

EMERGENCY ALARM ORDINANCE (#39)

The County Board of Commissioners of Beltrami County does hereby ordain:

The Beltrami County Sheriff's Department responds to numerous false alarms each year, which places an unreasonable burden on the time and resources of the Sheriff's Department. These false alarms also create an increased level of risk to the safety of responding officers and to the general public. Therefore, the justification of this ordinance is to reduce the high level of risks and expenses by reducing the frequency and occurrence of false alarms.

Subd. 1. General Definitions. For the purposes of this Ordinance, certain words and terms shall have the following meanings:

A. "Alarm Agent" shall mean any person who is employed by an Alarm Monitoring Business, either directly or indirectly, including any owner, corporate officer, director or employee.

B. "Alarm Monitoring Business" means any corporation, partnership, sole proprietorship or other entity engaged in the business of providing alarm service monitoring to alarm users, wherein such entity receives alarm signals that are or may be referred to law enforcement officials in Beltrami County.

C. "Alarm User" means any person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility where an alarm system is maintained.

D. "Alarm System" means and includes any alarm installation designed to be used for the prevention or detection of burglary, robbery or fire on the premises which contains the alarm installation. Automobile alarm devices shall not be considered an alarm system under the terms of this ordinance. An alarm which alerts an alarm user on premises and requires the user to make a personal inspection of the premises and then a personal phone call to the police or fire department (e.g. a smoke detector) is not considered an alarm system under the terms of this ordinance.

E. "False Alarm" means an alarm signal eliciting a response by law enforcement or fire personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence or deliberate act of the owner or lessee of an alarm system or of his/her employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

Subd. 2. Permit Required. It shall be unlawful for any person to engage in any Alarm Monitoring Business in Beltrami County without first having secured a permit to conduct said business.

Application for permits required under this Ordinance shall be made to Beltrami County Sheriff on forms provided by the Sheriff's Department. Upon submission of the application for permit and payment of the permit fee, the Sheriff shall issue a permit within 5 days, if upon investigation there appears no reason to deny the permit as provided in this Ordinance.

Each permit shall be valid for a period of 1 year, unless sooner revoked as provided herein.

The fee for such permit may be set or modified by the Beltrami County Board, by resolution.

An application for a permit shall be denied if the applicant falsifies any information required by the Sheriff to be provided as part of the application process.

The issuance of a permit is conditioned upon the applicant providing to the Sheriff a list of all alarm users serviced by the applicant during the term of the permit. For each alarm user, the applicant shall provide, at a minimum, the following information:

- A. Name, address and telephone number of the property serviced by the alarm system.
- B. Name, address and telephone number of the alarm users residence, if different from the serviced property.
- C. Name, address and telephone number of the person or persons to be contacted in the event of an alarm call.
- D. Any other information requested by the Sheriff to administer this ordinance.

Subd. 3. Permit Suspension. Any permit issued under this Ordinance may be revoked by the Sheriff for any reason for which the granting of such permit might be lawfully denied, or for a violation of any provision of this Ordinance. The holder of any such permit may appeal such suspension to the Beltrami County Board of Commissioners, providing such appeal is made in writing to the Board of Commissioners within 10 days of the Notice of Suspension from the Sheriff. Any determination made by the Board of Commissioners on such appeal shall be final.

Subd. 4. An alarm system which reports more than three false alarms to the County in a single calendar year and which has received notice of such violations will cause the alarm user to be charged a user fee of \$50 per false alarm in excess of three false alarms in a calendar year, \$100 per false alarm in excess of ten false alarms in a calendar year, and \$150 per false alarm in excess of 15 per calendar year.

Subd. 5. Any alarm user which is required to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the Sheriff within ten days of notice by the County of the false alarm charge. The Sheriff shall first consult with the Fire Marshal, if appropriate, and shall make a decision within 30 days of the appeal. Such decision may be appealed to the County Administrator who will have authority to make a determination as to whether the appellant is to be charged with a false alarm.

Subd. 6. Upon receipt of the first false alarm report at an address, the Sheriff shall, by mail, attempt to notify the alarm user and Alarm Monitoring Business of the provisions of this ordinance. Upon receipt of a third and all subsequent false alarm reports at an address, the Sheriff shall notify the alarm user by certified mail that an alarm user's fee is due.

Subd. 7. Payment of user fees provided for under this Section must be paid to the Beltrami County Treasurer within 30 days from the date of notice by the County to the alarm user. Failure to pay the fee within 30 days notice will cause the alarm user to be considered delinquent and subject to a penalty of a full 10 percent of the fee.

Subd. 8. All delinquent charges for user fees computed as provided in Subd. 5 shall be a lien upon the premises served by the alarm. All such charges which are on September 30th of each year more than forty-five days past due, shall be certified by the County Auditor between the 1st and 10th day of October of each year. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer.

Subd. 9. Alarm report. When an alarm user has incurred five false alarms or more within one calendar year, the alarm user or Alarm Monitoring Business shall submit a written report to the Sheriff within ten days after being charged with the fifth false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report required by this Section will be considered a violation of this ordinance.

Subd. 10. User to Respond. If in the judgment of law enforcement or fire personnel at the scene of an alarm, it is determined that the alarm user should appear at the location of any alarm for the purpose of admitting public safety personnel to the subject premises to investigate any alarm system signal, or for the purpose of identifying third parties found on the subject premises during the investigation of any alarm system signal, such alarm user shall appear immediately but not more than half hour, if so requested.

Subd. 11. Penalty and Enforcement.

A. Misdemeanor. In addition to being subject to alarm user fees imposed by this ordinance, any person who fails to comply with the provisions of this ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed each day during which a violation occurs or continues.

B. Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the County may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate such violation or threatened violation.

C. Civil Action. In addition to all other legal remedies, if a person fails to comply with the provisions of this ordinance, the County may recover costs, damages, or alarm user fees in a civil action in any court of competent jurisdiction.

This ordinance shall become effective thirty days after publication.

First reading: 6/1/04

Second reading: 6/15/04

Third reading: 7/6/04


Passed: 7/6/04

AYES: 5

NAYS: 0

ABSENT: 0

APPROVED:


Chair, Beltrami County Board

ATTEST:


County Administrator

**- LEGAL ADVERTISEMENT -
EMERGENCY ALARM ORDINANCE (#39)**

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AFFIDAVIT OF PUBLICATION

State of Minnesota, }
County of Beltrami } SS

DENNIS DOEDEN, being duly sworn, on oath says that he is the Publisher of the Newspaper known as THE PIONEER, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Emergency Alarm Ordinance 39 which is attached was cut from the columns of said newspaper, and was printed and published once each day, for One successive days; it was first published on Thursday , the 10th day of Feb. , 2005 and was thereafter printed and published on every Thursday to and including Thursday , the 10th day of Feb. , 2005 ; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Dennis Doeden
TITLE: Publisher

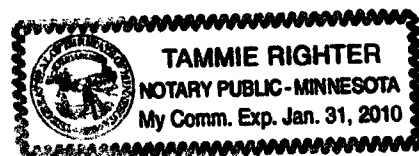
Subscribed and sworn to before me on this 10th day of Feb. , 2005

Tammie Righter
Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 8.05
- (2) Maximum rate allowed by law for the above matter \$ 8.05
- (3) Rate actually charged for the above matter \$ 3.82

Rate information is based on the cost of one lower case alphabet.



Each permit shall be valid for a period of 1 year, unless sooner revoked as provided herein.

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A. Misdemeanor. In addition to being subject to alarm user fees imposed by this ordinance, any person who fails to comply with the provisions of this ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed each day during which a violation occurs or continues.

B. Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the County may institute appropriate action or proceeding, including requesting injunctive relief to prevent, restrain, correct, or abate such violation or threatened violation.

C. Civil Action. In addition to all other legal remedies, if a person fails to comply with the provisions of this ordinance, the County may recover costs, damages, or alarm user fees in a civil action in any court of competent jurisdiction.

This ordinance shall become effective thirty days after publication.

First reading: 6/1/04
Second reading: 6/15/04
Third reading: 7/6/04
Passed: 7/6/04

AYES: 5
NAYS: 0
ABSENT: 0
APPROVED:

1 da; 2/10

Pioneer

THE PLACE TO BE FOR BEMIDJI INFORMATION

Legal Advertisement Recap

Beltrami County Attorney
619 Beltrami Ave. NW Suite 40
Bemidji, MN 56601

Date: 2/10/05
Account Number: 204107831
Insertion Dates: 1 da; 2/10
Total Due: \$208.14

Beltrami County Emergency Alarm Ordinance #39.

Please send a copy of this statement along with your payment to:

The Pioneer
PO Box 455
Bemidji, MN 56619

AFFIDAVIT OF PUBLICATION

State of Minnesota, }
County of Beltrami } SS

DENNIS DOEDEN, being duly sworn, on oath says that he is the Publisher of the Newspaper known as THE PIONEER, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Beltrami County Auditor/Notice of Intent-Emergency Alarm Ordinance which is attached was cut from the columns of said newspaper, and was printed and published once each day, for One successive days; it was first published on Saturday, the 26th day of June, 2004, and was thereafter printed and published on every Saturday to and including Saturday, the 26th day of June, 2004; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

**- LEGAL ADVERTISEMENT -
NOTICE OF PUBLIC HEARING
Notice of Intention to
Adopt a Beltrami County
Emergency Alarm Ordinance**

Notice is hereby given that the Beltrami County Board of Commissioners will hold a Public Hearing on a proposed Beltrami County Emergency Alarm Ordinance. The Public Hearing on this Ordinance will be held on Tuesday, July 6, 2004, at 5:00 p.m. in the County Board Room, at the Lakeside Service Center, at 505 Bemidji Avenue NW, in Bemidji.

The purpose of the Ordinance is to establish a permitting process for emergency alarm businesses and to reduce the frequency and occurrence of false alarms in the county. A complete copy of the proposed Ordinance is available for public review at the County Administrator's Office, Third Floor, Beltrami County Courthouse, 619 Beltrami Avenue NW, Bemidji, MN 56601.

Dated this day, June 2, 2004.

Anthony M. Murphy
County Administrator

1 da; 6/26



BY: *Patricia A. Gavin*

TITLE: Publisher

Subscribed and sworn to before me on this 28th day of June, 2004.

Notary Public

Patricia A. Gavin

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 7.67
- (2) Maximum rate allowed by law for the above matter \$ 7.67
- (3) Rate actually charged for the above matter \$ 3.83

Rate information is based on the cost of one lower case alphabet.

Forum Communications
Pioneer
P.O. Box 455
Bemidji, MN 56619-0455
PHONE: 218-759-7760
FAX: 218-751-2193

Legal Publication Statement

06/28/04

Beltrami County Auditor
619 Beltrami Ave NW Suite 310
Bemidji, MN 56601

Account #20333494

Date(s): 1 da; 6/26

Notice of Intent – Emergency Alarm Ordinance

\$23.65

Please include a copy of this statement with your payment.