

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 137

AN ORDINANCE RELATING TO ALARM SYSTEMS
WITHIN THE CITY OF WESTWOOD HILLS, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WESTWOOD HILLS, KANSAS:

Section 1. PERMIT REQUIRED; UNLAWFUL ACTS; EXCEPTION.
No person, firm or corporation, either as principal officer, agent, servant or employee, shall possess or operate an alarm system designed with the intent of eliciting a police response without first obtaining a permit for such alarm system. Provided, the provisions of this section are not applicable to local alarm systems affixed to motor vehicles.

Section 2. APPLICATION FOR PERMIT; NON-TRANSFERABILITY: EXCEPTIONS. Every alarm user shall obtain an alarm user's permit from the Chief of Police within thirty (30) days after the effective date of this Ordinance or prior to use of an alarm system. Alarm permits are non-transferable. Each building, structure or facility maintaining one or more alarm systems must obtain an alarm user's permit. Each permit shall bear the signature of the Chief of Police and shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police, his designate or any officer. An alarm user which is a governmental political unit shall be subject to this Ordinance; but such governmental unit shall not be subject to any fees or the imposition of any penalty as provided herein.

Section 3. REGULATIONS; REQUIREMENTS AND DUTIES.

(a) Any seller, vendor or installer of any type of alarm system shall obtain a permit from the Chief of Police prior to the selling or installing of any alarm system within the City.

(b) The Chief of Police or his designate may require inspection of any and all alarm systems installed within the City.

(c) Local alarm systems shall be equipped to automatically discontinue emitting an audible sound within fifteen (15) minutes after activation.

(d) The Chief of Police or his designate shall have the right to discontinue any alarm emitting an audible sound.

(e) Alarm users shall submit with their permit application to the Chief of Police a release of liability releasing the City, any police officer or any other City employee from damages caused either personally or to any property when in response to the activation of such alarm system and also release the City, any police officer or other City employee from damages from disconnecting, resetting or not resetting the alarm system.

Section 4. NUISANCE ALARM SYSTEMS PROHIBITED. It shall be unlawful for any person or business to own or operate any burglary, robbery, fire, medical, or panic alarm system deemed to be a nuisance. Nuisance alarm systems shall be defined as follows:

(a) False Alarms. Any alarm which elicits a response from the Police and/or Fire Departments more than six (6) times in any twelve (12) month period when no emergency exists. Exempt from this definition are newly installed systems, which shall receive a grace period of thirty (30) days or four (4) false alarms, whichever occurs first; alarm signals caused by violent conditions of nature or other extraordinary circumstances beyond control of the owner or operator; alarm systems owned or operated by any governmental political unit.

(b) Direct Telephone Alarms. Any alarm which is programmed to automatically dial any telephone number, listed or unlisted, directly into any City building for the purpose of transmitting a voice recording of an emergency message.

(c) Disturbing Alarms. Any alarm which emits an audible signal which is not automatically discontinued within fifteen (15) minutes of activation.

Section 5. DIRECT ALARM SYSTEMS TO BE DISCONNECTED. It shall be unlawful for any alarm user to fail to disconnect any direct telephone alarm as defined in Section 4 within seventy-two (72) hours of receipt of written notice from the Police Department that such a programmed connection exists.

Section 6. DISTURBING ALARMS TO BE DISCONNECTED OR MODIFIED. It shall be unlawful for any alarm user to fail to disconnect or modify any disturbing alarms as defined in Section 4 within seventy-two (72) hours of receipt of written notice from the Police Department that such a condition exists.

Section 7. NOTIFICATION OF NUISANCE ALARMS. At the time of the sixth false alarm in any twelve (12) month period, the City shall notify the responsible party by first class mail of such occurrence and that additional false alarms shall require the payment of fees as per Section 9 of this ordinance. Such written notification shall be assumed to have been delivered three days after mailing.

Section 8. RESPONSIBLE PARTY. The responsible party shall be the resident for a residential alarm system and the business owner or manager for a business alarm system, regardless of whether such system is owned, leased, rented or otherwise controlled.

Section 9. FALSE ALARMS; FEES REQUIRED. Any alarm system which has recorded more than six (6) false alarms within any twelve (12) month period shall be subject to the following fees:

- (a) Seven (7) through ten (10) false alarms \$ 25.00 each
- (b) Eleven (11) through fourteen (14) false alarms 50.00 each
- (c) Fifteen (15) through eighteen (18) false alarms 75.00 each
- (d) Nineteen (19) and each subsequent alarm 100.00 each

The payment of the fee provided for shall be submitted to the City of Westwood Hills within ten (10) days of receiving notice that such fee is due.

Section 10. APPEALS. An alarm user who desires to appeal a fee imposed by Section 9. shall submit a written request for a hearing to the Chief of Police, who shall notify the Governing Body. The Governing Body shall meet at a regularly scheduled council meeting and consider the appeal.

Section 11. DESIGNATION OF ALARM COORDINATOR; DUTIES. There is hereby established the position of Alarm Coordinator. The Alarm Coordinator shall:

- (a) Maintain records necessary to carry out the terms of this ordinance; such records shall be confidential.
- (b) Make notifications as outlined in Section 7.
- (c) Establish, distribute and enforce such rules and regulations as may be necessary for implementation of this ordinance, and make same available upon request.
- (d) Determine which alarms constitute false alarms as defined in Section 4.

Section 12. CHIEF OF POLICE, DEFINED. As used in this Ordinance, "Chief of Police" shall mean the official designated by the City Council as the Chief of Police for the City at the Council meeting in May of each year and, if not so designated, such term shall mean the person having the superintending control over the law enforcement authority employed by the City for the year.

Section 13. PENALTY. Any person convicted of a violation of any provisions of or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a public offense and punished by a fine of not more than \$500.00 or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the City ordinances is committed, continued or permitted by any such person.

Section 14. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 5th day of May, 1986.

Al W. Tikwart, Jr., Mayor

Attest:

Gayle Nicolay, City Clerk

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- (d) Determine which alarms constitute false alarms as defined in Section 4.

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Section 13. PENALTY. Any person convicted of a violation of any provisions of or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a public offense and punished by a fine of not more than \$500.00 or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the City ordinances is committed, continued or permitted by any such person.

Section 14. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 5th day of May, 1986.

Al W. Tikwart, Jr., Mayor

Attest:

Gayle Nicolay, City Clerk

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 137

AN ORDINANCE RELATING TO ALARM SYSTEMS
WITHIN THE CITY OF WESTWOOD HILLS, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
WESTWOOD HILLS, KANSAS:

Section 1. PERMIT REQUIRED; UNLAWFUL ACTS; EXCEPTION.
No person, firm or corporation, either as principal officer, agent, servant or employee, shall possess or operate an alarm system designed with the intent of eliciting a police response without first obtaining a permit for such alarm system. Provided, the provisions of this section are not applicable to local alarm systems affixed to motor vehicles.

Section 2. APPLICATION FOR PERMIT; NON-TRANSFERABILITY: EXCEPTIONS. Every alarm user shall obtain an alarm user's permit from the Chief of Police within thirty (30) days after the effective date of this Ordinance or prior to use of an alarm system. Alarm permits are non-transferable. Each building, structure or facility maintaining one or more alarm systems must obtain an alarm user's permit. Each permit shall bear the signature of the Chief of Police and shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police, his designate or any officer. An alarm user which is a governmental political unit shall be subject to this Ordinance; but such governmental unit shall not be subject to any fees or the imposition of any penalty as provided herein.

Section 3. REGULATIONS; REQUIREMENTS AND DUTIES.

(a) Any seller, vendor or installer of any type of alarm system shall obtain a permit from the Chief of Police prior to the selling or installing of any alarm system within the City.

(b) The Chief of Police or his designate may require inspection of any and all alarm systems installed within the City.

(c) Local alarm systems shall be equipped to automatically discontinue emitting an audible sound within fifteen (15) minutes after activation.

(d) The Chief of Police or his designate shall have the right to discontinue any alarm emitting an audible sound.

(e) Alarm users shall submit with their permit application to the Chief of Police a release of liability releasing the City, any police officer or any other City employee from damages caused either personally or to any property when in response to the activation of such alarm system and also release the City, any police officer or other City employee from damages from disconnecting, resetting or not resetting the alarm system.

Section 4. NUISANCE ALARM SYSTEMS PROHIBITED. It shall be unlawful for any person or business to own or operate any burglary, robbery, fire, medical, or panic alarm system deemed to be a nuisance. Nuisance alarm systems shall be defined as follows:

(a) False Alarms. Any alarm which elicits a response from the Police and/or Fire Departments more than six (6) times in any twelve (12) month period when no emergency exists. Exempt from this definition are newly installed systems, which shall receive a grace period of thirty (30) days or four (4) false alarms, whichever occurs first; alarm signals caused by violent conditions of nature or other extraordinary circumstances beyond control of the owner or operator; alarm systems owned or operated by any governmental political unit.

(b) Direct Telephone Alarms. Any alarm which is programmed to automatically dial any telephone number, listed or unlisted, directly into any City building for the purpose of transmitting a voice recording of an emergency message.

(c) Disturbing Alarms. Any alarm which emits an audible signal which is not automatically discontinued within fifteen (15) minutes of activation.

Section 5. DIRECT ALARM SYSTEMS TO BE DISCONNECTED. It shall be unlawful for any alarm user to fail to disconnect any direct telephone alarm as defined in Section 4 within seventy-two (72) hours of receipt of written notice from the Police Department that such a programmed connection exists.

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Section 7. NOTIFICATION OF NUISANCE ALARMS. At the time of the sixth false alarm in any twelve (12) month period, the City shall notify the responsible party by first class mail of such occurrence and that additional false alarms shall require the payment of fees as per Section 9 of this ordinance. Such written notification shall be assumed to have been delivered three days after mailing.

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Attest:

Gayle Nicolay, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 23rd day of, May 1986, with subsequent publications being made on the following dates:

_____, 19____, _____, 19____

_____, 19____, _____, 19____

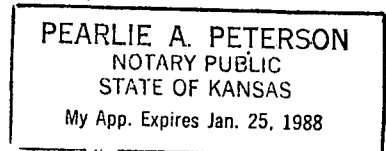
Deanna Martasin

Subscribe and sworn to before me this 23rd day of May 1986

Pearlie A. Peterson

NOTARY PUBLIC

My Commission expires: 10 3 28
Printer's Fee \$ _____
Additional copies \$ _____



First Published in the
sen County Sun, Friday, May
23, 1986.

**CITY OF WESTWOOD
HILLS, KANSAS
ORDINANCE NO. 137**

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RELATING TO ALARM
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KANSAS:**

Section 1. PERMIT REQUIRED; UNLAWFUL ACTS; EXCEPTION. No person, firm or corporation, either as principal officer, agent, servant or employee, shall possess or operate an alarm system designed with the intent of eliciting a police response without first obtaining a permit for such alarm system. Provided, the provisions of this section are not applicable to local alarm systems affixed to motor vehicles.

Section 2. APPLICATION FOR PERMIT; NON-TRANSFERABILITY; EXCEPTIONS. Every alarm user shall obtain a permit from the Chief of Police within thirty (30) days after the effective date of this Ordinance or prior to use of an alarm system. Alarm permits are non-transferable. Each building, structure or facility maintaining one or more alarm systems must obtain an alarm user's permit. Each permit shall bear the signature of the Chief of Police and shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police, his designate or any officer. An alarm user which is a governmental political unit shall be subject to this Ordinance; but such governmental unit shall not be subject to any fees or the imposition of any penalty as provided herein.

Section 3. REGULATIONS; REQUIREMENTS AND DUTIES.

(a) Any seller, vendor or installer of any type of alarm system shall obtain a permit from the Chief of Police prior to the selling or installing of any alarm system within the City.

(b) The Chief of Police or his designate may require inspection of any and all alarm systems installed within the City.

(c) Local alarm systems shall be equipped to automatically discontinue emitting an audible sound within fifteen (15) minutes after activation.

(d) The Chief of Police or his designate shall have the right to discontinue any alarm emitting an audible sound.

(e) Alarm users shall submit with their permit application to the Chief of Police a release of liability releasing the City, any police officer or any other City employee from damages caused either personally or to any property when in response to the activation of such alarm system and also release the City, any police officer or other City employee from damages from disconnecting, resetting or not resetting the alarm system.

Section 4. NUISANCE ALARM SYSTEMS PROHIBITED. It shall be unlawful for any person or business to own or operate any burglary, robbery, fire, medical, or panic alarm system deemed to be a nuisance. Nuisance alarm systems shall be defined as follows:

(a) False Alarms. Any alarm which elicits a response from the Police and/or Fire Departments more than six (6) times in any twelve (12) months period when no emergency exists. Exempt from this definition are newly installed systems, which shall receive a grace period of thirty (30) days or four (4) false alarms, whichever occurs first; alarm signals caused by violent conditions of nature or other extraordinary circumstances beyond control of the owner or operator; alarm systems owned or operated by any governmental political unit.

(b) Direct Telephone Alarms. Any alarm which is programmed to automatically dial any telephone number, listed or unlisted, directly into any City building for the purpose of transmitting a voice recording of an emergency message.

(c) Disturbing Alarms. Any alarm which emits an audible signal which is not automatically discontinued within fifteen (15) minutes of activation.

Section 5. DIRECT ALARM SYSTEMS TO BE DISCONNECTED. It shall be unlawful for any alarm user to fail to disconnect any direct telephone alarm as defined in Section 4 within seventy-two (72) hours of receipt of written notice from the Police Department that such a programmed connection exists.

Section 6. DISTURBING ALARMS TO BE DISCONNECTED OR MODIFIED. It shall be unlawful for any alarm user to fail to disconnect or modify any disturbing alarms as defined in Section 4 within seventy-two (72) hours of receipt of written notice from the Police Department that such a condition exists.

Section 7. NOTIFICATION OF NUISANCE ALARMS. At the time of the sixth false alarm in any twelve (12) month period, the City shall notify the responsible party by first class mail of such occurrence and that additional false alarms shall require the payment of fees as per Section 9 of this ordinance. Such written notification shall be assumed to have been delivered three days after mailing.

Section 8. RESPONSIBLE PARTY. The responsible party shall be the resident for a residential alarm system and the business owner or manager for a business alarm system, regardless of whether such system is owned, leased, rented or otherwise controlled.

Section 9. FALSE ALARMS; FEES REQUIRED. Any alarm system which has recorded more than six (6) false alarms within any twelve (12) month period shall be subject to the following fees:

(a) Seven (7) through ten (10) false alarms \$25.00 each

(b) Eleven (11), through fourteen (14) false alarms 50.00 each

(c) Fifteen (15) through eighteen (18) false alarms 75.00 each

(d) Nineteen (19) and each subsequent alarm 100.00 each

The payment of the fee provided for shall be submitted to the City of Westwood Hills within ten (10) days of receiving notice that such fee is due.

Section 10. APPEALS. An alarm user who desires to appeal a fee imposed by Section 9, shall submit a written request for a hearing to the Chief of Police, who shall notify the Governing Body. The Governing Body shall meet at a regularly scheduled council meeting and consider the appeal.

Section 11. DESIGNATION OF ALARM COORDINATOR; DUTIES. There is hereby established the position of Alarm Coordinator. The Alarm Coordinator shall:

(a) Maintain records necessary to carry out the terms of this ordinance; such records shall be confidential.

(b) Make notifications as outlined in Section 7.

(c) Establish, distribute and enforce such rules and regulations as may be necessary for implementation of this ordinance, and make same available upon request.

(d) Determine which alarms constitute false alarms as defined in Section 4.

Section 12. CHIEF OF POLICE, DEFINED. As used in this Ordinance, "Chief of Police" shall mean the official designated by the City Council as the Chief of Police for the City at the Council meeting in May of each year and, if not so designated, such term shall mean the person having the superintending control over the law enforcement authority employed by the City for the year.

Section 13. PENALTY. Any person convicted of a violation of any provisions of or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a public offense and punished by a fine of not more than \$500.00 or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the City ordinances is committed, continued or permitted by any such person.

Section 14. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED by the Governing Body and **APPROVED** by the Mayor this 5th day of May, 1986.

(s) A. W. Tikwart, Jr., Mayor

Attest:
(s) Gail Nicolay, City Clerk

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