

STATE OF INDIANA)
)SS
COUNTY OF HENDRICKS)

AMENDED
Ordinance No. 2017- 08

Ordinance Regarding Alarm Systems

Whereas, there are business and residences in Hendricks County that utilize alarm systems, that require special responses from the public safety agencies of the county, primarily the Hendricks County Sheriff's Department. The agencies in question respond to protect and preserve health, safety and welfare, of the occupants and/or properties of said businesses and residences as well as the citizens of the County.

Whereas, County Commissioners find that said alarms frequently produce false and/or accidentally set alarms requiring County Law Enforcement Agencies to provide responses when no situation of an emergency nature has actually developed.

Whereas, the concern over requiring the dispatch of County Law Enforcement Agencies demands reasonable regulation of alarms in said business and/or residences, to protect the health and wellbeing of the citizens of the County.

Whereas, the County Commissioners desire to minimize and control the potential adverse effects of dispatching the County Law Enforcement Agency units to non-emergency situations often during and to the exclusion of services rendered during actual emergencies which could reduce the welfare of the citizenry and inhibit County Law Enforcement Agencies from rendering aid to others in time of need.

Whereas, it is not the intent of the County Commissioners to suppress the right of all persons to provide for their increased security by owning, operating, installing, or having installed an alarm, but to enact a content neutral ordinance which addresses the secondary effects of said alarms such as repeated false and/or accidental alarms.

Whereas, it is the intent of the County Commissioners to provide County Law Enforcement Agencies a means by which responsibility for false alarms is born by those responsible for said alarms within Hendricks County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, as follows:

**ARTICLE I
TITLE**

This Ordinance shall be titled "Alarm Systems" and may be cited as such. Reference shall be Amended - Ordinance Number 2017- 08 replacing the existing ordinance 1998-26.

**ARTICLE II
PURPOSE**

To establish required fees, to provide penalties for violations of said ordinance, and to encourage security alarm users and alarm businesses (sales, installations, customer service and/or monitoring) to maintain the operational reliability and the proper use of alarm systems, limiting the unnecessary responses to alarms by the County Law Enforcement Agencies.

**ARTICLE III
DEFINITIONS**

ALARM AGENT: Any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering replacing, moving or installing on or in any building structure, facility or grounds any alarm system.

ALARM BUSINESS: Any Individual partnership, corporation or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, alters, replaces, moves or installs an alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

ALARM SYSTEM: Any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds or for alerting others on the commission of an unlawful act within a building structure, facility or grounds, which when activated causes notification to be made directly or indirectly to a Law Enforcement Agency.

For the purpose of this article, the following shall be considered exempt:

- (1) An Alarm installed on a motor vehicle
- (2) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (3) An Alarm which signals or alerts only the occupants of the premises protected by the alarm system.
- (4) An alarm occurring during electrical storms, hurricanes, tornadoes, blizzards or other acts of nature
- (5) Circumstances not reasonably under the control of the alarm user, installer or maintainer (the responsibility to show causation is that of the user, installer or maintainer)

ALARM NOTIFICATION; A notification intended to summon a Law Enforcement Agency, which is designed either to be initiated purposely by a person or by an alarm system that responds to an unlawful entry, attempted entry or any other unauthorized intrusion.

ALARM SITE: A single premises or location served by an alarm system.

PANIC ALARM: Any device that is designed or intended to be manually activated by a person, whether in a business or automobile, who has encountered an actual or perceived emergency situation.

AUTOMATIC DIALING DEVICE: Any device that is designed or intended to automatically dial, via telephone lines, any Law Enforcement Agency and report an emergency such as a burglary or holdup.

REMOTE ALARM REPORTER: Any device that is designed or intended to provide an audible (bell tone, siren, etc.) Response, in the event of a burglary/holdup alarm, to a remote site such as the Hendricks County Communications Center.

FALSE ALARM NOTIFICATION: Any alarm notification, whether direct or indirect, to a Law Enforcement Agency, when the responding officer finds no evidence of a criminal offense or attempted offense.

ARTICLE IV

Prohibited Activity & Fines

It shall be unlawful for a person who owns or controls property on which an alarm system is installed to issue, cause to be issued, or allow the issuance of more than two (2) false alarms in a calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within thirty (30) days after installation of the alarm system

A person who owns or controls property on which an alarm system is installed shall receive a warning from the appropriate law enforcement agency for the two (2) false alarms issued by such alarm system during a calendar year.

Fines will be established as follows plus Court Costs:

1. First two (2) non-exempt false alarms.	Written Warning
2. Third (3rd) non-exempt false alarm	\$15.00
3. Fourth(4th) non-exempt false alarm	\$30.00
4. Fifth (5th) non-exempt false alarm	\$60.00
5. Sixth (6th) non-exempt false alarm	\$90.00
6. Seventh (7) or greater non-exempt false alarm	\$150.00

In addition to the penalties provided for in this section, any act or any person, firm or Corporation who continuously, knowingly, and intentionally violates any provisions of this ordinance is hereby declared to be a nuisance and all remedies applicable to a nuisance, both public and private, including, but not limited to injunctions and damages, are hereby preserved.

ARTICLE V ENFORCEMENT

It shall be the duty of the HENDRICKS COUNTY SHERIFES DEPARTMENT to enforce this Ordinance. Any person violating any provision of this Ordinance shall be subject to fines and costs as specified within this Ordinance.

Violators of the Ordinance shall be served a written notice of the violation (Complaint and Summons) either in person or by any other manner reasonably calculated to result in actual notice, including certified mail.

ARTICLE VI HEARINGS

Any person receiving any such notice of violation as described herein and wishes to enter a denial may be granted a hearing on the matter before a court of competent jurisdiction. At such time, if the court finds an ordinance violation has occurred, said court shall assess court costs and fines and may also award reasonable attorney fees from the violator for the necessity of prosecuting an action when judgement is found for the county. The court may also assess administrative costs expended by Hendricks County on taking enforcement action.

**ARTICLE VII
SEVERABILITY**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, void or ineffective for any cause shall not effect another section, subsection, sentence, clause and phrase.


**ARTICLE VIII
APPLICATION AND EFFECTIVE DATE**

This Ordinance shall apply to the entirety of Hendricks County, but will no supersede Ordinances put into place by cities or towns within incorporated areas. The Ordinance shall be in full force and effect immediately upon and after its adoption and publication as required by law.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 28th day of March 2017


BOARD OF COMMISSIONERS

Hendricks County, Indiana


Matthew D. Whetstone, President


Phyllis A. Palmer, Vice President


Bob Gentry, Member

ATTEST: 
Nancy L. Marsh, Auditor