

## ORDINANCE NO. 2016-01

**ORDINANCE TO REPEAL AND RECREATE  
CHAPTER 50, ARTICLE VI, ALARM SYSTEMS**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION ONE:**

The Village Board does hereby repeal and recreate Chapter 50, Article VI of the Code of Ordinances entitled Alarm Systems.

**ARTICLE VI. - ALARM SYSTEMS****Sec. 50.123. - Intent.**

The intent of this chapter is to regulate alarm systems, as defined in this chapter, in the Village of Pewaukee, and to prevent carelessness, improper maintenance, and/or other acts or omissions which cause or result in false police and/or fire and/or emergency medical services (EMS) alarms, from privately owned, commercially owned, leased or contract alarm systems. Such false alarms initiate police, EMS, and/or fire personnel and equipment responses, cause or result in unnecessary expense to the village, increase the risk of damage to property or injury to persons, and dilute the level of police, emergency medical, and fire protection services available to other areas of the village.

(Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.124. - 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 coordinator means the person(s) designated to administer, control, and/or maintain the records involving false alarms.

Alarm site means a single premise or location, a multi-tenant location, and any property as referenced and defined in subsections 50.125(b)(4), 50.126(b)(4) and 50.127(b)(4), served by an alarm system or systems.

Alarm system means any mechanical, electrical, or radio-controlled device or system, including, but not limited to, local alarms, which is designed to emit, transmit, or relay a signal or message, and which, when activated, is intended to summon, or would reasonably be expected to summon, police, fire or EMS services of the Village of Pewaukee. Alarm system does not include:

- (1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a premises and which does not constitute a local alarm.

False alarm means someone placing a call for service under circumstances where no service is needed or the activation of an alarm system signal or message which elicits notification to and/or response by the Village of Pewaukee Police and/or the Pewaukee Fire Department, and/or the Village of Pewaukee Emergency Medical Service, whether the activation is intentional, accidental or otherwise, and when there is no evidence of a crime, fire, medical emergency or other activity which warrants a call for immediate police, fire, or emergency medical assistance. This may include, but is not limited to, an alarm discovered by a police officer, firefighter, or emergency medical technician before notification of said alarm from an alarm company, or a local alarm system, that is not monitored.

Fire or emergency medical alarm means a system or portion of a communication system consisting of components and circuits arranged to monitor and enunciate the status of fire, or a medical emergency, or supervisory signal initiating devices which are intended to summon police, fire, or emergency medical services of the Village of Pewaukee.

Intrusion alarm means a robbery, burglary, panic or another alarm designed or utilized to summon the police.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

(Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.125. - Police alarm systems.**

- (a) Each time the Village of Pewaukee Police Department responds to a false alarm arising from an intrusion alarm and/or fire and/or emergency medical alarm, the alarm coordinator shall record the false alarm for the determination of what, if any, service charge is applicable.
  - (b) A service charge for excessive alarms shall be charged as follows:
    - (1) No service charge shall be charged for the first false alarm occurring within a calendar year.
    - (2) Each false alarm in excess of one during a calendar year shall result in a service fee of \$200.00 per false alarm.
    - (3) In addition to the aforementioned false alarm fee, each false alarm in excess of two during a calendar year shall be subject to a penalty pursuant to section 1.102 of this Code.
    - (4) Where multiple buildings or a complex of buildings, including, but not limited to, schools, housing complexes commercial and/or industrial buildings are owned and/or controlled by a single person, institution, or entity, on a single parcel of land, or multiple adjacent parcels of land, a false alarm coming from any building on said single parcel of land or any building within said complex on a single parcel or multiple adjacent parcels of land, shall be considered to be a false alarm coming from each of the buildings on said parcel, complex, or multiple adjacent parcels for purposes of determining whether or not, under subsections 50.125(b)(1) through (3), a service charge shall be assessed against said property under this section, to wit: A total of more than one false alarm from any such multiple building complex or property during any calendar year shall result in the imposition of charges under subsections 50.125(b)(1) through (3) of this article.
    - (5) All charges imposed under section 50.125 of this article shall be cumulative and in addition to charges for fire and emergency medical services imposed under sections 50.126 and 50.127
  - (c) No service fee shall be assessed if the false alarm is:
    - (1) Caused by an electrical storm, tornado or other act of God where there is clear evidence of physical damage to the alarm system;
    - (2) Caused by the intermittent disruption of telephone circuits beyond the control of the alarm site owner;
    - (3) Caused by the electrical power disruption or failure in excess of two hours beyond the control of the alarm site owner;
    - (4) At a location where the Pewaukee Police Department has installed an alarm.
    - (5) Waukesha County Technical College shall be exempt when an on-site police officer responds to the alarm and no off-site emergency vehicles have been dispatched.
  - (d) All false alarm service fees shall be charges against the property owner and are due and payable within 30 days from the date of invoice. Invoices shall be sent by the village. Any fees payable to the Village of Pewaukee which are delinquent may be assessed against the property involved as a special charge for current services, without notice, pursuant to Wis. Stats. § 66.60(16).
- (Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.126. - Fire alarm systems.**

- (a) Each time the Pewaukee Fire Department responds to a false alarm in the Village of Pewaukee, the Pewaukee Fire Department shall notify the alarm coordinator.
- (b) A service fee for excessive false activations shall be charged as follows:
  - (1) No service fee shall be charged for the first false alarm occurring within a calendar year.
  - (2) The second false alarm within a calendar year shall result in a service fee of \$350 for a fire call.
  - (3) The third false alarm within a calendar year shall result in a service fee of \$750 for a fire call.
  - (4) The fourth false alarm within a calendar year shall result in a service fee of \$2,000 for a fire call.
  - (5) The fifth false alarm within a calendar year shall result in a service fee of \$4,000 for a fire call.
  - (6) Each false alarm in excess of five within a calendar year shall result in a service fee equal to 100% of the amount charged to the Village for a fire call.
  - (7) Where multiple buildings or a complex of buildings, including, but not limited to schools, housing complexes, commercial and/or industrial buildings are owned and/or controlled by a single person, institution, or entity, on a single parcel of land, or multiple adjacent parcels of land, a false alarm coming from any building on said single parcel of land or any building within said complex on a single parcel or multiple adjacent parcels of land, shall

be considered to be a false alarm coming from each of the buildings on said parcel, complex, or multiple adjacent parcels for purposes of determining whether or not, under subsections 50.126(b)(1) through (3), a service charge shall be assessed against said property under this section, to wit; a total of more than one false alarm from any such multiple building complex or property during any calendar year shall result in the imposition of charges under subsections 50.126(b)(1) through (3) of this article.

- (8) All charges imposed under section 50.126 of this article shall be cumulative and in addition to charges for police and emergency medical services imposed under sections 50.125 and 50.127
- (c) No service fee shall be assessed if the false alarm is:
  - (1) Caused by an electrical storm, tornado or other act of God where there is clear evidence of physical damage to the alarm system.
  - (2) Caused by the intermittent disruption of telephone circuits beyond the control of the alarm site owner.
  - (3) Caused by electrical power disruption or failure in excess of two hours beyond the control of the alarm site owner.
  - (4) All false alarm fees shall be charged against the property owner and are due and payable within 30 days from the date of invoice. In the case of a condominium complex the false alarm fee shall be charged to the association when such information is known. Invoices shall be sent by the village. Any fees payable to the Village of Pewaukee which are delinquent maybe assessed against the property involved as a special charge for current services, together with a \$25.00 administrative fee, without notice, pursuant to Wis. Stats. § 66.60(16).
- (d) The service fee shall be reduced by 10% if the owner of the property from which the call for service is initiated, provides written documentation that the alarm system that resulted in the false alarm or precipitated the call for service has been inspected within the 12 months preceding the date of the false alarm and that any recommendations for maintenance or service have been performed.

(Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.127. - Emergency medical alarm systems.**

- (a) Each time the Pewaukee Emergency Medical Service personnel responds to a false alarm in the Village of Pewaukee, the Pewaukee Emergency Medical Service personnel shall notify the alarm coordinator.
- (b) A service fee for excessive false alarms shall be charged as follows:
  - (1) No service fee shall be charged for the first false alarm occurring within a calendar year.
  - (2) Each false alarm in excess of one within a calendar year shall result in a service fee equal to 100 percent of the amount charged to the village for an EMS call.
  - (3) Where multiple buildings or a complex of buildings, including, but not limited to schools, housing complexes, commercial and/or industrial buildings are owned and/or controlled by a single person, institution, or entity, on a single parcel of land, or multiple adjacent parcels of land, a false alarm coming from any building on said single parcel of land or any building within said complex on a single parcel or multiple adjacent parcels of land, shall be considered to be a false alarm coming from each of the buildings on said parcel, complex, or multiple adjacent parcels for purposes of determining whether or not, under subsections 50.127(b)(1) through (3), a service charge shall be assessed against said property under this section, to wit; a total of more than one false alarm from any such multiple building complex or property during any calendar year shall result in the imposition of charges under subsections 50.127(b)(1) through (3) of this article.
  - (4) All charges imposed under section 50.127 of this article shall be cumulative and in addition to charges for police and fire medical services imposed under sections 50.125 and 50.126
- (c) No service fee shall be assessed if the false alarm is:
  - (1) Caused by an electrical storm, tornado or other act of God where there is clear evidence of physical damage to the alarm system;
  - (2) Caused by the intermittent disruption of telephone circuits beyond the control of the alarm site owner;
  - (3) Caused by the electrical power disruption or failure in excess of two hours beyond the control of the alarm site owner.
- (d) All false activation service fees shall be charges against the property owner and are due and payable within 30 days from the date of invoice. Invoices shall be sent by the village. Any fees payable to the Village of Pewaukee which are delinquent may be assessed against the property involved as a special charge for current services, together with a \$25.00 administrative fee, without notice, pursuant to Wis. Stats. § 66.60(16).

(Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.128. - Liability disclaimer.**

The Village of Pewaukee shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of the fire, emergency medical service, or police department to respond to alarms.

(Ord. No. 2013-20, § 1, 11-19-2013)

**Sec. 50.129. - Telephone/radio call.**

When a telephone or radio call is received that results in an EMS response that does not in turn result in the medical transport of an individual, the subject of the call shall be charged \$200.00 per instance.

(Ord. No. 2013-20, § 1, 11-19-2013)

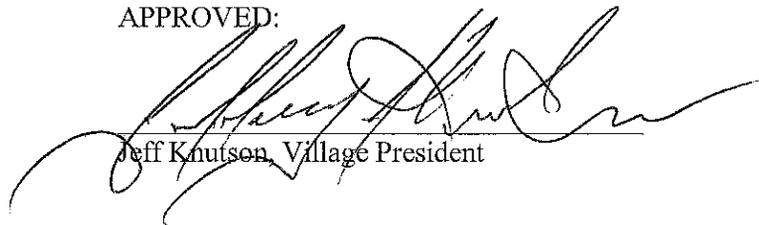
**SECTION TWO:** All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

**SECTION THREE:** The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

**SECTION FOUR:** This ordinance shall be retroactive to January 1, 2016 upon passage and publication as required by law.

Passed and adopted this 19<sup>th</sup> day of January, 2016, by the Village Board of the Village of Pewaukee.

APPROVED:



Jeff Knutson, Village President

Countersigned:



Chaz Schumacher, Interim Village Clerk