

ORDINANCE D-2157-13

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA ("CITY"), AMENDING CARMEL CITY CODE CHAPTER 4, ARTICLE 3, SECTIONS 4-71, 4-72, 4-73, 4-74, 4-77, 4-78 AND 4-80

WHEREAS, the City regulates the operation of alarm systems; and

WHEREAS, the City Code has, over the years, come to contain several sections regulating these emergency alarm systems and conflicts between sections have occurred; and

WHEREAS, it is now prudent and in the public interest to resolve the conflicts within the Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 4, Article 3, Section 4-71 of the Carmel City Code should be and the same is hereby amended to read as follows:

"Sec. 4-71 Definitions.

Emergency Response Personnel. An employee or employees of the Carmel Police Department or the Carmel Clay Fire Department who routinely respond to a summons for assistance when there is a reasonable belief that the need exists.

Section 3. Chapter 4, Article 3, Section 4-72 should be and the same is hereby amended to read as follows:

Sec. 4-72 Alarm System Permit Required.

(a) It shall be unlawful for any person who owns or controls property to operate, cause to be operated, or permit the operation of an alarm system on that property unless an alarm system permit for such alarm system has been obtained from the Chief of the Carmel Police Department or his designee; provided, however, that no permit shall be required for an alarm system located on a private residence if the only response on activation of the alarm system is an external sounding alarm that automatically stops within 15 minutes after activation. However, notwithstanding the above, if emergency response personnel are routinely notified and dispatched to a private residence to investigate an activated alarm, a permit shall be required.

Section 4. Chapter 4, Article 3, Section 4-73 of the Carmel City Code should be and the same is hereby amended to read as follows:

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This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on October 15, 2013 at 2:08 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

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Sec. 4-73 Application for Alarm System Permit

(a) Application for a permit for the operation of an alarm system shall be made by a person or legal entity having ownership, a leasehold interest in or control over the property on which the alarm system is installed and operational. Such applications shall be made in writing to the Chief of the Carmel Police Department or his designee, within five days following installation of an alarm system and prior to its operation. Applications shall be on a form designed by the City for this purpose. The application shall include following information:

- (1) The name, address and telephone number of each person in possession or control of the property.
- (2) The street address of the property on which the alarm system is installed and operational.
- (3) Any business name used for the premises on which the alarm system is installed and operational.
- (4) The name of the person or alarm system business who will install the alarm system.
- (5) The names and telephone numbers of two persons or of an alarm system business which are able to and have agreed:
 - a) To receive notification at any time; and,
 - b) To come to the alarm site within 30 minutes after receiving a request from emergency response personnel to do so; and,
 - c) To grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

Section 5. Chapter 4, Article 3, Section 4-74 of the Carmel City Code should be and the same is hereby amended to read as follows:

Section 4-74 Issuance of Alarm System Permit

- (a) The Chief of the Carmel Police Department or his designee shall issue an alarm system permit to the person or other legal entity in possession or control of the property upon submission of an application in accordance with this article and payment of the permit fee, unless the Chief of the Carmel Police Department or his designee finds that any statement made in the application was incomplete or false. Such permit shall contain a registration number and shall be in decal form.
- (b) After the receipt of the application for an alarm system permit and payment of the permit fee, the Chief of the Carmel Police Department or his designee shall record the application data for use by emergency response personnel. All information on such application shall be protected as confidential information; provided, however, nothing in this chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this chapter. The Chief of the Carmel Police Department or his designee shall forward the permit fees to the Clerk-Treasurer for deposit into the General Fund.

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- (c) The permit holder, or his successor in interest, shall notify the Chief of the Carmel Police Department or his designee, in writing, of any change in the information contained in the permit application within thirty (30) calendar days of the date on which such change occurred.

Section 6. Chapter 4, Article 3, Section 4-77 of the Carmel City Code should be and the same is hereby amended to read as follows:

Sec. 4-77 Prohibited Activity.

- (a) It shall be unlawful for a person who owns, leases or controls property on which an alarm system is installed to issue, cause to be issued, or permit the issuance of more than two false alarms in any one calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within 30 days after installation of the alarm system.
- (b) A person who owns, leases or controls property on which an alarm system is installed shall receive a warning from the Carmel Police Department or the Carmel Fire Department for the first two false alarms issued by such alarm system during any one calendar year.

Section 7. Chapter 4, Article 3, Section 4-78 of the Carmel City Code should be and the same is hereby amended to read as follows:

Sec. 4-78 Enforcement.

- (a) If an alarm system issues more than two false alarms in a calendar year, the person who owns, leases or controls the property on which such alarm system is installed shall receive written notice of violation of § 4-77 subject to civil penalties under § 4-79.

Section 8. Chapter 4, Article 3, Section 4-80 of the Carmel City Code should be and the same is hereby amended to read as follows:

Sec. 4-80 Automatic Dialing Devices Prohibited.

- (a) It shall be unlawful to use or permit the use of any automatic telephone device or attachment which automatically selects any telephone line leading into the Hamilton County Sheriff's Dispatch Center and then transmits any prerecorded message or signal unless specifically approved by the Carmel Board of Public Works and Safety."

Section 9. Amendments contained within Section 6 and Section 7 of this ordinance shall be retroactive to the passage date of Ordinance D-1674-04, which when passed on January 26, 2004, provided a civil penalty under Section 4-79 for the third and fourth false alarm for an emergency alarm system in the calendar year.

Section 10. All other current provisions of City Code Sections 4-71, 4-72, 4-73, 4-74, 4-77, 4-78, and 4-80 shall remain in full force and effect and are not affected by this Ordinance.

Section 11. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 12. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance or any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.


Section 13. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this 4th day of November 2013, by a vote of 7 ayes and 0 nays.

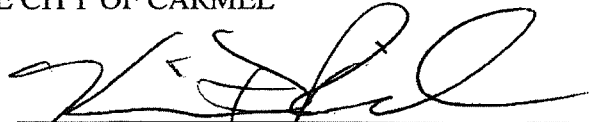
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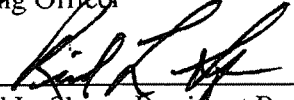
COMMON COUNCIL FOR THE CITY OF CARMEL



Presiding Officer



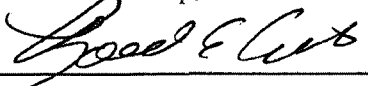
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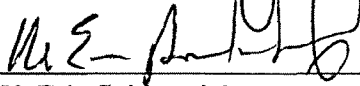
Richard L. Sharp, President Pro Tempore



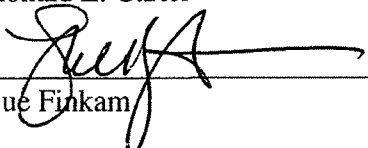
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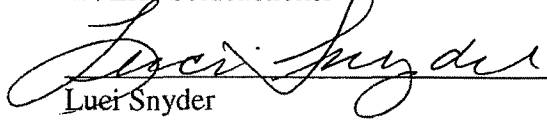
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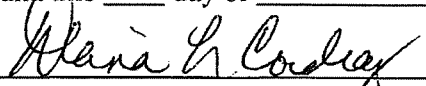


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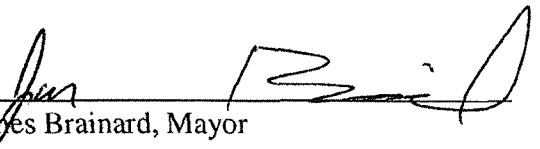
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this 5th day of November,
2013, at 1:05 P.M.

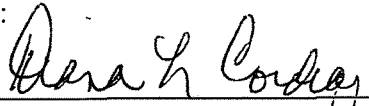


Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this 5th day of November,
2013, at 4:00 P.M.



James Brainard, Mayor

ATTEST:


Diana L. Cordray, IAMC, Clerk-Treasurer