

Ordinance No. 14742

Introduced September 15, 201 21

AN ORDINANCE TO AMEND THE ORDINANCES FOR THE CITY OF WHEELING, WEST VIRGINIA, AMENDING PART FIVE OF THE GENERAL OFFENSES CODE TO PROVIDE FOR AN AMENDMENT TO ARTICLE 501 ENTITLED: ADMINISTRATION AND LAW ENFORCEMENT WITH SUCH NEW SECTION TO BE ADDED AS SECTION 501.11 - POLICE DEPARTMENT FALSE ALARMS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHEELING:

WHEREAS, the Rules Committee of the Council of the City of Wheeling ("City") on a former date determined that it was appropriate to enact a Police Alarm Ordinance; and

WHEREAS, the purpose of this Ordinance found that excessive false alarms unduly burden the Wheeling Police Department's limited law enforcement resources. The purpose of the Ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems; and

WHEREAS, the City reviewed in several public meetings the data and research compiled by its Police Department to support the need for such Ordinance; and

WHEREAS, the policies and procedures of how such purpose of the Ordinance would be carried out was discussed, reviewed and modified to best suit the needs of the municipality and its law enforcement officers and a copy of such policies and procedures is attached to the Ordinance as to be utilized in the Administration and Enforcement of such Ordinance and is incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELING THAT:

Section 1. The Codified Ordinances of the City of Wheeling at Article 501 - Administration and Law Enforcement - are hereby amended and reenacted by adding Section 501.11 Police Department False Alarms as follows:

Section 501.11 Police Department False Alarms

Excessive false alarms unduly burden the Wheeling Police Department's limited law enforcement resources. An Ordinance was established to set guidelines for alarm users. The purpose of the Ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

In accordance with the Ordinance, the Council of the City of Wheeling approved Policies and Procedures for the administration and enforcement of this Section which is on file with the following departments: Police, Municipal Court, City Clerk and Legal. A fee schedule for alarm registration and excessive false alarms is also established as follows:

- (a) **Excessive false alarms/Failure to register.** It is hereby found and determined that two or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

First false alarm	Free
Second false alarm	\$ 50.00*
Third and fourth false alarm	\$100.00
Fifth and sixth false alarm	\$200.00
Seventh and eighth false alarm	\$300.00
Ninth and over false alarm	\$400.00

*Fee waived for second false alarm only if user attends alarm class

- (b) **Additional Fees**

Failure to Register	\$100.00
Failure to Renew	\$ 25.00

- (c) **Other Civil Penalty(ies).** Violations may be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.
- (d) **Payment of Civil Penalty(ies).** Civil penalty(ies) shall be paid within thirty (30) days from the date of the invoice.
- (e) **Discontinuance of law enforcement response.** The failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance within thirty (30) days from the date of the invoice may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received or if the Wheeling Police Department responds to nine or more false alarms in a permit year and the City declares the alarm to be a nuisance.

- (f) **Civil Non criminal violation.** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

Section 2. All other sections of the Article remain in full force and effect.

Section 3. This Ordinance shall be effective upon enactment with enforcement to begin on January 1, 2016.

By the Administration.

