

ORDINANCE # 316-08

AN ORDINANCE OF THE CITY OF NEW MEADOWS, IDAHO PERTAINING TO THE DECLARATION OF A PUBLIC NUISANCE REGARDING FALSE BURGLAR AND FIRE ALARMS WITHIN THE CORPORATE CITY LIMITS; STATING DEFINITIONS, PURPOSE AND SCOPE, ENFORCEMENT, PROVIDING FOR CANCELLATIONS, ALLOWING FOR ALARM SYSTEM TESTING, REQUIRING A RESPONSIBLE PERSON, REQUIRING FOR REIMBURSEMENT, PROVIDING FOR PENALTIES, PROVIDING FOR APPEALS, REQUIRING PAYMENT OF FINES, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEADOWS, IDAHO AS FOLLOWS:

**Section 1 Definitions:**

Alarm – an audible or silent notification or announcement of a fire, smoke, gasses, burglar or unauthorized entry.

False Alarm – an alarm that has been activated and not cancelled prior to a responding officer’s arrival and has been activated without a fire, smoke, gasses, burglar or other unauthorized entry.

Officer – any law enforcement officer authorized by the Mayor or City Council of the City of New Meadows, or Sheriff’s designee that is charged with upholding the public health, safety and peace of the City of New Meadows citizens, or Fire Chief or Deputy Fire Chief.

Subscriber – any person or business who has purchased, rented, leased, or otherwise controls, maintains, operates, uses or attempts to use an alarm.

**Section 2 Purpose and Scope:** The purpose and scope of this Ordinance is to protect the public health and safety of the citizens and visitors of the City of New Meadows by declaring any alarm system which generates more than two (2) false alarms in any twelve (12) month period a public nuisance.

**Section 3 Enforcement:**

This ordinance shall be enforced by any Officer as defined in Section 1.

**Section 4 Cancellation:**

An alarm may be cancelled by calling the dispatching agency that has dispatched the officer or department prior to the officer or department’s arrival. If the officer or department has already arrived, and the alarm has been found to be false, then the alarm activation will count as a false alarm.

**Section 5 Alarm System Testing:**

Alarm system testing will not be declared a public nuisance as long as the responding agency or its dispatch has been notified of the test at least one (1) hour prior to the start of the alarm system testing.

**Section 6 Responsible Person:**

Every alarm subscriber within the City of New Meadows shall have a telephone number listed at the dispatch agency to notify that an alarm has been activated. The responsible person must respond to the alarm location at the officer or department's request or send another responsible person that knows how to operate the system and reset, or to disable the alarm system if the system is malfunctioning.

**Section 7 Reimbursement:**

The operator or alarm subscriber may be charged for reimbursement costs associated with the response to any false alarm as deemed to be appropriate by the New Meadows City Council. Furthermore if an operator or alarm subscriber is found guilty of a misdemeanor by this ordinance, then all court costs, attorney fees, and other associated costs shall also be added to the court disposition.

**Section 8 Penalties:**

- **1<sup>st</sup> False Alarm Offense-** \$50.00
- **2<sup>nd</sup> False Alarm Offense-** \$100.00
- **3<sup>rd</sup> False Alarm Offense-** \$200.00
- **Every False Alarm Offense over three (3) shall be penalized \$500.00** and may be charged with a misdemeanor for misuse of the emergency systems provided in Adams County.

**Section 9 Appeal:**

The operator or alarm subscriber may request a hearing before the City of New Meadows City Council by filing a request for a hearing in writing with the City Clerk no later than ten (10) days after the issuance of a false alarm offense. Any finding by the City Council of the City of New Meadows is only appealable to the District Court of the Third Judicial District provided filing and fees are submitted in accordance to Idaho law.

**Section 10 Payment of Fines:**

All penalties imposed shall be paid directly to the City of New Meadows through the City Clerk within thirty (30) days at City Hall.

**Section 11 Severability:** If any section, sub-section or sentence of this ordinance for any reason is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and shall remain in full force and effect.

**Section 12 Effective Date:** This ordinance shall be in full force and effect upon its passage, approval and publication in the official newspaper of the City of New Meadows.

Passed and approved this 11<sup>th</sup> day of August, 2008.

/s/ Gale Stillman  
Gale Stillman, Mayor

ATTEST: /s/ Jacob M Qualls  
Jacob "Mac" Qualls, City Clerk