



SANDY SPRINGS

GEORGIA

TO: Peggy Merriss, City Manager
FROM: Dan Lee, City Attorney
DATE: October 31, 2019 for Submission onto the Regular Agenda of the November 5, 2019 City Council Regular Meeting
ITEM: An Ordinance to amend Chapter 18 (Emergency Management and Emergency Services) of the Code of Ordinances (“Code”) of the City of Sandy Springs, Georgia (“City”) by amending the definition of “verify” to remove obsolete language and clarify enforcement provisions relating to false verification of an intrusion alarm.
ITEM: A Resolution establishing fees for falsely verifying an intrusion alarm in violation of Chapter 18 (Emergency Management and Emergency Services) of the Code.

BACKGROUND

In 2013, the City implemented its first false alarm ordinance with the intent of reducing the number of requests for public safety response that ultimately turn out to be false alarms. The City has since implemented a series of changes to the ordinance, including as of this past June, requiring full, confirmed verified response of an actual or attempted crime or other emergency situation through audio, video, or in-person verification in response to an activated intrusion alarm. The ordinance provides that such verification be provided to the City no more than twenty-four (24) hours after the request for and dispatch of emergency services. However, some alarm companies have claimed to have evidence of verification but have failed to provide it to the City. Thus far in these cases, the alarms have proved to be false.

DISCUSSION

In order to address an alarm company’s failure to provide its claimed verification of an intrusion alarm, there are two items before the City Council. The first is an ordinance that clarifies that the definition of false verification includes the failure to provide video or audio verification within 24 hours of a request for dispatch as required in the definition of “verify”. This ordinance also removes obsolete language from the definition of “verify” relating to sunset provisions that have passed. The second item is a resolution establishing fees for false verification of an intrusion alarm in the amounts of \$250 (first offense), \$500 (second offense) and \$1000 (third and each subsequent offense).

RECOMMENDATION

Staff recommends the approval of the ordinance to amend the Alarm Ordinance and the resolution to establish fines for violations of the Alarm Ordinance.

ATTACHMENTS

Ordinance
Resolution

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 18 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES) OF THE CITY'S CODE OF ORDINANCES BY AMENDING THE DEFINITION OF "VERIFY" TO REMOVE OBSOLETE LANGUAGE; TO CLARIFY ENFORCEMENT PROVISIONS RELATING TO FALSE VERIFICATION OF AN INTRUSION ALARM; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs ("City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Sandy Springs (the "Code") to further protect the public health, safety, and welfare of the citizens of Sandy Springs; and

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances is amended as follows:

SECTION I: Division 2 of Article II of Chapter 18 relating to Alarm Systems is hereby amended by changing Section 18-35 to delete obsolete language from the definition of "Verify" and for other purposes, and will read as follows:

Sec. 18-35. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

...

Verify or *Verified* means:

~~(a).— Visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site, or where an alarm is not monitored by visual surveillance, an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting public safety department dispatch. For the purpose of this division, telephone verification shall require at a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify himself/herself to attempt to determine whether an alarm signal is valid before requesting public safety department dispatch. If neither attempt successfully reaches the alarm site or an alarm user who can properly identify himself/herself and determine whether an alarm signal~~

~~is valid, then the alarm shall be considered verified for the purposes of this division. The provisions of this subsection (a) shall sunset at 11:59 p.m. on June 18, 2019.~~

~~(b). Effective June 19, 2019, verify or verified means~~ visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site by means of:

1. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment;
2. Confirmation by a private guard responder at the alarm site;
3. Audible and/or visual evidence provided by a monitored alarm system, provided that such audible or visual evidence shall be made available to the emergency communications center no more than twenty-four (24) hours after the request for and-dispatch of the City's public safety department(s).

SECTION II: Division 2 of Article II of Chapter 18 relating to Alarm Systems is hereby amended by changing subsection (a) of Section 18-41 to provide for enforcement against a false verification, and for other purposes, and will read as follows:

Sec. 18-41. - Enforcement of provisions.

(a) Excessive false alarms to summon police department.

1. It is hereby found and determined that any false alarms to summon the police department is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for each false alarm to summon the police department within any twelve (12) month period may be assessed against an alarm company in amounts established by resolution of city council.
2. Activation of an intrusion alarm that is determined to be false but is verified by an alarm company shall be deemed a falsely verificationed ~~and shall result in a violation of this ordinance by the alarm company.~~ Further, failure by an alarm company to provide evidence of verification as required under this Article shall be deemed a false verification. False verification shall result in a violation of this ordinance by the alarm company.
3. Only those locations registered with the city and serviced by a registered alarm company will be eligible to receive police services in response to an activated intrusion alarm. Audible alarms from unregistered locations are subject to violation of the city noise ordinance.

...

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

ORDINANCE NO. 2019-11-xx

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED this 5th day of November, 2019.

CITY OF SANDY SPRINGS, GEORGIA

By: _____

Russell K. Paul, Mayor

Attest:

Coty Thigpen, City Clerk

(SEAL)