

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **ORDINANCE NO. O-06-09 Amended**

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5 **Introduced by Alderman Shropshire**

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7 **Co-sponsored by Alderman Cordle**  
8 **Alderman Paone**  
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LEGISLATIVE HISTORY			
First Reader:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
02/09/09	03/23/09	03/20/09	06/09/09
Referred To:	Meeting Date:	Action Taken:	
Housing & Human Welfare Committee			<b>Travels with R-10-09</b>

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11 **AN ORDINANCE concerning**

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13 **False Alarms**

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15 **FOR** the purpose of limiting the number of false alarms permitted within a 365-  
16 day period before the assessment of a fine and providing appeal  
17 procedures for the fine's assessment.

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21 **BY** adding new the following portion of the Code of the City of Annapolis,  
22 2008 Edition:  
23 Section 10.06

24  
25 **BY** repealing the following portion of the Code of the City of Annapolis, 2008  
26 Edition:  
27 Section 17.20.130

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29 \* \* \* \* \*

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31 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**  
32 **ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall read  
33 as follows:

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35 **10.06 FALSE ALARMS**

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2 **10.06.010 Definitions.**

3 A. False alarm. Any communication generated by or as a result of an alarm  
4 system or telecommunication that results in a response and investigation by the  
5 City's Fire/EMS or Police Departments which reveals no evidence or indication of  
6 a health or safety risk or other actual hazard. False alarms shall not include  
7 signals found to be activated by unusually severe weather conditions or other  
8 causes that are identified by the Fire/EMS or Police Departments to be beyond  
9 the control of the user.

10 B. User. An owner or lessee of an any alarm system; an owner or lessee of a  
11 any dwelling unit, place of business, or other premises that has been equipped  
12 with an alarm system; an individual who initiates a telecommunication.

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14 **10.06.020 Limit on number of false alarms – fines for excessive false  
15 alarms.**

16 If two false alarms occur within a 365-day period, then for all subsequent false  
17 alarms that occur thereafter in the same period the user will be assessed a civil  
18 fine as established by resolution of the City Council.

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20 **10.06.030 Appeals.**

21 Any user aggrieved by the assessment of a fine may appeal to a board  
22 established by the Fire/EMS and Police Departments within 15 days of the notice  
23 of a fine's assessment. The board shall conduct an administrative hearing  
24 thereon either in person or by mail, and, in the event that it determines that the  
25 false alarm was activated or initiated by causes beyond the control of the user or  
26 other extenuating circumstances, the board may abrogate the fine.

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28 **SECTION II: BE IT ESTABLISHED AND ORDAINED BY THE  
29 ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be  
30 amended to read as follows:

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32 ~~**17.20.130 Negligent or accidental activation of fire alarm system.**~~

33 ~~Except for alarm systems activated by weather conditions or causes beyond the~~  
34 ~~control of the alarm user, a fire alarm system that is negligently or accidentally~~  
35 ~~activated as a result of faulty, malfunctioning, or improperly installed or~~  
36 ~~maintained equipment shall be subject to a civil fine as established by resolution~~  
37 ~~of the City Council.~~

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39 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED  
40 BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon  
41 date of final passage September 1, 2009.

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43 **SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED**  
44 **BY THE ANNAPOLIS CITY COUNCIL** that the Annapolis Police and Fire  
45 **Departments submit to the City Council a report on September 1, 2010, to**  
46 **measure the effectiveness of the ordinance.**

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**ADOPTED** this 13th day of July, 2009.

**ATTEST:** **THE ANNAPOLIS CITY COUNCIL**

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**Regina C. Watkins-Eldrige, CMC** **BY: \_\_\_\_\_**  
**CITY CLERK** **ELLEN O. MOYER, MAYOR**

**EXPLANATION:**

Highlighting indicates matter added to exiting law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.

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## **Staff Reports**

### **O-06-09, False Alarms & R-10-09, Amending Fines Schedule for False Alarms**

This legislation limits the number of false alarms permitted before the assessment of a fine. Should it be enacted, this legislation will allow the City's Fire/EMS and Police Departments to recoup operating revenue. During December 2008, the Annapolis Police Department (APD) responded to 48 false alarms. It is estimated that each of these responses costs the APD \$97.00 and requires the dispatch of at least one officer and vehicle. The Annapolis Fire/EMS Department bears similar response costs and also responds to numerous false alarms weekly.

Other jurisdictions in Maryland have adopted similar provisions. Both Frederick and Ocean City, Maryland, for example, limit the number of false alarms before the assessment of a fine.<sup>1</sup> Since 2007, Annapolis has assessed a fine for false fire alarms. Ordinance O-13-07, enacted September 13, 2007, included, "a fire alarm system that is negligently or accidentally activated as a result of faulty, malfunctioning, or improperly installed or maintained equipment shall be subject to a civil fine as established by resolution of the City Council."<sup>2</sup> The present ordinance strikes this portion of the Code, consolidating its provisions with those for excessive EMS and police false alarms; as a result, all City emergency personnel will respond to excessive false alarms in the same manner.

Under the proposed ordinance, two false alarms during a revolving 365-day period are permitted before the assessment of a fine. As specified by R-10-09, upon the third false alarm, the user will be assessed a \$100.00 fine in the form of a municipal citation. The fine increases to \$200.00 upon the fifth. As stated in the ordinance, no citation will be issued if the false alarm was activated or initiated by causes beyond the control of the user. Aggrieved residents may appeal to a board established by the Annapolis Fire/EMS and Police Departments, which will administratively review a petitioner's claim for relief.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 262-1184

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<sup>1</sup> See CODE OF THE TOWN OF OCEAN CITY, MARYLAND, § 26-55 et seq.; CODE OF THE CITY OF FREDERICK, MARYLAND, § 15-45.4.

<sup>2</sup> See ANNAPOLIS, MD., CODE, § 17.20.130 (2008); FY2009 Fines Table.