

ORDINANCE NUMBER 2007-01

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF FINES AND
PENALTIES FOR FALSE ALARMS WITHIN THE CITY LIMITS OF
THE CITY OF STARKVILLE, MISSISSIPPI**

WHEREAS, The Mayor and Board of Alderman are authorized to take all action as may be necessary and proper to preserve the general public health, safety and welfare of the people of the City of Starkville, Mississippi; and

WHEREAS, false alarms rendered to the Police and Fire Departments of the City of Starkville require a response which may threaten the public health, safety and welfare of the people of the City of Starkville, Mississippi, in a legitimate emergency; and

WHEREAS, the Mayor and Board of Aldermen have found that it is reasonable and necessary to establish fines and penalties to solve the continuing problem of false alarm calls, and find that this ordinance will help to preserve the general public health, safety and welfare of the people of the City of Starkville, Mississippi.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville:

Section 1. Definitions:

The following words and terms when used in this ordinance are intended to mean and shall mean as follows, to-wit:

- a. "False Alarms" shall mean any alarm signal necessitating response by Police Department personnel

and/or Fire Department personnel, where a Police or Fire emergency does not exist. This definition shall include, but is not limited to, reports caused by improper or inadequate maintenance of the Police emergency alarm system or by the careless or negligent operation of or maintenance of the alarm system.

- b. "Central Station" shall mean an office to which remote Police or remote Fire alarm and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, dispatch investigatory personnel, and retransmit alarm signals to appropriate agencies.
- c. "Police Emergency Alarm System and/or Fire Emergency Alarm System" or "Alarm System" shall mean, any assembly of equipment or devices arranged to initiate a signal from a transmitting device to report any Police emergency condition or any Fire emergency condition.
- d. "User" shall mean any person who purchases, leases, contracts for, or otherwise obtains an alarm system.
- e. "Transmitting Device" shall mean an instrument, which sends a signal to a monitoring point indicating intrusion or fire into a given protected area.

Section 2. Three or more false alarms prohibited:

- a. It shall be unlawful for the origination of three false alarms within a calendar year from any alarm system connected to the Oktibbeha County 911 Dispatch Central Station.

Section 3. Enforcement Responsibility:

- a. The Police Department, law enforcement officers, and any other lawfully designated official or representative of the City shall have the primary duty and responsibility of enforcing the provisions of this article. Any officer of the Police Department, all other law enforcement officers, and any designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.

- b. Any official or representative of the City, lawfully designated to enforce the provisions of this article, shall have the power and authority to issue summons and citations returnable to the Municipal Court or to any other proper authority for violations of this article. Such summons and citations shall have the same full force and effect as is issued by the Police Department of the City for other law enforcement purposes. This section on penalties also applies for purposes of enforcement responsibility.
- c. The Police Department or other designated official or representative of the City may develop and utilize such forms as may be required and necessary to implement this ordinance, exercise the police powers of the City in ordinance enforcement and actively enforce this ordinance.

Section 4. Construction:

Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in Court, nor any rights acquired thereby, or liability incurred, nor any cause or causes of action now existing under any act or ordinance repealed hereby, conflicting herewith, or currently logged in the ordinances of the City of Starkville. No right or remedy of any character shall be lost, impaired, or affected by this ordinance.

Section 5. Penalty:

- a. The failure or refusal of any person to comply with any provision of this ordinance shall subject such person to a \$300.00 fine, and any subsequent false alarm over and above the three (3) false alarms that occur within the same calendar year will result in an additional fine in the amount of \$300.00 per incident for the remainder of the calendar year.

Section 6. Invalidation/Severability:

If any provision of this ordinance is determined by a Court of competent jurisdiction to be invalid or otherwise unenforceable, such findings shall not effect the other provisions hereof, which shall remain in full force and effect.

Section 7. Repeal Provision:

Ordinances or parts of ordinances in force at the time that this ordinance shall take effect, and inconsistent herewith, are hereby repealed.

Section 8. Effective Date:

This ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption.

UPON MOTION of Alderman Matt Cox, duly seconded by Alderman Richard Corey, that the aforesaid Ordinance be adopted. The vote being as follows:

Richard Corey	Voted: <u>YEA</u>
Matt Cox	Voted: <u>YEA</u>
Sumner Davis	Voted: <u>YEA</u>
P.C. (Mac) McLaurin, Jr.	Voted: <u>ABSENT AND NOT VOTING</u>
Jim Mills	Voted: <u>YEA</u>
Roy A'. Perkins	Voted: <u>YEA</u>
Janette Self	Voted: <u>YEA</u>

ORDAINED AND ADOPTED, this the 16th day of January, A.D., 2007 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

ROBERT D. CAMP, Mayor
City of Starkville, Mississippi

MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi

(SEAL)