

FAIRHOPE POLICE DEPARTMENT

FALSE ALARM APPEAL GUIDELINES

An Administrative Officer assigned by the Clerk of the Court will conduct appeal Hearings.

According to the City of Fairhope False Alarm Ordinance, a false burglar alarm means a signal from a burglar alarm system that elicits a response by the Police when no emergency or actual or threatened criminal activity requiring immediate response exists. This definition includes signals activated by negligence, accident, mechanical failure, and electrical failure; signals activated intentionally in non-emergency situations; and signals for which the actual cause of activation are unknown. It is a rebuttable presumption that a burglar alarm is false if personnel responding from the Police Department do not discover any evidence of unauthorized entry, criminal activity, or other emergency after following normal Police procedures in investigating the incident. An alarm is not false if the alarm user proves that:

- (1) An individual activated the alarm based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
- (2) The alarm system was activated by lightning or an electrical surge that caused physical damage to the system, as evidenced by the testimony of a licensed alarm system contractor who conducted an on-site inspection and personally observed the damage to the system or;
- (3) If the user experienced a power outage of four or more hours, causing the alarm to activate upon restoration of power, as evidenced by written documentation provided by your power company or other applicable provider.

If emergency personnel respond and find no evidence of criminal activity or a medical need, the alarm call will be cleared as a false alarm.

An Alarm Dispatch Request, which is canceled by the Alarm Monitoring Company prior to the arrival of emergency responders, shall not be considered a False Alarm Dispatch.

When considering whether to file an appeal of a false alarm assessment, please note that the following will be considered false alarms by the Administrative Officer hearing the case:

1. Faulty, defective or malfunctioning equipment supplied by the alarm business.
2. Improper installation or maintenance by the alarm business.
3. Improper monitoring by the alarm business.
4. Alarm activations, which occur while alarm technicians are repairing, servicing or testing the alarm system.
5. An occurrence where no evidence of criminal activity is present.
6. Mistakes made by private contractors, maids, cleaning crews, realtors, etc.
7. Improper maintenance of the alarm system by the alarm owner (including neglect of backup power/battery supplies).
8. Items within the home or business which move and cause motion detectors to activate, i.e., curtains, signs, balloons, plants, pets, etc.
9. Glass break detectors, which activate due to noises or sounds other than actual glass breakage.
10. Doors and/or windows that become loose and cause a break in the contacts, which activate the alarm.
11. Caretakers who watch homes or businesses when owners are away.
12. Pets, rodents, wildlife.