

CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 2022-22

AN ORDINANCE AMENDING GEORGETOWN CODE OF ORDINANCES CHAPTER 12, ARTICLE III REGARDING THE REGULATION OF ALARM SYSTEMS IN THE CITY OF GEORGETOWN.

SUMMARY

1. Amends Section 12-47 to update outdated definitions, add necessary definitions, and delete obsolete or unnecessary definitions.
2. Amends Sections 12-48 and 12-49 to provide more succinct and modernized responsibilities for alarm businesses and alarm users.
3. Deletes Sections 12-50 through 12-53 in their entirety, eliminating the specific provisions regarding equipment and technical standards, the requirement and process for obtaining an alarm user permit, the corrective action taken for false alarms under the permit requirement, and the police consolidated alarm system requirement.
4. Creates a new Section of Chapter 12, Article III to establish the response to false alarms, penalties associated therewith, payment terms, and appeals.
5. Amends Section 12-54 to provide for penalties and enforcement of violations of the Article for which a penalty has not yet been assigned.
6. Provides for repeal of inconsistent laws, severability of provisions, and an effective date upon passage and publication.

The full text of this Ordinance is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at [www.georgetownky.gov](http://www.georgetownky.gov).

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INTRODUCED AND PUBLICLY READ FIRST TIME: June 27, 2022

PUBLICLY READ SECOND TIME AND PASSED: July 11, 2022

APPROVED: *Tom Prather*  
Tom Prather (Jul 13, 2022 10:18 EDT)  
Tom Prather, Mayor

ATTEST: *Tracie Hoffman*  
Tracie Hoffman (Jul 14, 2022 14:37 EDT)  
Tracie Hoffman, City Clerk

I, Devon E. Golden, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 2022-22 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.



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Devon E. Golden

**ORDINANCE 2022-22**

**AN ORDINANCE AMENDING GEORGETOWN CODE OF ORDINANCES CHAPTER 12, ARTICLE III REGARDING THE REGULATION OF ALARM SYSTEMS IN THE CITY OF GEORGETOWN.**

SPONSORS: Mark Showalter and Tammy Lusby Mitchell

WHEREAS, in 1992, the Georgetown City Council passed Ordinance #92-014, "...relating to alarm systems and control of false alarms; establishing alarm business and user responsibilities; establishing standards for alarm systems; requiring permits and provisions for suspension and revocation thereof and prescribing penalties for violations; and,

WHEREAS, enforcing the provisions of Ordinance #92-014 under the current mechanism is impractical; furthermore, much of the technical language requires updating; and,

WHEREAS, based on the reported figures for false alarms Georgetown Police Department and other agencies are experiencing, the Georgetown City Council finds it necessary to amend the provisions governing alarm systems and enforce said provisions moving forward, in the interest of efficiently stewarding City resources;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN, KENTUCKY:

**SECTION ONE**

Chapter 12, Article III, Section 12-46 of the Code of Ordinances is amended as follows:

**Sec. 12-46. Purpose.**

In order to control and reduce false alarms which cause unnecessary expense to the public, this article regulates the installation and use of alarm systems monitored by the Georgetown-Scott County 911 Center [city communications center].

**SECTION TWO**

Chapter 12, Article III, Section 12-47 of the Code of Ordinances is amended as follows:

**Sec. 12-47. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to

them in this section, except where the context clearly indicates a different meaning:

~~[Alarm agent means any person who acts on behalf of an alarm business.]~~

~~Alarm business means the business of leasing, installing, monitoring, maintaining, servicing, repairing, altering, replacing or responding to any alarm system in or on any building, structure or facility. [The term “alarm business” does not include the business of manufacturing or sale of an alarm system from a fixed location, and when the alarm agent neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.]~~

~~Alarm system **means any assembly of equipment, device or devices arranged to signal the presence of a hazard requiring the urgent response of law enforcement and/or fire personnel and shall include all burglary, robbery and fire alarms. This term shall not include (a) an alarm system installed on a motor vehicle or other alarm systems not directly related to the detection of an unauthorized intrusion into a premise, an attempted robbery of a premise, or a fire emergency at a premise, or (b) a smoke or heat detector not designed or intended to alert a response outside the premise.** [means any mechanical or electrical device which is used for the detection of smoke, fire or unauthorized entry into a building or other facility, or for alerting others of the occurrence of fire, or a medical emergency of the commission of an unlawful act within a building or other facility and which is designed to emit an outside audible alarm or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms.]~~

~~Alarm user means any person or organization which purchases, leases, contracts for, otherwise obtains or uses an alarm system.~~

~~[Audible alarm means any device designed to generate an outside audible sound when an alarm system has been activated.]~~

~~[Automatic dialer means any electrical, mechanical or other device capable of being programmed to send a pre-recorded voice message, when activated over a telephone line, radio or other communications system, to the police or fire department.]~~

~~[Burglary alarm system means an alarm system signaling an entry or attempted entry to the area protected by a system.]~~

**City means the City of Georgetown, Kentucky.**

~~[Common cause means a technical difficulty which causes an alarm system to generate a series of false alarms.]~~

**Communications center means the Georgetown-Scott County 911 Center.**

~~[Emergency medical alarm system means an alarm system designed to signal a medical emergency by manually activating a device to summon medical assistance.]~~

~~False alarm means activation of an alarm system **for any reason other than an unauthorized**~~

entry or other actual emergency circumstances necessitating the response of police or fire department personnel; “false alarm” shall not include any event of alarm activation as to which the police or fire department, as the case merits, was notified prior to response to the location that the alarm was inadvertent and no emergency exists. ~~through mechanical failure, malfunction, improper installation, misuse, or the negligence of the alarm business owner, lessee or subscriber of an alarm system or his employees, agents or cohabitants, in situations where no fire, medical emergency or violation of the law occurs. False alarms shall not include, for example, alarms caused by earthquakes, lightning, violent winds, telephone or cable company interruptions, unsecured doors or any causes beyond the control of the owner or lessee or subscriber of the alarm systems. A burglar alarm shall not be deemed false when the communications center is notified by a recognized central station alarm business in advance of the arrival of their responding officers to a burglar alarm that the alarm system was accidentally activated.]~~

**Fire or fire department means any fire department.**

~~[Fire alarm system means an alarm system designed to detect and cause to be reported to the communications center a fire alarm condition. Single station detectors not connected to a central monitoring station or an outside audible alarm sounding device are not included in this definition.]~~

*Monitoring agency* means any person or organization responsible for monitoring an alarm system.

~~[Notice means written notice, either delivered or mailed to the person to be notified at his last known address.]~~

~~[Permittee means any person, firm, partnership, association or corporation who, or which shall be granted an alarm user permit as provided herein.]~~

**Police or police department** means any law enforcement agency.

~~[Police consolidated alarm panel means the equipment installed at the city communications center for the purpose of monitoring alarms.]~~

~~[Robbery alarm system means an alarm system signaling a robbery or hold-up or attempted robbery wherein a personal confrontation is occurring. Such a system may include the use of a panic button activation device.]~~

**SECTION THREE**

Chapter 12, Article III, Section 12-48 of the Code of Ordinances is amended as follows:

**Sec. 12-48. Alarm business responsibility.**

(a) An alarm business, upon completion of the installation of an alarm system, shall inspect and test all equipment provided by the alarm business and take or cause to be taken

corrective action to reasonably prevent the occurrence of false alarms.

(b) The alarm business shall make available or arrange to provide repair service to alarm users within **twenty-four (24)** hours after being notified by the alarm user that the alarm system is in need of repair or service, providing that the alarm user has a valid lease, service or maintenance agreement with the alarm business to provide service or maintenance to the alarm user's system.

(c) The alarm business shall comply with all applicable **local**, state and federal laws and regulations.

~~[(d) In the event of conflicts in any of the above, the city shall have the absolute right to determine which shall apply to the alarm business' operations and procedures.]~~

~~[(e)]~~ **(d)** The alarm business shall provide instruction for each of the alarm users protected by an alarm system in the proper use and operation of the system. Such instruction shall include all necessary instructions in turning the alarm on and off and avoiding false alarms.

~~[In addition, the alarm business shall provide the alarm user with a copy of the notice supplied by the city which defines the impact and consequences of allowing false alarms to~~

~~occur.]~~ Upon completion of such instruction, the alarm business shall provide a statement of completion to be signed by the alarm business representative providing the training and the alarm user. A dated copy of the signed statement of completion shall be provided to the alarm user.

~~[(f)]~~ **(e)** The alarm business shall provide an alarm user with operating instructions that provide reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business. The alarm user shall not be provided instructions not applicable to the alarm system installed.

~~[(g)]~~ **(f)** The alarm business shall provide the alarm user with a written report any time an alarm business representative responds to the location and performs any inspections, tests, adjustments, repairs, modifications, replacements or any other type of service investigations or maintenance related to the alarm system.

~~[(h) The alarm business shall advise the alarm user in writing of the requirement for the application of an alarm user permit prior to activation of the alarm system.]~~

~~[(i) The alarm business shall maintain the following records for inspection by the city:~~

~~(1) Documentation of alarm user's completion of instruction for the operation of his — alarm system;~~

~~(2) Documentation of alarm user's receipt of the operating instructions pertaining to the — service provided or the operation of the alarm system installed by the alarm — business;~~

~~(3) Record of all activities and action taken to correct false alarm events shall be~~

~~— maintained for a period of one year;~~

~~(4) Records of each alarm system or device installed by the alarm business;~~

~~(5) If the alarm business provides monitoring maintenance, repair or service to an alarm user, it shall maintain the name of the owner or occupant of the premises, the name and telephone number of the user, a primary and at least two alternate persons responsible for responding to the premises when the alarm is activated;~~

~~(6) Each alarm business shall maintain a record of outside audible sounding devices it installs and connects to a burglary alarm system that it leases or monitors and takes action to cause the device to be deactivated upon receipt of notice from the user or the police department.]~~

**(g) Upon request, the alarm business shall provide city with the names, addresses and telephone numbers of not less than three (3) keyholders, persons, or entities who have access to the premises, so that said keyholders, persons, or entities may be contacted when there is an emergency alarm, when multiple alarms occur within a 24-hour period, or to reset or shut off the alarm in the case of a false alarm.**

~~[(j) Each alarm business shall label the purpose (burglary, fire, etc.) of any outside audible sounding device it installs. If the audible sounding device is connected to an alarm system it leases, monitors or services, it shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the alarm has been activated. Telephone numbers shall be updated as necessary.~~

~~(k) The alarm business or alarm agent shall notify the monitoring agency prior to said business or agent testing or repairing any alarm system or device.~~

~~(l) Responsibility for an alarm system pursuant to this article by an alarm business shall be terminated only upon 30 days' notification to the city that the business has ceased to lease, rent, maintain, service or monitor the alarm system.~~

~~(m) The alarm business shall provide to an alarm user a method of pre-arranging burglary or fire alarm tests.~~

~~(n) The alarm business will be responsible to present a signal from each subscriber which is compatible with the police consolidated alarm panel if the alarm is to be connected to the alarm panel.]~~

## **SECTION FOUR**

Chapter 12, Article III, Section 12-49 of the Code of Ordinances is amended as follows:

### **Sec. 12-49. Alarm user responsibility.**

(a) The alarm user shall maintain the alarm equipment in proper working order at all times, so as

to minimize the occurrence of false alarms.

(b) The alarm user shall instruct all persons who are authorized to place the system or device into operation in the appropriate method of operation. The alarm system operation instructions shall be maintained on the premises.

(c) The alarm user shall post, or provide to persons authorized to place the alarm system or device into operation, the administrative telephone numbers for:

(1) Police and fire departments; **and**

(2) The alarm business' 24-hour service number.

(d) The alarm user shall inform persons who are authorized to place the alarm system into operation of the provisions of this article, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this section shall be maintained on the premises and be made available to **inhabitants of the premises and** persons who are authorized to place an alarm into operation. [~~or inhabitants of the premises.~~]

(e) Any person triggering the alarm due to intentional misuse, including, but not limited to, summoning an emergency service for a non-emergency situation shall be deemed a false alarm subject to penalty **under this Article**.

(f) The alarm user shall notify the monitoring agency prior to user testing any alarm system or device.

(g) The alarm user shall arrange for himself, or another responsible representative, to go to the premises of an activated alarm system in order to be available to assist the police or fire department in determining the reason for the alarm activation and securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm.

(h) The alarm user shall maintain the protected building to the degree necessary to prevent the alarm system from being interrupted due to building conditions, such as broken or missing window panels, water leaking into a building, padlock hasps on outside doors, etc.

(i) The alarm user shall not activate or reactivate an alarm system when a condition exists that may result in an additional false alarm. The alarm user shall cause the alarm system to be inspected, adjusted, or repaired after each false alarm and prior to the reactivation of the system.

~~[(j) If the alarm user elects to have the alarm system connected to the alarm panel, he must sign a monitoring agreement with the company who operates the police consolidated alarm panel at the communications center. The alarm user will be required to submit a connection fee and annual fee to the company who operates the police consolidated alarm panel which is approved by the city.]~~



**SECTION FIVE**

Chapter 12, Article III, Sections 12-50 through 12-53 of the Code of Ordinances are deleted in their entirety.

**SECTION SIX**

A new section of Chapter 12, Article III of the Code of Ordinances is created to read:

**False alarms; civil penalties.**

- (a) When an alarm is activated, the city police or fire official responding to the scene shall inspect the premises protected by the alarm system and determine whether the city’s response was prompted by a false alarm.
- (b) If the police or fire official determines that there has been a false alarm, he or she shall prepare a false alarm report and submit said report to the police chief’s designee (“alarm coordinator”). Such report shall include, at a minimum, the date, time and location of the false alarm and the circumstances whereby the determination was made that it was a false alarm. The alarm coordinator shall forward the false alarm report to the alarm user, together with a notice that the fourth and all subsequent false alarms within the calendar year will subject the alarm user to escalating civil penalties, in accordance with the provisions of this article. The report and notice shall be delivered to the alarm user by regular US Mail or hand delivery to the physical location of the alarm system. The alarm coordinator shall maintain a record reflecting the date of the mailing or hand delivery.
- (c) Each calendar year, an alarm user shall be allowed three (3) false alarms without civil penalty. The fourth and all subsequent false alarms during the calendar year shall be subject to the civil fines set forth below:
  - 1. Fourth false alarm: \$75.00
  - 2. Fifth false alarm: \$100.00
  - 3. Sixth false alarm: \$125.00
  - 4. Seventh and all subsequent false alarms: \$150.00
- (d) The alarm coordinator shall provide false alarm data to the finance director on a monthly basis. The finance department shall issue invoices to the alarm user(s) and provide a minimum of thirty (30) days for payment thereof.
- (e) An alarm user may appeal the assessment of the civil penalty to the alarm coordinator by filing a written request for review, setting forth the reasons for the appeal. The filing must be made within thirty (30) days of the mailing of the false alarm report. The filing of an appeal shall suspend the due date of the reimbursement fee until the police department

or fire department, as the case may be, issues a written opinion granting or denying the appeal.

- (f) Any alarm user becoming more than thirty (30) days delinquent in the payment civil fines lawfully assessed under this article may be subject to civil action, criminal action and/or any means authorized by federal, state or local law for the enforcement of this article and collection of the civil fines imposed.

## SECTION SEVEN

Chapter 12, Article III, Section 12-54 of the Code of Ordinances is amended as follows:

### Sec. 12-54. Penalties and enforcement.

(a) Violation of any section of this article for which a penalty has not been assigned shall constitute a civil offense which shall be enforced according to the procedures set forth in chapter 2, article VI by the code enforcement board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

(b) The penalty for violations of this article for which a penalty has not been assigned shall be as set forth in section 2-842. All such violations of this section shall be considered Class 1 violations.

~~[Any person, firm or corporation, whether as principal owner, agent, tenant or otherwise who violates any provision of this article is guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine not exceeding \$500.00.]~~

## SECTION EIGHT

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

## SECTION NINE

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

## SECTION TEN

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 27, 2022

PUBLICLY READ SECOND TIME AND PASSED: July 11, 2022

APPROVED: *Tom Prather*  
[Tom Prather \(Jul 13, 2022 10:18 EDT\)](#)  
\_\_\_\_\_  
Tom Prather, Mayor

ATTEST: *Tracie Hoffman*  
[Tracie Hoffman \(Jul 14, 2022 14:37 EDT\)](#)  
\_\_\_\_\_  
Tracie Hoffman, City Clerk