

**An Ordinance to Amend the City of Richmond Hill Code of Ordinances
Section 50-1 Penalties; Section 50-2 Misdemeanors under state law; Section 50-6
Disorderly Conduct; Section 50-7 Alcoholic beverages-Drunk or disorderly
persons; and Section 50-11 Alarm Ordinance**

BE IT ORDAINED by the City Council of the City of Richmond Hill, Georgia that from and after the effective date hereof, Chapter 50 – Miscellaneous Offences of the Richmond Hill Code of Ordinances is hereby amended as follows:

Sec. 50-1. - Penalties.

Any person who violates a provision of this article shall, upon conviction, be punished as provided in section 1-12 where not specified.

Sec. 50-2. - Misdemeanors under state law.

Any act the commission of which constitutes a misdemeanor under the laws of the state is prohibited within the city; and if committed within the city, and if not prosecuted by the state, it is declared to be an offense punishable by the city.

Sec. 50-6. - Disorderly Conduct

It shall be unlawful for any person within the corporate limits of the city to engage in any conduct described in the following subsections; however, no person shall be convicted of any of the following sections upon a showing that the predominant intent of the conduct was to exercise a constitutional right:

- (1) To act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of his life, limb or health;
- (2) To act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) To cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger life, limb, health or property of another;
- (4) To be in or about any place, where illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated, for the purpose of or intent to engage in the purchase, use, possession or consumption of illegal drugs, narcotics or illegal consumption, dispensing or possession of alcoholic beverages.

- (5) To direct "fighting words" toward another, that is, words which by their very nature tend to incite a breach of the peace;
- (6) To interfere with, by acts of physical obstruction, another's pursuit of a lawful occupation;
- (7) To congregate with another or others on or about any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to so do by a police officer or other lawful authority;
- (8) To disrupt, by actions which tend to incite a breach of the peace, the undisturbed activities of any house of worship, hospital or home for the elderly;
- (9) To throw bottles, paper, cans, glass, sticks, stones, missiles or any other debris on public property.

Sec. 50-7. - Alcoholic beverages—Drunk or disorderly persons.

It shall be unlawful for any person to be and appear in an intoxicated condition in any public place, including city parks, streets, public buildings, commercial establishments, offices, restaurants, cart paths, recreation facilities, churches and other places of worship, and all other places generally open to the public, or within the curtilage of any private residence not his own other than with the consent of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language.

State law reference— Public drunkenness, O.C.G.A. § 16-11-41.

Sec. 50-11. – Alarm Ordinance

A. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm administrator means a person or designee designated by the Chief of Police to administer, control and review false alarm reduction efforts.

Alarmed premises means any building or area of land protected by any type of burglar, fire or panic or holdup alarm. This does not include medical alarms.

Alarm registration means the alarm registration is the notification by an alarm company or an alarm user to the alarm administrator that an alarm system has been installed and is in use.

Alarm system means an alarm system is a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the city police department or city fire department, including local alarm system. Alarm system does not include an alarm installed on a vehicle or person unless the vehicle or personal alarm is permanently located at a site.

Police department means the department responsible for the enforcement of the alarm ordinance.

Responsible party means the person listed on the registration as the registration holder.

False alarm means the activation of a fire, burglary and/or robbery or personal alarm by other than a fire, unintentional smoke, forced entry or attempted forced entry to the premises and at a time when no fire has occurred, no burglary, theft, robbery or forcible entry is being committed or attempted on the premises. False alarms shall include negligently activated alarms, alarms which are the result of equipment which has been improperly installed or maintained, and alarms which are purposefully activated to summon the police or firemen in non-emergency situations, but does not include an alarm caused by violent weather conditions and acts of God.

Key holder means the individual, designated by the alarm user, as the person who will be able to and has agreed to receive notification of an alarm activation at any time; respond to the alarm site; and deactivate the alarm system if such becomes necessary.

Multiple alarm site means more than one alarm system on the premises.

Panic or personal alarm means an alarm system signal generated by the manual activation of a device intended to signal a life threatening situation, EMS, fire or law enforcement response.

Effective date means the date that this ordinance will take effect.

(B) Responsibility of the Alarm Administrator.

- (1)** The alarm administrator monitors the provisions of this ordinance, and will make notification of a violation to any owner or occupier of

the premises where the offending alarm or burglar system is installed.

- (2) The alarm administrator will issue a written notice of all false alarms to alarm users. This notice is in addition to the notice issued to the key holder answering the false alarm.
- (3) The effective date of this ordinance will be February 1st, 2016.

(C) Registration.

- (1) **Registration required.** It shall be unlawful to maintain within the city, an alarm system on any premises unless the person owning or operating the business or residential location, where such alarm system is maintained, shall file with the alarm administrator, a valid alarm registration issued by the alarm administrator or designee.
- (2) A separate registration is required for each alarm site (multiple alarm sites). Fire alarms, burglary or robbery alarms, or panic alarms (any combination) on one site will be considered as one registration.
- (3) Any person who has a medical alarm may register the alarm with the alarm administrator at no charge so that information to be used in an emergency will be available to the fire and police departments; as well as, the 9-1-1 Communications System
- (4) There will be a \$25.00 one-time registration fee due prior to activation for the business owners, residents or property owners.

(D) Completed application. Upon receipt of a completed application form and registration fee, the alarm administrator shall register the applicant and assign an alarm number and decal unless the applicant has had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected. Each alarm registration must include the following information:

- (1) The name, complete address, and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this division;
- (2) The classification of the alarm site as either residential, commercial, government entity or apartment;
- (3) For each alarm system located at the alarm site, the classification of the alarm system, i.e., fire, burglary, holdup, panic or other, for each purpose whether audible or silent;
- (4) Mailing address if different from the alarm site;

- (5) Any dangerous or special conditions present such as attack dog, at the alarm site;
- (6) Name and telephone numbers of at least three individuals who will be designated as key holders; all of whom are able and have agreed to receive notification of an alarm activation at any time, respond to the alarm site within 30 minutes, and will deactivate the alarm system if such becomes necessary;
- (7) Type of business conducted at the alarm site; and
- (8) That law enforcement or fire response may be based on factors such as: availability of police units or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.
- (9) In the case of a medical alarm - any special information about the person's condition, the location of a key or number of a person located in the area to allow emergency personnel to enter the premises in the case of an emergency, etc.
- (10) False application. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.
- (11) Transferability. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any information listed on the registration application within five business days.

(E) Responsibility of Alarm Installers, Monitoring Companies and alarm Users.

Any commercial or residential premises employing an alarm or system shall post within four (4) feet of the main entrance of the building; notice of the alarm company which monitors and services the alarm system and the Richmond Hill Police Department Alarm Decal.

- (1) The number on the RHPD alarm Decal, which is assigned by the alarm administrator, will correspond with the information provided during registration and updates so that owners or key holders may be notified at all times, and responding officers will know who is authorized to enter the premises and deactivate the alarm system or who can contact a person who can deactivate the system if there are no means of access to the premises.
- (2) If a building is fenced in, a plaque will be attached to the main entrance of the gate where the alarm company monitoring and servicing the alarm and the RHPD alarm decal shall be displayed.

- (3) It shall be unlawful for any person to activate any alarm system for the purpose of summoning the police, EMS, Fire Department or other emergency personnel except in the event of an actual emergency. The violator will be summoned into municipal court for the charge of Unlawful activation of an alarm.
- (4) It shall also be unlawful for anyone to notify the police of an activated alarm and fail to disclose to the police their knowledge or apparent knowledge that the alarm system has been activated due to some electrical or other malfunction of the alarm system. The violator will be summoned into municipal court and the charge would be Failure to disclose malfunction of an alarm system while notifying.
- (5) All alarm users shall be required to respond to the location where the alarm is activated or when requested by the police department, fire department or public safety communications center (911 communications center). The key holder will be given 30 minutes from the time the officer or firemen arrive at the premises to respond to the alarm unless other arrangements are made through 9-1-1 Communications Center. Upon activation, the alarm shall not sound any longer than 15 minutes.
- (6) Business owners and residents acquiring a previously installed alarm system or installing a new alarm system in any business, residence and/or buildings shall have (10) days to update or register the alarm system with the alarm administrator. Business owners and residents will ensure that anytime their registration information has changed that they will notify their monitoring alarm company and the alarm administrator of the changes. Failure to comply with this section after receiving written notification will result in a \$100.00 fee per alarm system installed.
- (7) All alarm companies who install, monitor or acquire alarm systems for commercial or residential alarm systems will register their alarm company with the city alarm administrator using the registration form furnished by the city. All alarm companies who install, monitor or acquire alarm systems for commercial or residential alarm systems will ensure that anytime their registration information has changed that they will notify the alarm administrator of the changes within five business days. Failure to comply with this section after receiving written notice from the alarm administrator will result in a \$100.00 fee per alarm system installed.
- (8) All alarm companies providing services within the City of Richmond Hill shall be required to furnish a copy of their business license to the alarm administrator.

- (9) Governmental buildings within the City of Richmond Hill, Georgia, shall be exempt from all fees for registration. The registration is still required so that emergency contact information is available to the officers at the scene.

(F) Exemptions.

- (1) There shall be a 30 day grace period following the installation of any new alarm system during which period false alarms shall not be counted. This grace period is provided to allow the installing company or other installer and the user to take necessary corrective action with regard to the operation of the alarm system. A responsible person at the premises where the alarm or burglary system is installed must maintain written proof, in the form of an invoice, of the date of installation of an alarm system for exemption under this section.
- (2) An alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, or public safety communications center (911 communications center) to test the system.
- (3) Governmental buildings within the City of Richmond Hill, Georgia, shall be exempt from assessments for false alarms. Notices will be sent to the responsible director for each and every false alarm. Directors will make every effort to reduce false alarms at the facilities for which they are responsible.
- (4) False alarms caused by beam alarms on business owners fenced-in equipment areas that the law enforcement officer is unable to determine the alarm activation will be cleared as alarm undetermined and no false alarm assessment will be charged. Notices of fence alarm activations will be sent to the responsible business owner for all fence alarm false alarms.
- (5) There will be no fees, charges or summons issued into municipal court for any medical alarms.

(G) Offenses and Response.

- (1) When police and fire departments are summoned to an alarm call, they will complete an alarm report to be submitted to the alarm administrator. The responding officer will determine if the alarm will be counted as a false alarm in accordance with this ordinance. If it is determined by the responding officer that the alarm system is not registered with the Richmond Hill Police Department alarm administrator, it will be noted on the alarm report and a warning issued to the person responsible for the alarm location.

- (2) The key holder where said alarm or burglary system is maintained shall be given a written notice that a response to an alarm has occurred. If no key holder responds, notice will be left at the scene.
- (3) The first five false alarms in a calendar year will have no assessments charged. Any additional false alarms would result in the alarms administrator assessing a service fee due and payable by January 31st of the next calendar year. The amounts of the fees shall be established by ordinance or resolution of the city council, from time to time, and made available for public examination in the office of the alarm administrator and the office of the Chief of Police.

# of False Alarms within 12 Months	Service Fees
1-5	No Charge
6-15	225.00
16-30	500.00
31-50	750.00
51 or more	1000.00

- (4) The alarm administrator will assess a fee according to the above table on all false alarms beginning with the 6th false alarm within any calendar year.
- (5) ***False alarm fees*** will be due no later than 30 days after the billing date. A late fee of 1 % will be assessed for each month the fees are not paid. After 30 days, a summons will be issued requiring the person to appear in person and answer to the Richmond Hill Municipal Court Judge as to why the fees have not been paid. The judge may issue a fine up to \$1,000.00 in addition to any fees due for ***Failure to Pay Alarm Fees***. In the event that an owner or occupier is a corporation, the summons will be addressed to the corporation and made to the attention of a designated individual. It will be the corporation's responsibility to inform the alarm administrator who the designated individual will be. This will be the person designated as the alarm holder on the registration form.
- (6) If a key holder fails to respond to any alarm, the responding officer will notify the alarm administrator by annotating this on the alarm report. The alarm administrator may assess a fee to the owner or occupier for violation of this section ***Failure to respond to alarm activation*** in the amount of \$100.00 for each offense.
- (7) Failure to register and pay registration fees prior to alarm activation will result in a summons being issued to the business owner, corporation or resident for a violation of this ordinance. Failure to

register and pay alarm registration fees prior to alarm activation can result in fines up to \$1000.00 per violation.

(H) Appeals.

- (1)** In the event that a location is assessed a false alarm fee, and the owner, business or legal entity does not agree that the alarm activation should be classified as a false alarm, the owner, business or legal entity may appeal the ruling through the proper process as follows:

The proper representative of the owner, business, or legal entity having or he alarm system may appeal the ruling in writing within ten days of the notice to the alarm administrator on a form provided by the alarm administrator.

The alarm administrator may adjust the count of false alarms based on written request and evidence that the false alarm was caused by:

- a. Evidence that a false alarm was caused by an act of God;
- b. Evidence that a false alarm was caused by the action of the telephone company;
- c. Evidence that a false alarm was caused by a power outage lasting longer than four hours;
- d. Evidence that the alarm dispatch was not a false alarm;
- e. Evidence that the emergency response response was not completed in a timely manner; or
- f. Evidence that the false alarm was a result of inadvertent action.

- (2)** In determining the number of false alarms, multiple alarms occurring in any 24-hour period shall be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user. However, after the first 24 hours and the next business day have passed each false alarm shall be counted.

- (3)** In the event that the alarm administrator is unable to resolve the issue, the alarm administrator will contact the Chief of Police and schedule an appeal hearing, sending by certified mail or in person by a police or code enforcement officer, a written notice to the aggrieved party. In the event that a police or code enforcement officer delivers this notice in person, a form will be completed documenting date, time and to whom the notice was delivered.

Should the aggrieved party fail to respond or does not attend the appeal meeting then all fees will be considered valid and no further appeals will be considered on the appeal presented.

- (4) In the event that the owner, business or legal entity (proper representative) and the chief of police are not able to resolve and agree on the alarm classification, the proper representative may request a hearing before the city council to appeal the ruling. The alarm administrator will contact the City Clerk and schedule an appeal hearing, sending by certified mail or in person by a police or code enforcement officer, a written notice to the aggrieved party. In the event that a police or code enforcement officer delivers this notice in person, a form will be completed documenting date, time and to whom the notice was delivered.

The alarm administrator will present any documentation on behalf of the city.

- (5) The ruling from the city council of the issue will be final.


(I) Alarm Response Disclaimer.

Registration of an alarm system by an alarm user under the requirements of this division is not intended to and does not create a contract, duty, or obligation, either express or implied, of response by members of law enforcement, fire personnel, EMS, public safety communications center employees, city officials, or city employees. Any and all liability and consequential damage resulting from a failure to respond to notification is disclaimed by the city, and the city retains governmental immunity as provided under state law.

Aforementioned amendments to Chapter 50 of the Code of Ordinances, City of Richmond Hill, Georgia, are hereby Approved and Adopted this
_____ day of _____, 2016.



Mayor



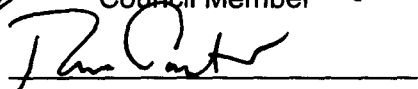
Council Member



Council Member

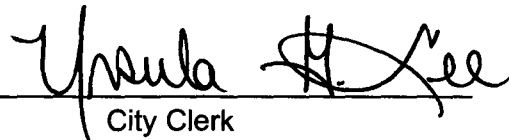


Council Member



Council Member

Attest:



City Clerk