submitted to the Town within fifteen (15) days of the date of the Town's written notice. Failure to submit the written report within the time limits shall be considered a violation of this Ordinance.

SECTION 10. PENALTIES. Any person who shall violate any of the provisions of this Code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, and for which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the Town Board, or by a Court of competent jurisdiction, within the time fixed therein, shall severally for each and every violation and non-compliance respectively, be guilty of a misdemeanor, punishable as provided in Ordinance No. 26. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained, shall constitute a separate offense.

SECTION 11. SEVERABILITY. Should any section, subdivision, clause or other provisions of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part held to be invalid.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 6th day of February, 1995.

APPROVED:

ROBERT J. WEISENBURGER, Chairman

ATTEST:

WILLIAM F. SHORT, Clerk-Treasurer

Board of Supervisors:
ROBERT J. WEISENBURGER, Chair
RICHARD A. SAND, Supervisor
LINDA J. FORD, Supervisor

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Historical Notes

1998

Section 4 passed May 4, 1998, and effective May 13, 1998 by Weisenburger (Chair); Sand and Ford; Short (Clerk-Treasurer);

1995

Ordinance, Title, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 passed February 6, 1995, and effective February 15, 1995 by Weisenburger (Chair); Sand and Ford; Short (Clerk-Treasurer).