

(Summary Published in the Times-Sentinel on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.)

THE CITY OF CLEARWATER, KANSAS  
ORDINANCE NO. 1090

AN ORDINANCE ESTABLISHING FALSE ALARM FEE AND  
DISPUTES WITHIN THE CITY OF CLEARWATER,  
SEDGWICK COUNTY, KANSAS.

**Section 1. False alarm fee and disputes.**

- A. Except as otherwise provided in this Chapter, an Alarm User to which law enforcement personnel or fire personnel are requested to respond to a false alarm, shall be charged a false alarm fee. The Alarm User shall be assessed the following fees for each false alarm:

Number Of Alarms	False Alarm Fee—Fire Alarm
1	\$0.00
2	\$100.00
3	\$100.00
4	\$150.00
5	\$150.00
6	\$300.00
7—9	\$500.00
10 <sup>th</sup> or more	\$750.00

Graduated false alarm fees will be based only on the same type of previous false alarm. No response fee shall be charged for the first false alarm, regardless of type, each registration year.

False alarms resulting from the following shall not be counted against the Alarm User and no response fee shall be charged:

- (1) When it is reasonable to assume that the alarm was due to violent conditions of nature including an electrical storm which have been verified by the National Weather Service to have been in the area where the alarm system is located at the time of the activation;
- (2) Cable, line or power failure which has been specifically verified by the appropriate utility company serving the alarm location;
- (3) For those alarms where the communications center is notified within four minutes of receipt of notification of the alarm that fire personnel are not required;
- (4) For those alarms resulting from valid situations requiring an urgent response by law enforcement, fire or emergency medical personnel as verified by a report filed by such personnel; or
- (5) For those alarms received from a medical alarm system;

- (6) For alarms from governmental building alarm systems.
- B. Should a disagreement arise over whether any false alarm fee or administrative penalty should be assessed, the facts surrounding the circumstances of the alarm activation shall, within 30 calendar days of the date of the first invoice for the alarm, be presented in writing by the Alarm User, along with a \$10.00 administrative fee for each false alarm being disputed, to the City Clerk. The City Clerk shall promptly forward the written fee dispute to the department head that originally assess the fine. The Chief of Police or Fire Chief shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. In the event of determination that no false alarm fee should be assessed, the \$10.00 administrative fee shall be refunded to the Alarm User or alarm business, provided the Alarm User does not have any other outstanding fees owed. Failure to submit an appeal within 30 calendar days of notification shall constitute a waiver of the right to contest the assessment of the fees or penalties.
- C. If disagreement still exists after consideration by the Chief of Police or the Fire Chief, the facts surrounding the alarm activation shall be presented to the City Administrator who shall, after consideration of all the information presented, determine whether a false alarm fee should be assessed. All such disagreements must be presented in writing by the Alarm User or alarm business to the City Administrator within 30 days after the date of notification of the Chief of Police's or Fire Chief's determination that a false alarm fee is due as a result of the particular alarm being questioned; otherwise, the determination that the fee is due shall be deemed correct.
- D. In making the determinations required by subsections (c) and (d) of this Section, the Chief of Police, the Fire Chief, or the City Administrator shall consider the following, if presented, in addition to all other information presented:
- (1) The Alarm User's history of valid and false alarms;
  - (2) Violent conditions of nature, including electrical storms, existing at the time of the activation;
  - (3) Other circumstances not reasonably subject to control by the Alarm User or alarm business;
  - (4) Information from utility companies concerning cable, line or power failures or problems;
  - (5) Information from law enforcement, fire or emergency medical personnel who responded to the alarm activation; and
  - (6) The presence or absence of any direct or indirect evidence that a situation requiring an urgent response existed at the time of the alarm activation.
- E. The false alarm fee or administrative penalty under this Section shall be due and payable to the Alarm Administrator or a designated representative within 30 days after receipt of notification that such fee is due. Further, if the fee is not paid within 60 days of such notification, a late fee in the amount of \$10.00 per alarm call shall be added to the amount due. An additional late fee of \$10.00 will be assessed on each false alarm fee which remains unpaid 90 days following notification. After 90 days, following notice to the Alarm User, the account may be turned over for collection. The City Attorney is authorized to use any legal means to recover the administrative penalties and fees assessed by this Chapter.


**Section 2 – Effective Date**

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 13th day of December 2022.

Approved by the Mayor this 13th day of December 2022.

SEAL  
ATTEST:

  
MAYOR, Burt Ussery  
CITY CLERK, Jaye Poe