

April 1, 1985

ORDINANCE MC7-85

TITLE: Restrictions on Automatic Dialers & Alarm Systems

BE IT HEREAFTER ORDAINED by the Minnehaha County Board of Commissioners, pursuant to SDCL 7-8, on this the 23rd day of April, 1985, that:

A. Definitions:

- 1) 'Alarm business' means any business which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to burglar, holdup, fire, smoke, or emergency medical service alarm systems, or which causes any of these activities to take place.
- 2) 'Alarm user' means the owner, leasee or renter of a premises using an alarm system arranged to summon Public Safety personnel.
- 3) 'Alarm System' means an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard requiring urgent attention and to which Public Safety authorities are expected to respond. Alarm systems which monitor temperature, humidity or other industrial conditions are specifically excluded from the provisions of this Ordinance. Further, alarm systems used to alert or signal persons within the premises in which the alarm system is located, of an attempted or actual unauthorized intrusion or holdup are excluded from coverage under this Ordinance.
- 4) 'Answering service' is defined as any business or firm which answers alarm activations from Alarm Users or their alarm equipment and relays such activations to the Minnehaha Metro Communication Center with a request to dispatch Public Safety Authorities.
- 5) 'Automatic Dialing Device' refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect; this shall specifically include tape dialers.
- 6) 'Center' means the Communications Center located in the Minnehaha County Public Safety Building.
- 7) 'Director' means the Director of Minnehaha County Metro Communications, or his designated representative.

- 8) 'False Alarm' means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his/her employee or agent, whereby the alarm results in the dispatch of public safety authority. Such terminology does not include "Acts of God", for example alarms caused by tornadoes, lightning, earthquakes, or other violent conditions. The public safety authority which responds to the activation shall be the judge of when an alarm should be declared "false". Reports submitted by all responding units shall be used in making this determination.
- 9) 'Interconnect' means to connect an alarm system to a voice - grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- 10) "Negligence" means either the failure to exercise the care that a reasonable and prudent person would exercise in response to a known deficiency or dangerous condition, or the careless and malfeasant response to a known deficiency or dangerous condition.
- 11) 'Public Safety Authority' shall include but not be limited to the Minnehaha County Sheriff and his staff as well as the Police and Fire Departments for all municipalities and established fire districts within the County.
- 12) 'Primary Trunkline' means a telephone line leading directly into the Center that is for the purpose of handling emergency calls on a person-to person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within Minnehaha County.

B. Automatic Dialing Devices:

- 1) No automatic dialing device shall be interconnected to a primary trunkline after the effective date of this Ordinance.
- 2) Within ninety (90) days after the effective date of this Ordinance, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of such device shall be responsible for such disconnection.
- 3) At such time and under such conditions as the Director may approve, automatic dialing devices may be interconnected to a special trunkline into the Center. The Director shall designate the number(s) to be used for such interconnection and shall provide necessary instruction and guidelines for person(s) desiring to use such special trunklines.
- 4) The owner or lessee of any automatic dialing device which is interconnected to a special trunkline as set out above shall

pay the Minnehaha County Treasurer a monthly fee to be set by resolution of the County Commission.

- 5) "Dialer alarm users that install devices which interconnect to designated alarm lines within the Center shall make such alarms available for inspection and shall provide the Director with the following information before such alarm is placed in service. The alarm user shall be responsible for the update of said information.
 - a. The name, home address and telephone number of the device's owner or lessee;
 - b. The address of the location where the device is installed and the telephone number at that location; and
 - c. The name and telephone number of at least three other persons who can be reached at any time, day or night, and who is authorized to respond to an emergency upon request of Public Safety Authorities, and who can open the premises wherein the device is installed.

The information contained in the Lists required by this Section shall be restricted to inspection only by the Director and authorized employees of local, state or Federal government in the course of their official duties.

- 6) Automatic dialing devices which are interconnected into the Center and which shall be responded to by Public Safety authorities shall meet the following minimum standards, as determined by the Director.
 - a. The contents of the recorded message to be transmitted by such device shall be intelligible and in a format approved by the Director as appropriate for the type of emergency being reported.
 - b. No such call shall be longer than one minute and fifteen seconds in duration. There must be at least three minutes elapsed between the completion of the first call and the initiation of the second; and the second call must be clearly identified as a second call.
 - c. The sensory apparatus and hardware comprising such devices shall be maintained by the owner or lessee in such physical condition that false alarms will be minimized.
- 7) Every alarm business selling or leasing to any person an automatic dialing device which is installed on such persons' premises after the effective date of this Ordinance shall furnish that person with instructions that provide adequate information to enable persons using such device to properly operate it and, if the device is to be serviced or maintained by another alarm business, furnish such other alarm business with a manual or other information necessary to enable it to service or properly maintain such device. Copies of such manuals or other information shall be made available to the Director by the alarm business.

Cv Alarm Systems

- 1) Subject to there being sufficient space available, the Minnehaha County Commission may authorize alarms to be terminated in the Center.
- 2) With the authorization of the director, alarms may be installed in the Center by the alarm company owning the receiving equipment, and the maintenance and repair of any portion of said alarm receiving equipment located at or connected to the Center shall be coordinated by the Director.
- 3) The owner or lessee of any said alarm shall pay the Minnehaha County Treasurer a monthly monitor fee set by resolution of the County Commission. Failure to pay the monthly fee, any false alarm charges assessed as provided in this Ordinance, or failure to assist the Director in maintenance and repair shall be cause of disconnection of the alarm.
- 4) Before hookup into the Center, inspection at the option of the Director may be made.
- 5) If such inspection reveals any substandard or deficient installation, a written report shall be promptly sent to the County Commission for public filing. A copy of this Report shall also be sent by the Director to the owner, lessee, or other person responsible for the alarm system or business which installed the alarm system. The Director shall pursue the matter until such time as the installation is corrected or the alarm system is removed.
- 6) No alarm system designed to transmit emergency messages directly to the Center shall be tested or demonstrated without first obtaining permission from the Director. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Center, unless the messages are relayed to the Center. The Director shall be empowered with the authority to establish minimum standards for installation of alarm systems, as he deems necessary, subject to Commission approval.
- 7) When an alarm business' service to its users is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall be the responsibility of the service to promptly notify its users that protection is no longer being provided.
- 8) Answering services, and the alarm users whom utilize said answering service, shall be specifically covered under terms of this ordinance, except that alarm users shall be exempt from paying a monthly monitor fee. All other provisions of this ordinance shall apply where appropriate.

D. Confidentiality Statistics:

All information submitted in compliance with this ordinance shall be held in the strictest confidence and shall be deemed non-public data and security information exempt from disclosure. Any violation of confidentiality should be deemed a violation of this Ordinance.

E. Violations:

It is declared unlawful for any person to violate Sections B, C & D(2) of this Ordinance adopted by the Board of County Commissioners. Violation thereof, shall be a misdemeanor and may be punishable by a fine up to one hundred dollars for each and every day that any violator fails to comply with the provisions of this Ordinance. All fines for violation shall be paid to the Minnehaha County Treasurer.

In the event of a violation or a threatened violation of these regulations or restrictions, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate such violation or threatened violation.

F. Monitor & Fine Income:

All fines and alarm monitoring fees shall be paid to the Minnehaha County Treasurer but shall be considered shared income in evaluating the City/County operation of Metro Communications.

APPROVED
BY THE BOARD OF COMMISSION:

Linda Barker _____ AYE
Andy Harrison _____ AYE
Jack Rentschler _____ AYE
[Signature] _____ AYE
[Signature] _____ AYE

ATTEST:

Donna Thoms
DONNA THOMS, Auditor