

**AN ORDINANCE TO AMEND THE EMERGENCY SERVICES
ORDINANCE FOR THE CITY OF MOULTRIE;
TO REPEAL CONFLICTING ORDINANCES
AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Mayor and Council of the City of Moultrie, and it is hereby ordained by authority of same that:

Section 1. That Section 42-26 of the Emergency Services Ordinance of the City of Moultrie be and the same is hereby amended by striking the present Section 42-26 and inserting in lieu thereof the following:

"Sec. 42-26. – Purpose.

The purpose of this article is to promote the health, safety, and welfare of the public by establishing criteria for the those who purchase, rent, or use alarm systems, devices, or services. This article is also intended to encourage the improvement and reliability of these systems, devices, and services and to ensure that fire department personnel will not be unduly diverted from responding to actual emergencies as a result of responding to false alarms."

Section 2. That Section 42-27 of the Emergency Services Ordinance of the City of Moultrie be and the same is hereby amended by striking the present Section 42-27 and inserting in lieu thereof the following:

"Sec. 42-27. – Purpose.

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

Alarm shall mean and include any fire, robbery, burglary, holdup, medical, or panic alarm, or any combination thereof, that transmits any signal (audible, visual, or silent) to the city, indicating a predetermined emergency condition exists whether the alarm is received by a telephone line to a designated position on an alarm panel; a by a private alarm service company and relayed to the city via 911; by an automated telephone alarm system playing a recorded message when received by the city via 911; or by a signal relayed to the city by a third party.

Alarm contractor shall mean any person who is certified to install, maintain, repair, alter, monitor, or service alarm systems for compensation.

Alarm signal shall mean the audible sound or a transmission of a signal or a message as the result of the activation of an alarm system or an audible alarm.

Alarm system shall mean any mechanical, electrical, or radio-controlled device which is designed to be used for the detection of smoke, fire, or unauthorized entry into a building, structure, or facility, or for alerting others to the commission of an unlawful act within a building, structure, or facility, or any combination thereof, which emits a sound or transmits a signal or message when activated. Alarm systems include audible, silent, fire and panic alarms and proprietor alarms.

Audible alarm shall mean a device designed for the detection of fire, smoke, or unauthorized entry on premises, or any combination thereof, which generates an audible sound when activated.

False alarm / Unintentional alarm shall mean the activation of an alarm system to which the city responds and the investigating firefighter determines that none of the emergencies for which the alarm system has been installed have in fact occurred.

Person shall mean any individual, association, partnership, firm, or corporation, or any combination of thereof, and includes any officer, employee, department, agency, or instrumentality of the state."

Section 3. That Section 42-28 of the Emergency Services Ordinance of the City of Moultrie be and the same is hereby amended by striking the present Section 42-28 and inserting in lieu thereof the following:

"Sec. 42-28. – General rules.

The following rules shall govern the use of alarm systems within the city:

- (1) No person shall make, cause to be made or suffer to be made any false alarm from any location in the city.
- (2) No person shall allow, sound or permit the sounding of any burglar or fire alarm or any motor vehicle burglar alarm in the city, which is audible outside the building or vehicle it is installed in unless such alarm is automatically terminated within 15 minutes of activation.
- (3) No company or individual shall connect or cause to be connected, by any means whatsoever any alarm system or alarm that transmits directly into the Colquitt

County 911 Center or to any telephone line located at Moultrie Fire Department. It shall not be a violation of the article for an alarm system to be connected or to transmit directly to any phone number maintained by the Colquitt County 911 Center for such purpose.

- (4) No individual or company shall test or cause to be tested any alarm system in the city without at least 30 minutes prior notification of the test to the Colquitt County 911 Communications Center. Failure to make such prior notifications will be subject to a \$100.00 fine for each occurrence.
- (5) A false alarm shall not be deemed to have occurred when the responding agency is notified that no response is necessary before any act of response is substantially completed.
- (6) Any person charged with a violation of the false alarm ordinance may offer proof at any hearing relating to such violation that the false alarm in question was caused by:
 - a. A lightning strike or other act of God;
 - b. The act of some third party whom the person could not control; or
 - c. Failure of an alarm contractor to repair the alarm system which made the false alarm after being employed by the person to make such repair; provided however, the person has again made a good faith attempt to have the alarm system repaired after the false alarm which is the subject of the charge."

Section 4. That Section 42-29 of the Emergency Services Ordinance of the City of Moultrie be and the same is hereby amended by striking the present Section 42-29 and inserting in lieu thereof the following:

"Sec. 42-29. – Response fees for false alarm.

- (a) It shall be unlawful for any person to give or cause to be given or aid or abet in the giving of any false alarm of fire with intent to deceive the department, or to pull the hook of any call station or call box with such intent.
- (b) The following penalties shall be assessed for each violation during any calendar year:

(1) First and second false alarms:	Written warning.
(2) Third false alarm:	\$100.00
(3) Fourth false alarm:	\$125.00

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| (4) | Fifth false alarm: | \$150.00 |
| (5) | Sixth and subsequent false alarm: | \$300.00 |

(c) Written warnings shall be hand delivered and mailed by certified mail, return receipt requested to the location of any false alarm by the fire marshal or his/her designee. Failure to make, deliver, or receive any warning shall not affect any subsequent enforcement efforts or the penalty for any subsequent false alarm. The fire marshal or his/her designee shall be authorized to issue warnings related to false alarms at their discretion upon each violation.

(d) Exception:

No penalty or warning shall be assessed during the first thirty (30) days after the installation of a new alarm system."

Section 4.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections,

paragraphs, sentences, clauses and phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

BE IT FURTHER ORDAINED that the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out therein and the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Moultrie, Georgia and the sections of this Ordinance may be renumbered or relettered to accomplish such intention and that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and that this Ordinance be codified in a manner consistent with the laws of the State of Georgia and City of Moultrie.

CITY OF MOULTRIE

By: *[Signature]*
Mayor

Attest: *[Signature]*
Clerk

Read first and second times

9.01.2020

Read third time and passed

9.15.2020