

Ordinance No. 2018-44

AN ORDINANCE REPEALING TITLE 6, CHAPTER 2 OF THE MUNICIPAL CODE OF PARK CITY: BURGLARY AND ROBBERY ALARMS

WHEREAS, Park City, Utah, has an interest in promoting public health, safety, and welfare of residents, visitors and property owners; and

WHEREAS, City Council adopted the Municipal Code regulating Burglary and Robbery Alarms in 1982 to promote the health, safety and welfare of residents, visitors, and property owners; and

WHEREAS, changes in alarm systems, technology, police procedure and City policy have rendered the requirements under Title 6, Chapter 2: Burglary and Robbery Alarms null; and

WHEREAS, Utah Code Ann. Sections 76-9-105: Making a False Alarm and 76-9-202: Emergency Reporting proscribe the same conduct being repealed in Title 6, Chapter 2, Section 3; and

WHEREAS, City Council finds that it is in the public interest to repeal written laws, regulations and ordinances that do not reflect current procedures and policies.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Section I. Repealer. Municipal Code of Park City Title 6, Chapter 2: Burglary and Robbery Alarms, is hereby repealed in its entirety.

Section II. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section III. Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED by the City Council of Park City, Utah, this 19th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION



Mayor Andy Beerman

Attest:



Michelle Kellogg
Michelle Kellogg, City Recorder

Approved as to form:

Tricia S. Lake
Tricia S. Lake
Assistant City Attorney/Prosecutor

A Title 2, Chapter 6 of the Municipal Code of Park City:—Burglary and Robbery Alarms

6-2 Burglary And Robbery Alarms

6-2-1 Definitions

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6-2-1 Definitions

All words and phrases used in this article shall have the following meanings unless a different meaning clearly appears from the context:

ALARM. Any telephonic or electronic device used to notify the police about acts of a crime or emergency.

ALARM BUSINESS. The business by any individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any Alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any Alarm system in or on any building structure, or facility.

ALARM USER. The person, firm, partnership, association, corporation, company, or organization of any kind in possession and control of any building, structure or part thereof, or facility wherein an Alarm system is maintained.

AUTOMATIC DIALING DEVICE. A device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

CHIEF OF POLICE. The Director of the Park City Police Department or his/her authorized and designated representative.

DIRECT ACCESS ALARM SYSTEM. A system, which has remote access to the automatic monitoring devices installed in the City dispatch center.

FALSE ALARM. An alarm signal, eliciting a response by police officials when a situation requiring a police response does not in fact exist, but does not include an Alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonable subject to control by the Alarm Business operator or Alarm User.

6-2-2 Notification Required

It shall be unlawful for a person to maintain an Alarm on any premises without first providing the Park City Police Department a list of persons with telephone numbers, who are authorized and responsible to enter the Alarm User's premises and deactivate the Alarm. It is unlawful for any person named on such list, who has been personally contacted by police, to fail to appear within the time designated by police and inactivate the Alarm for which he is responsible.

6-2-3 False Alarms

FALSE ALARMS PROHIBITED. It shall be unlawful for a person to cause a False Alarm deliberately or through inadvertence or neglect.

MISUSE OR TEMPERING WITH AN ALARM SYSTEM. It shall be unlawful for any person or Alarm User to misuse, tamper with, alter, or obstruct any Alarm System, whether or not such misuse, tampering, alteration, or obstruction causes the Alarm to signal entry into the premises, unless such person is an authorized technician duly authorized by the Alarm User to perform maintenance or testing on such Alarm, and provided that such technician has notified the Park City Police Department, Summit County Sheriff's Department, and the Alarm User of such maintenance.

6-2-4 Cash Deposit To Be Posted

It shall be unlawful for any person or corporation to maintain an Alarm System on any premises unless there shall have been posted with the Park City Municipal Corporation a cash deposit in the amount of One Hundred Dollars (\$100.00), portions of which are to be forfeited upon the giving of False Alarms as hereinafter provided.

6-2-5 Private Security Response

If an Alarm is answered or monitored by a private security firm or other such individual not associated with publicly funded law enforcement, and the Alarm User or monitoring agency does not wish response by the Park City Police Department until such Alarm has been verified by the Alarm User or monitoring agency, then the deposit pursuant to Section 6-2-4 of this Chapter shall not apply, provided, however, that the Park City Police Department and the Summit County dispatch have been notified in writing that no police response is desired unless specifically requested by an alarm user, responsible party for the alarm, or private security firm.

All Alarms, whether monitored and responded to by the Park City Police Department, private security firm, or other such person or agency responsible for the Alarm, must be registered with the Park City Police Department pursuant to Section 6-2-2 of this Chapter.

6-2-6 Penalty

For a police response to a False Alarm, the Police Chief shall charge and collect the following fees from the Alarm User, which fees shall be initially deducted from the deposit posted with Park City Municipal Corporation:

PENALTY FEES FIRST RESPONSE. For response to premises at which no other False Alarm has occurred within the preceding six (6) month period, hereinafter referred to as "first response," no fee shall be charged and no deduction from the deposit shall occur. The police responding to the "first response" Alarm shall provide written notification to the Alarm User that subsequent responses to False Alarms will cause deductions from the posted deposit.

PENALTY FEES SUBSEQUENT RESPONSES. For a second response to the same premises within six (6) months after such "first response," and for all subsequent responses, The Police Chief shall charge Twenty Five Dollars (\$25.00) and deduct each such charge from the posted deposit. In the event such deposit becomes exhausted, the Alarm shall be disconnected and/or responses to such Alarm shall be discontinued by emergency services personnel until such time as all fees are paid and a new deposit in the amount of One Hundred Dollars (\$100.00) is posted with the Park City Police Department and the Alarm has been inspected by a qualified technician.

SENTENCING. Any person convicted of a violation of, or failure to comply with, any of the provisions of this Chapter shall be punishable in accordance with Section 8-1-19 through 8-1-33 of the Municipal Code of Park City.

WILLFUL FALSE ALARM. Any person, including Alarm User, who knowingly and deliberately activates an Alarm System when no emergency situation exists at the premises, shall be guilty of a Class B misdemeanor and be subject to a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for six (6) months, or both.

6-2-7 Direct Access Alarm Systems

Direct Access Alarm Systems are allowed under the following terms and conditions:

EQUIPMENT. Any direct access equipment shall be approved in advance by the Chief of Police for compatibility with existing equipment in the dispatch center, and to eliminate duplicate or overlapping equipment. Automatic telephone tape dialing devices, which dial the emergency phone number and give a taped message will not be allowed. Some kind of alarm transmitting device that provides the information from the Alarm to the City monitor is required.

INSTALLATION. Installation will be to Park City Police Department specifications, and all the costs of installation will be on the private alarm company making the installation. The City does not insure private alarm monitoring devices. Direct Access Alarm Systems equipment is installed at the sole risk of the owner.

CHARGES. In lieu of the One Hundred Dollar (\$100.00) Deposit charged for alarms that are not installed as a Direct Access Alarm System, there shall be an initial charge of One Hundred Dollars

(\$100.00) per alarm connected through a Direct Access Alarm System device for the installation of the Alarm. For purposes of this section, each remote Alarm installation location is a separate Alarm for which \$100.00 is charged, whether that system monitors burglary, fire, mechanical failure or other functions at that location. For each subsequent year, the Direct Access Alarm System user shall pay a fee of Fifty Dollars (\$50.00) per year or part thereof for each Alarm installation location.

ALARM SERVICE CONTRACT. Each Alarm company making a Direct Access Alarm System connection to the dispatch center shall sign a contract with the City setting forth the nature of its expected response to the Alarm, the protocol of notifying the Alarm company and the conditions under which the Park City Police Department will make the initial response to the Alarm, penalties for repeated False Alarms (which will include loss of that location's Direct Access Alarm System privilege, or in the case of a company that has an unusually large number of False Alarms, the loss of that company's Direct Access Alarm System privilege), insurance of Alarm equipment and response personnel, and similar mechanical items that deal with the relationship between the City as the dispatch monitoring center and the Park City Police Department as the primary law enforcement agency in the City, and the Alarm company and its customers as the persons requesting emergency service through automatic devices.

ELIGIBILITY. The City will permit only private security firms which are licensed by the state of Utah, and which have Park City business licenses, to connect to the Direct Access Alarm System devices. Each private security system must agree to maintain locally-based twenty-four (24) hour a day response personnel. Private security companies not meeting these standards will not be permitted to connect to the City dispatch by Direct Access Alarm System devices. If a private company that was in compliance at the time of connection is later found not to comply, the Direct Access Alarm System privilege will be terminated by the City.