

The Board of Commissioners of Wabash County, Indiana

GENERAL ORDINANCE NO. 85-5, 2008

AN ORDINANCE CREATING THE WABASH COUNTY FALSE ALARM FUND AND IMPOSING PENALTIES FOR FALSE ALARMS

WHEREAS, Indiana Code 36-1-2-1 permits any County in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its County or internal affairs, which is not prohibited by the Constitution of the United States or the State of Indiana or denied or preempted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Board of Commissioners of Wabash County, Indiana, is authorized pursuant to Indiana Code Sections 36-1-3-1, 36-1-4-11 and 36-2-4-1, as the county legislative body to adopt ordinances regulating the conduct of county affairs;

WHEREAS, response to false alarms consumes many hours of valuable law enforcement time and resources, reduces the mental preparedness of officers responding to alarms in the event that an actual emergency exists, and presents significant health, safety and welfare hazards to the responding officers and to the citizens of Wabash County. Those who utilize an alarm system which generate false alarms that necessitate law enforcement response are misusing the available law enforcement resources; and

WHEREAS, the Board of Commissioners of Wabash County, Indiana, find that it is in the public interest of Wabash County to establish and adopt an ordinance regulating alarm systems in Wabash County.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. Definitions.

- 1.1. "Alarm Site" means a single residential or commercial location served by an alarm system.
- 1.2. "Alarm System" means any mechanical, electrical, or electronic device designed to detect an unauthorized entry or emergency situation on an alarm site which emits sound, or transmits an electronic signal, off the alarm site.
- 1.3. "Alarm User" means any person, firm, partnership, corporation or other entity that uses or is in control of an alarm site.
- 1.4. "False Alarm" means the activation of any alarm system resulting in notification of law enforcement for which the responding law enforcement officer finds no evidence of criminal activity or other threat of emergency of the kind for which the alarm system was designed to give notice.

2. Penalties. Any alarm user whose alarm system generates one or more false alarms within a single calendar year shall pay the following penalties:

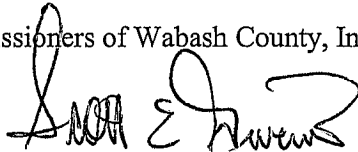
- 2.1. First false alarm, no penalty.
- 2.2. Second false alarm, Twenty-Five Dollars (\$25.00).
- 2.3. Third false alarm, Fifty Dollars (\$50.00).
- 2.4. Fourth and each subsequent alarm, One Hundred Dollars (\$100.00).

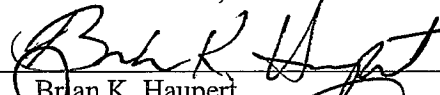
3. Collection of Penalties. The Sheriff of Wabash County, Indiana, shall collect the penalties imposed by this Ordinance. The alarm user subject to the penalties herein shall pay to the Sheriff all penalties within thirty (30) days of receiving an invoice therefor from the Sheriff.

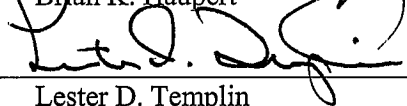
4. Establishment of Fund. There is established the Wabash County False Alarm Fund. All fees collected under this ordinance shall be deposited into this Fund. The Wabash County Council may appropriate monies from the Fund to assist in defraying the cost of reasonable and necessary law enforcement activities.

ADOPTED this 28th day of July, 2008.


Board of Commissioners of Wabash County, Indiana

By: 
Scott E. Givens, Chairman


Brian K. Haupt


Lester D. Templin

ATTEST:


Jane Ridgeway, Wabash County Auditor
Wabash County, Indiana