

ARTICLE I. IN GENERAL

Sec. 42-1. Ambulance services must comply with statutes.

All ambulance services shall be operated in compliance with statute.

Cross reference-Businesses, ch. 22.

State law reference-Oklahoma Emergency Medical Services Act, 63 O.S. § 1-2501 et seq.

Secs. 42-2-42-25. Reserved.

ARTICLE II. ALARM SYSTEM REGULATIONS*

Sec. 42-26. Purpose.

The purpose of this article is to require minimum standards for alarm systems and services, and to license users thereof to improve system effectiveness, and to minimize unnecessary and/or prolonged involvement of emergency public service resources and personnel on non-emergency calls.

~Ord No. 2190, § 1, 2-8-05)

Sec. 42-27. 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 administrator means the department head or his/her designee of the department designated by the city manager to perform the administrative functions of this article.

Alarm business means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, installed, or monitored in

*Editor's note-Ord. No. 2190, § 1, adopted Feb. 8, 2005, amended art. II in its entirety to read as herein set out. Former art. II, §§ 42-26--42-28, pertained to burglar alarm systems, and derived from Code 1974, §§ 8-46-8-48.

State law reference-Alarm Industry Act, 59 O.S. § 1800.1 et seq.

or on any building, structure or facility, but excluding any person who installs his/her own alarm on his/her own property to protect his/her own personal property.

Alarm system means one or more devices designed to detect and signal unauthorized intrusion, entry, robbery, fire, or other emergency condition, which said signals are responded to by public law enforcement officers, fire department personnel, private security guards or security officers, and shall include, but not be limited to, the following:

- (1) Interconnecting systems which are connected, either directly or through a mechanical device, to a telephone for the purpose of using the telephone line to transmit a message upon activation of the alarm system;
- (2) Automatic dialing devices; and
- (3) Audible systems not interconnected to telephone lines which, when activated, sound a bell, siren, or other device to make an audible or visual signal at the location protected by the alarm system. Alarm systems installed in vehicles shall be excluded from this definition.

Alarm user means any person, firm, partnership, association, corporation, company or organization in control of a building, structure or facility located within the City of McAlester wherein an alarm system is maintained.

False alarm means the activation of a burglary, robbery, fire or other alarm for the purpose of summoning emergency assistance, or which causes the police or fire department to be summoned, at a time when no emergency exists, and includes, but shall not be limited to those caused by:

- (1) Error, mistake, or any action by any person, firm, corporation, or other entity or agency thereof, owning or operating any dwelling, building, or place which results in the activation of any alarm system when no emergency exists;
- (2) Malfunction or any activation of any alarm system caused by a flaw in the normal operation, design, installation, mainte-

nance of the system, faulty equipment, change in environment, atmospheric conditions, or premises upon or within which the system is operating; or

- (3) Intentional misuse or any intentional activation of an alarm system when no burglary, robbery, vandalism, fire, or other emergency is in progress, but excluding testing during installation and regular maintenance when the alarm user notifies the police, in advance, and receives clearance for the test. An alarm will not be considered a false alarm if it is determined by the police, that the alarm was the result of vandalism, attempted entry, or severe weather conditions, which caused visible, physical or other evidence of damage or attempted damage to the premises.

Multiple false alarms which occur during any consecutive 24-hour period, or on weekends from 5:00 p.m. on Friday to 8:00 a.m. on Monday shall be considered as one false alarm for the purpose of enforcing this article.

In-stadium alarms means an alarm system which is connected to the police station communications area or the fire department by telephone or other means which summons emergency assistance. (Ord. No. 2190, § 1, 2-8-05)

Sec. 42-28. Alarm business; registration requirements.

(a) It shall be unlawful for any person to operate or maintain a burglar alarm system monitored by the city or any independent monitoring system unless he/she has a current license issued in accordance with this article.

(b) Each burglar alarm system shall be required to be licensed separately, and each will be considered independent regardless of ownership.

(c) A license required by this article shall be issued by the city treasurer, or his/her designee, upon the applicant's compliance with, and subject to all applicable provisions of this article. Such license shall be signed by the city treasurer, or his/her designee, and shall specify the business trade, occupation, profession, residential location, or other activity for which it is issued.

(d) The assignment or transfer of licenses issued under this article is hereby prohibited.

(e) Whenever any license issued under this article has been lost or destroyed without any wrongful act or connivance by the holder, the city treasurer, upon application, shall issue a duplicate license for the unexpired time. Before a duplicate is issued, the holder shall make and file with the city treasurer an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made a diligent search therefore. The fee for such duplicate license shall be \$1.00.

(f) It shall be the duty of any person to whom the license is issued under this article to, present the license to authorized city personnel, upon request.

(g) It shall be the duty of any person to whom the license is issued under this article to provide the city with a current list of persons authorized by the license holder to respond to the alarm on behalf of the licensee.

(h) No person, firm or corporation shall engage in the alarm industry business, as defined in 59 O.S. 1800.1-1800.16, unless pursuant to the State Alarm Industry Act.

(i) Every alarm business selling, leasing, or furnishing any alarm system within the city shall furnish the alarm user with instructions that provide adequate information to enable the alarm user to operate the system properly and to obtain service for the alarm system.

(j) Every alarm business doing business with alarm users shall be required to register with the city. Such registration shall be valid only as long as the alarm business maintains a license pursuant to subsection (a) of this section. Registration shall include copies of the state license of the company or individual providing services to the alarm user, and such other information as the city's alarm administrator shall deem appropriate.

(Ord. No. 2190, § 1, 2-8-05)

Sec. 42-29 License/false alarm fees/penalties.

(a) There shall be a license fee levied on each alarm system operated in the city. There shall also be levied a false alarm fee. The license and false alarm fees shall be as follows:

- | | |
|---|-------|
| (1) License fees shall be \$25.00 for the first year, and \$10.00 per year thereafter for each license. | |
| (2) Fourth false alarm. | 25.00 |
| (3) Fifth false alarm. | 40.00 |
| (4) Sixth false alarm | 50.00 |
| (5) Each false alarm thereafter. | 75.00 |

(b) Every annual license issued under this article shall expire on June 30th next following the date of issuance.

(c) The false alarm fee shall be due and payable monthly on dates to be determined by the city, and each bill will be stamped with a past due date. If such bill is not paid on or before the past due date stamped thereon, the alarm license may be subject to revocation at the discretion of the alarm administrator.

(d) If the alarm license is revoked, the alarm user will be required to make application for a new license, pay any false alarm fees owed and pay the appropriate fees. It shall be a violation of this article to operate an alarm system when the permit for that alarm system has been revoked by the alarm administrator.

(e) If the alarm user's license is revoked or false alarm fees are assessed, the user may appeal the revocation or assessment to the alarm administrator, provided, the appeal is made in writing within ten business days from the date of revocation or fee assessment. The alarm administrator may waive the revocation and/or fees after considering the appeal of the user, including such facts as proof of repair, weather conditions conditions of equipment, and factors which may have been beyond the control of the alarm user (i.e. weather conditions, power surges or outages, telephone lines, etc.).
(Ord. No. 2190, § 1, 2-8-05)

Secs. 42-30-42-50. Reserved.

ARTICLE III. 911 EMERGENCY NUMBER SERVICE*

Sec. 42-51. Short title.

This article shall be known and may be cited as the "911 Emergency Number Ordinance."
(Code 1974, § 8-62)

Sec. 42-52. 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:

Emergency telephone fee means a fee to finance the operation of emergency telephone service.

Emergency telephone service means a telephone system utilizing a three-digit number, 911, for reporting to the appropriate public agency providing law enforcement, fire, medical, or other emergency services, including ancillary communications systems and personnel necessary to pass the reported emergency to the appropriate emergency service and personnel.

Local exchange telephone company means any company providing exchange telephone services to any service user in this city.

Person means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, state, any political subdivision of the state, state agency, department, commission, board, bureau or any other service user.

Public agency means any city, town, county, municipal corporation, public district or public authority located within this state which provides

.State law reference--Nine-one-one Emergency Number Act, 63 O.S. § 2811 et seq.

or has authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

Service user means any person who is provided exchange telephone service in this city.

Tariff rate means the rate or rates billed by local exchange telephone company stated in tariffs applicable for such company, as approved by the Oklahoma Corporation Commission, which represent the recurring charges of such local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(Code 1974, § 8-64)

Cross reference-Definitions generally, § 1-2.
State law reference-Similar provisions, 63 O.S. § 2813.

Sec. 42-53. Purpose.

It is the purpose of the 911 emergency number ordinance to establish the number 911 as the primary emergency telephone number for use throughout the city in order to expedite the response of police, fire, medical rescue and other emergency services to any person calling the telephone number 911. The city council finds and declares that:

- (1) It is in the public interest to shorten the time required for a citizen to request and receive emergency aid.
- (2) Numerous different emergency telephone numbers currently exist throughout the city.
- (3) Provisions of a single, primary three-digit emergency number through which emergency service can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public safety efforts by making it less difficult to quickly notify public safety personnel.

(Code 1974, § 8-63)

State law reference-Similar provisions, 63 O.S. § 2812.

Sec. 42-54. Established.

There is hereby established in the city a 911 emergency number service.

(Code 1974, § 8-61)

State law reference-Authority to establish services, 63 O.S. § 2814.

Sec. 42-55. Fee.

(a) The city hereby provides for the operation of an emergency telephone service within the city and hereby imposes an emergency telephone fee for such service in all areas within the city, for which emergency telephone service has been contracted. The council hereby imposes such fee in an amount not to exceed five percent during the first year of the fee and not to exceed five percent in any year thereafter of the tariff rate in areas within the city for which emergency telephone service has been contracted. The exact rate of the fee to be imposed for each calendar year shall be established by the council.

(b) The proceeds of the fee shall be utilized to pay for the operation of emergency telephone service as specified in this article and may be collected at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body. Collection of such fee shall not begin prior to contracting for the emergency telephone service.

(c) The emergency telephone fee shall be imposed only upon the amount received from the tariff for exchange telephone service or its equivalent within the city. No such fee shall be imposed upon more than 100 exchange access lines or their equivalent per person per location.

(d) Every billed service user shall be liable for any fee imposed pursuant to this article until it has been paid to the local exchange telephone company.

(e) The duty to collect any fee imposed pursuant to the authority of the 911 emergency number ordinance from a service user shall commence with the execution of a contract for the emergency telephone service. Fees imposed pursuant to the authority of this article and that are required to

be collected by the local exchange telephone company shall be added to and may be stated separately in the billings to the service user.

(f) The local exchange telephone company shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this article. The local exchange telephone company shall annually provide the city council with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company to be nonpayment of any fee imposed pursuant to the authority of this article.

(g) Any fee imposed pursuant to the authority provided by this article shall be collected insofar as practicable at the same time as, and along with, the charges for exchange telephone service in accordance with the regular billing practice of the local exchange telephone service. The tariff rates determined by or stated in the billing of the local exchange telephone company shall be presumed to be correct if such charges were made in accordance with the business practices of the local exchange telephone company. The presumption may be rebutted by evidence which established that an incorrect tariff rate was charged.
(Code 1974, § 8-65)

State law reference-Fee generally, 63 O.S. § 2814 et seq.

Sec. 42-56. Other participants.

Any other public agency within the exchange of the city is hereby authorized to become a part of the 911 emergency service by imposing a similar fee and expressing their desire to participate in the city's 911 emergency telephone service.
(Code 1974, § 8-66)

Sec. 42-57. Rate of emergency telephone fee for calendar year.

The rate of the emergency telephone fee for each calendar year to be established as provided for by section 42-58 shall be set by separate resolution of the city.
(Code 1974, § 8-67)

Sec. 42-58. Collection of emergency fee; establishment of rate.

(a) The fee imposed pursuant to authority of this article and the amount required to collect are due monthly. The amount of fee collected in one month by the local exchange telephone company shall be remitted to the city council no later than 30 days after the close of the month in which such fees were collected. On or before the last day of each month, a return for the preceding month shall be filed with the council in such form as the council and local telephone company required to file the return shall agree. The local exchange telephone company required to file the return shall deliver the return, together with a remittance of the amount of the fee payable to the city treasurer for deposit into a special fund. The local exchange telephone company shall maintain records of the amount of any fee collected in accordance with the provisions of this article. Such records shall be maintained for a period of one year from the time the fee is collected.

(b) From every remittance to the council made on or before the date when the same becomes due, the local exchange telephone company required to remit the same shall be entitled to deduct and retain, as an administrative fee, an amount not exceeding three percent thereof.

(c) At least once each calendar year, the council shall establish a fee rate not to exceed the amount authorized by the provisions of section 42-55 that, together with any surplus revenues, will produce sufficient revenues to fund the expenditures authorized by this article. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The council shall make its determination of such rate each year no later than September 1 and shall fix the new rate to take effect commencing with the first billing period of each service user on or following the next January 1. Immediately upon making its determination and fixing the rate, the council shall publish in its minutes the new rate, and it shall, at least 90 days before such new rate will become effective, notify by certified mail every local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the council. The

council may at its own expense require an annual audit of the books and records of the local exchange telephone company concerning the collection and remittance of the fee authorized by this article.

(Code 1974, § 8-68)

State law reference-Collection of fee, 63 O.S. § 2814.

Sec. 42-59. False alarm, complaint or information; penalty.

No person shall call the number 911 for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatch of emergency services from any public agency as defined in section 42-52. Any person violating the provisions of this section, upon conviction, shall be guilty of an offense punishable as provided in section 1-8.

(Code 1974, § 8-69)

State law reference-Similar provisions, 63 O.S. § 2819.

Chapters 43-45

RESERVED