

**NOTICE OF ORDINANCE CONSIDERATION  
RELATING TO POLICE ALARM SYSTEMS**

Please take notice that the Inver Grove Heights City Council will meet on Monday, December 9, 2019 at 7:00 p.m. at Inver Grove Heights City Hall, 8150 Barbara Avenue, Inver Grove Heights, Minnesota, to consider the second reading of an ordinance dealing with police alarm systems. The ordinance addresses the subjects of installation of police alarms, the use of police alarms, and consequences for false alarms. The City Council will receive comments from the public at the meeting. The proposed ordinance has been posted on the City website.

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Joe Lynch, Interim Deputy Clerk

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 5,  
CHAPTER 3, SECTIONS 1 THROUGH 18**

The City Council of Inver Grove Heights does hereby ordain:

**Section 1. Amendment.** Inver Grove Heights City Code Title 5 Chapter 3, Sections 1 through 19 are hereby amended to read as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

**Chapter 3 ~~ALARM SYSTEMS~~ Police Alarm  
Systems**

5-3-1: TITLE:

~~This chapter shall be known, cited, and referred to as the ALARM ORDINANCE. (1974 Code § 907.01)~~

**5-3-1 TITLE:**

This chapter shall be known, cited, and referred to as the POLICE ALARM ORDINANCE.

**5-3-2 POLICY AND PURPOSE:**

~~To protect the public health, safety and welfare, the city council deems it necessary to provide for the special and express regulations of alarm systems which are designed to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond. The city council finds that the regulation of alarm systems is necessary in order to reduce the increasing frequency of false alarms in the city.~~

~~The great number of and increasing frequency of these false alarms require intensive and time consuming efforts by the police and fire departments and thereby distract from and reduce the level of services available to the rest of the community. This diminishes the ability~~

~~of the city to promote the general health, welfare and safety of the community. In consideration for the necessity on the part of the city to provide numerous public safety services to all segments of the community, without an undue concentration of public services~~

~~in one area to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the permit process described in this chapter. (1974 Code § 907.03)~~

WHEREAS, the purpose of this ordinance, finds that excessive false alarms unduly burden the Inver Grove Heights Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable standards for users and to

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ensure that alarm users are held responsible for their use of alarm systems.

**5-3-3 DEFINITIONS:**

As used herein, unless otherwise indicated, the following terms are defined and have the meanings as follows:

ALARM ADMINISTRATOR: means a person or persons designated by the City to administer the provisions of this ordinance.

ALARM COMPANY: means a person, company, firm, or corporation subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with city, county and state laws.

ALARM PERMIT: means a permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

~~ALARM SIGNAL: An audible or visual signal, or both, indicating the existence of an emergency condition. Audible devices may be bells, horns, chimes, speakers or similar devices. For the purpose of this chapter, the "alarm signal" may be a local alarm or an alarm transmitted to a monitoring agency which then notifies the police and/or fire department.~~

means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

~~ALARM SYSTEM: A single device or a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of an emergency. The alarm signal, when initiated, must be connected to a monitoring agency which notifies the police and/or fire department of an emergency to which public safety personnel initiate a response, or emits an audible local signal which is reported to the police and/or fire department to which public safety personnel initiate a response.~~

means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

ALARM USER: means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

ALARM USER AWARENESS CLASS: means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

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**CALENDAR YEAR:** The period from January 1 through December 31 of each year.

**CITY:** means the City of Inver Grove Heights or its agent.

**COMPLIANCE STANDARDS:** means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

~~**FALSE ALARM:** A. Any deliberate or accidental activation of an alarm system that initiates a response by the police and/or fire department where an emergency situation does not exist.~~

~~"False alarm" includes, but is not limited to:~~

~~1. The deliberate activation of an alarm system when no such emergency actually exists; or~~

~~2. The activation of an alarm system through mechanical failure, malfunction, or improper installation; or~~

~~3. The negligent use or maintenance of the alarm system by its owner or lessee or by the owner's or lessee's employees or agents.~~

~~B. "False alarm" does not include activation of the alarm system by a utility company or by power outages or by climatic conditions such as tornadoes, lightning, earthquakes, other violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.~~

~~C. "False alarm" does not include activation of an alarm system as the result of an effort or order to upgrade, install, test or maintain the system, if the police chief and, where applicable, the central monitoring agency for the alarm system are each notified in advance of said upgrade, installation, test or maintenance.~~

~~D. "False alarm" does not include alarms within the first thirty (30) days of installation.~~

means the activation of an alarm system when, upon inspection by the Police Department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm that can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

~~**FIRE ALARM SYSTEM:** An alarm system designed, installed, or operated to prompt a response by the city fire department.~~

**LOCAL ALARM:** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

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PERMIT YEAR: means a 12-month period beginning on the day and month on which an alarm permit is issued.

PERSON: Any individual, partnership, corporation, association, cooperative or other entity.

POLICE ALARM SYSTEM: An alarm system designed, installed, or operated to prompt a response by the city police department.

POLICE CHIEF: The police chief of the city, or his designee. (1974 Code § 907.05)

RUNAWAY ALARM: means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

VERIFY: means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

**5-3-4 ALARM PERMIT:**

~~A. Permit Required: Types: No person shall operate or install an alarm system without obtaining an alarm user permit for each alarm system on the alarm user's premises. Such permit shall be obtained prior to the installation and prior to the operation of the alarm system. Alarm user permits shall be of three (3) types: 1) permits for police alarm systems; 2) permits for fire alarm systems; and 3) permits for combination police/fire alarm systems. (1974 Code § 907.07)~~

No person shall use an alarm system without first obtaining a permit for such alarm system from the City. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

~~B. Application For Permit: Every applicant for an alarm permit shall file with the police chief, on forms provided by the city, an application stating:~~

- ~~1. The name, address and telephone number of the applicant;~~
- ~~2. A description of the building property where the alarm system will be located;~~
- ~~3. Building location and street number;~~
- ~~4. The number of separate alarm systems to be used;~~
- ~~5. A description of the type(s) of alarm system(s) to be used, including name and model number of the manufacturer (i.e., police emergency, medical emergency, fire);~~
- ~~6. The name of the person or company who will install or, for systems installed prior to June 1, 1994, the person or company who did install the alarm system at the~~

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location;

and

~~7. The names, addresses and telephone numbers of two (2) persons or companies who can be contacted in the event of an alarm activation. In the event the names, mailing addresses or telephone numbers of the persons or companies to be contacted change, the applicant must supply corrected information to the police chief within five (5) days of the change.~~

**B. Application: The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City.**

~~C. Review and Issuance of Permit: The police chief shall review and be responsible for the issuance, reissuance~~ **re-issuance**, and renewal of all alarm user permits. (1974 Code § 907.09)

~~D. Nontransferability Of Permit: Alarm user permits are not transferable from one person to another or from one location to another. (1974 Code § 907.07)~~

**D. Transfer of Possession: When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.**

~~E. False Alarms; Automatic Revocation; Reissuance:~~

~~1. A third false police alarm or a third false fire alarm and any false alarm thereafter in any calendar year will result in automatic revocation of the applicable alarm user permit, unless the permit is reissued in accordance with this section. When the police chief determines that such a false police or fire alarm has occurred, the police chief shall notify the alarm user of that determination. The alarm user's permit will be revoked unless, within ten (10) working days of the date of the notice, the alarm user complies with subsection F3 of this section and also submits the required permit fee or establishes to the satisfaction of the police chief that the alarm activation was not a "false alarm" within the meaning of this chapter.~~

~~2. A false alarm that occurs during the ten (10) day period for reissuance of an alarm user permit shall be treated as requiring an additional reissued permit. For each such false alarm, the alarm user shall pay the permit fee for a reissued permit as provided by this section.~~

~~3. As a condition for reissuing an alarm user permit revoked under this subsection, the alarm user shall provide the police chief with evidence that the alarm system has been properly serviced and that its deficiencies have been corrected.~~

~~4. An alarm user whose permit has been revoked may obtain a reissued permit by paying the permit fee for reissuance and by satisfying the provisions of this~~

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~~chapter. A new application is not required, provided that the information on the original application is still accurate. (1974 Code § 907.11)~~

~~5. The fee for a reissued permit shall be as established by resolution of the city council.  
(1974 Code § 907.15)~~

E. Reporting Updated Information: Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City or County within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City or County a form requesting updated information. The permit holder shall complete and return this form to the City or County whether or not any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

~~F. Suspension Or Revocation Of Permit:~~

~~1. Grounds: In addition to the automatic revocation process described in subsection E of this section, the police chief may suspend up to ninety (90) days or revoke up to one year any alarm user permit if the police chief finds that any of the following has occurred:~~

- ~~a. That any provision or condition of this chapter has been violated by an alarm user or his agents.~~
- ~~b. That an alarm system has actuated an excessive number of false alarms.~~
- ~~c. That the alarm user has knowingly made false statements in or regarding the application for an alarm user's permit.~~
- ~~d. That the alarm user has failed to correct or remove violations of this chapter within the time period specified by the police chief in an oral or written notice to the alarm user.~~
- ~~e. That the continued use of the alarm system constitutes a substantial threat to the public peace, health, safety or welfare.~~

~~2. Investigation: All alleged violations defined in subsection F1 of this section shall be investigated by the police department. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the police chief prior to the final decision on revocation or suspension.~~

~~3. Conditions For Permit Reactivation Or Reissuance: The police chief may impose reasonable conditions for the reactivation of a suspended alarm user permit or the reissuance of a revoked alarm user permit.~~

~~4. Reactivation Or Reissuance Of Permit: A suspended permit will be reactivated at the end of the period of suspension or upon satisfaction of all conditions imposed under this chapter, whichever is later, and without payment of a~~

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~~reissued permit fee. An alarm user whose permit has been revoked must apply for a reissued permit in accordance with this section. (1974 Code § 907.17)~~

**F. Multiple Alarm Systems: If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.**

~~G. Notice And Appeal: Where notice of suspension, automatic revocation, or other revocation is required to be given to an alarm user under this chapter, the notice shall be sent by certified mail to the alarm user's last known address. The notice shall inform the alarm user of: the action to be taken on the permit; the conditions, if any, for reissuance or reactivation of the alarm user's permit; the alarm user's right to an informal hearing before the police chief; and the alarm user's right to appeal the police chief's decision to the city council. The police chief's decision may be appealed to the city council, provided such appeal is filed in writing with the city clerk within fifteen (15) days after mailing of the police chief's decision to the alarm user. If an appeal is taken, the alarm user shall be given at least ten (10) days' advanced, written notice as to when the city council will consider the appeal. The alarm user may present any oral or written evidence to the council on the issues of whether revocation or suspension is justified and on the conditions for reissuance. (1974 Code § 907.19)~~

~~**5-3-5: ALARM SYSTEMS WITH TAPED OR PRERECORDED MESSAGES PROHIBITED:**~~

~~No person may install, monitor, use or possess an operative alarm which utilizes taped or prerecorded messages which deliver a telephone alarm message to the police or fire department. (1974 Code § 907.13)~~

**5-3-5 DUTIES OF THE ALARM USER:**

- A. Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms; and**
- B. Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to facilitate dispatch).**
- C. Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the Inver Grove Heights Police Department.**
- D. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.**
- E. An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm-system.**

~~**5-3-6: MAINTENANCE OF FIRE ALARM SYSTEMS:**~~

~~All fire alarm systems, except for those in single-family dwellings, shall be maintained in accordance with the fire prevention policy, as promulgated by the city fire marshal, on~~

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~~maintenance of fire alarm systems. Maintenance shall include at least an annual cleaning, inspection and testing of all fire alarm systems and initiating and signaling devices that are interconnected to the fire alarm system. Automatic fire sprinkler systems water flow initiating devices shall be tested and inspected in accordance with the fire prevention policy. (1974 Code § 907.23)~~

**5-3-6 DUTIES OF THE ALARM COMPANY:**

- A. Any person engaged in the alarm business in the city shall comply with the following:
  - 1. Obtain and maintain the required state, county and/or city license(s).
  - 2. Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
  - 3. Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
- B. Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- C. Provide written information on how to obtain service from the alarm company for the alarm system.
- D. An alarm company performing monitoring services shall:
  - 1. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. This shall require, at a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
  - 2. Provide an alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
  - 3. Communicate any available information about the location of the alarm.
  - 4. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

~~5-3-7: REGISTRATION OF INSTALLERS:  
(Rep. by Ord. 1270, 10-14-2013)~~

**5-3-7 PROHIBITED ACTS:**

- A. It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

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B. It shall be unlawful to install, maintain, or use an audible alarm system that can sound continually for more than 15 minutes.

**5-3-8: EXEMPTIONS:**

- ~~A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.~~
- ~~B. The provisions of this chapter are not applicable to schools, colleges or alarm systems operated by political subdivisions. (1974 Code § 907.07)~~

**5-3-8 ENFORCEMENT OF PROVISIONS:**

- A. Excessive false alarms/Failure to register. It is hereby found and determined that five or more false alarms within a permit year are excessive, constitutes excessive consumption of police resources, and shall be unlawful. Civil penalties for false alarms within a permit year shall be assessed against an alarm user as per current fee schedule set by city council.
- B. Other Civil Penalty(ies). Violations will be enforced through the assessment of civil penalty(ies) set by the city council.
- C. Payment of Civil Penalty(ies). Civil penalty(ies) shall be paid within (30) days from the date of the invoice.
- D. Discontinuance of law enforcement response:
1. Alarm users who have excessive false alarms may have the discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until the alarm user corrects the repeat cause or activation.
  2. The failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance within 30 days from the date of the invoice shall 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. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.
- E. 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.

**5-3-9: MISDEMEANOR VIOLATION:**

~~Any person operating or installing an alarm system in violation of this chapter shall be guilty of a misdemeanor. (1974 Code § 907.21)~~

**5-3-9 ALARM USER AWARENESS CLASS:**

- A. The City may establish an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and conducting the class. The class shall inform alarm users of the problems created by false alarms

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and instruct alarm users on how to help reduce false alarms. The City may grant the option of attending a class in lieu of paying one assessed fine, not to exceed \$100.

**5-3-10 APPEALS:**

- A. Appeals process. Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Inver Grove Heights Police Department within 10 days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decisions. Appeals shall be heard through an administrative process established by the City. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.
- B. Appeal standard. The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

**5-3-11 CONFIDENTIALITY:**

- A. In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City.

**5-3-12 GOVERNMENT IMMUNITY:**

- A. Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Inver Grove Heights Police Department response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

**5-3-13 ALARM SYSTEMS WITH TAPED OR PRERECORDED MESSAGES PROHIBITED:**

No person may install, monitor, use or possess an operative alarm which utilizes taped or prerecorded messages which deliver a telephone alarm message to the police department.

**5-3-14 REGISTRATION OF INSTALLERS:**

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(Rep. by Ord. 1270, 10-14-2013)

**5-3-15 EXEMPTIONS:**

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- ~~B. The provisions of this chapter are not applicable to schools, colleges or alarm systems operated by political subdivisions. (1974 Code § 907.07)~~

**5-3-16 MISDEMEANOR VIOLATION:**

Any person operating or installing an alarm system in violation of this chapter shall be guilty of a misdemeanor. (1974 Code § 907.21)

**5-3-17 SEVERABILITY:**

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

**5-3-18 EFFECTIVE DATE:**

This Ordinance shall become effective and be in full force and effect after its adoption and publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
George Tourville, Mayor

ATTEST:

By: \_\_\_\_\_  
Joe Lynch, Interim Deputy Clerk