

By Walker  
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ADOPTED  
METROPOLITAN COUNCIL

MAR 14 2012

ORDINANCE **15272**

*Brian Maynard*  
COUNCIL ADMINISTRATOR & TREASURER

AMENDING TITLE 9, SECTION 423,  
PROVIDING FOR FINES, PENALTIES, AND  
MAXIMUM FINES FOR FALSE ALARMS  
REQUIRING POLICE INTERVENTION.

BE IT ORDAINED by the Metropolitan Council of the Parish  
of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 9 (Licensing and Regulation of Trades  
and Occupations), Chapter 9 (Police Emergency Alarm Systems), of  
the Code of Ordinances of the City of Baton Rouge and Parish of  
East Baton Rouge, Section 423, is hereby amended and re-enacted,  
which shall read as follows:

**Sec. 9:423. - False alarms.**

- (a) Any alarm user shall have the right to be advise his or her alarm company that an alarm is false upon being contacted by the company so that the company can make timely notification to law enforcement to cancel the alarm notification to avoid being penalized for a false alarm for that alarm call. "Timely notification" shall be notification by the user's alarm provider to the communications center of the police department or the Sheriff's office, as appropriate, in advance of any law enforcement official's arrival at the location of the alarm call.
- (b) In the interests of increased personal or business security, any alarm user shall have the right to notify law enforcement agencies in his alarm user permit application that law enforcement agency(ies) should respond to each and every alarm notification, which forfeits the user's right to give notice of false alarms as provided in paragraph (a) of this section.
- (c) Alarm system users shall pay a penalty for excessive false alarms to the City through the Chief of Police or the Sheriff, based on which agency has jurisdiction over the call location. False alarms are tracked on a twelve month period running from June 1 through May 31 of any given year, with penalties set forth below consecutive period, and penalties are set forth below.

False Alarm Count	Penalty
1 <sup>st</sup>	\$0.00 - Counsel and Warn
2 <sup>nd</sup>	\$0.00 - Counsel and Warn
3 <sup>rd</sup>	\$0.00 - Counsel and Warn
4 <sup>th</sup>	\$25.00
5 <sup>th</sup>	\$50.00
6 <sup>th</sup>	\$75.00
7 <sup>th</sup>	\$100.00
8 <sup>th</sup>	\$125.00
9 <sup>th</sup>	\$150.00
10 <sup>th</sup>	\$175.00
11 <sup>th</sup>	\$200.00

- (d) Any designee of the sheriff or the chief of police shall give to each subscriber written notice of each false alarm attributed to that permit user as soon as possible. This written notice of violation shall be uniformly produced in such form as the Chief of Police or Sheriff may deem appropriate and left with a resident at the scene of the false alarm, or may be sent by US mail addressed to the person to be notified. The alarm user permit holder may, within fifteen (15) days after personal delivery of such notice to a resident of the call location or mailing of the notice of violation, present evidence to the supervisor of the alarm enforcement division of the responding agency indicating that any alleged false alarm was not, in fact, a false alarm; and any adverse determination as made by the alarm enforcement division supervisor may be appealed to the agency's legal advisor, within thirty (30) days of the adverse determination. Nothing in this section will prevent a subscriber from exercising any other legal rights he or she may have regarding appeal of administrative decisions.
- (e) Failure to respond to the second notice of nonpayment, which notice shall clearly state "final notice," within thirty (30) days of mailing or personal delivery to a resident of the call location shall result in revocation of the permit, and may expose the subscriber to any or all legal remedies available to the enforcing agency or municipality for collection of monies owed or debts accrued.

- (f) A permit holder with 15 (fifteen) or more false alarms in a twelve month consecutive period may have the permit revoked for abusive false alarms. The Chief of Police or Sheriff shall advise the permit holder of the intention to revoke the permit and give the permit holder not less than ten (10) days in which to present mitigating circumstances demonstrating that the permit should not be revoked. After consideration of the number of false alarms, any patterns of alarm calls, any information provided by the permit holder, and any other relevant information, the Chief or Sheriff may revoke the permit or maintain the permit, and may reset the false alarm count or impose such other restrictions on the permit as a reasonable under the circumstances.

Section 2. The provisions of this amendment shall become effective ninety (90) days after it becomes effective by signature of the Mayor-President or by passage of time without veto.

Section 3. The Baton Rouge Police Department and Sheriff of East Baton Rouge are requested to implement the revised schedule of penalties as set forth herein, maintain records of false alarms and alarms leading to genuine emergencies, for a period of 180 days, and to report to the Metropolitan Council within 30 days after the passage of the 180 day test period to report on the effects, if any, of the passage of the ordinance on false alarms and usage of officer time

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the reminder of this ordinance, or the validity of its application to other persons or circumstance.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed