





Public Safety

PART 13

PUBLIC SAFETY

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ARTICLE A
FIRE DEPARTMENT

SECTION 13-101. FIRE DEPARTMENT.

A. There is a fire department of the City, the head of which is the Chief of the fire department.

B. It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings. (Prior Code, Sec. 1-28, in part).

Cross Reference: See also city fire code, Section 5-601 of this code; fireworks regulations, Section 10-324 of this code.

SECTION 13-102. COMBINATION FIRE DEPARTMENT.

A. The fire department of the City is a combination fire department as hereinafter defined and regulated. For purposes of this Section the following definitions shall apply:

1. Combination fire department" means a fire department which has in its employ more than two full-time salaried firefighters and at least one but not more than twenty-five volunteer firefighters; and

2. Volunteer firefighter of a combination fire department" means a person who is enrolled as a volunteer member of a combination fire department and who serves in such capacity without receiving a regular salary. The person, who is a salaried employee of a municipality, shall not serve as a volunteer firefighter of a combination fire department if such service as a volunteer firefighter is a condition of employment with the municipality. A person, who is a salaried public safety employee of a municipality, shall not serve as a volunteer firefighter of a combination fire department unless the person is off duty and such service is not a condition of employment.

3. For the purposes of this subsection, a public safety employee is a person employed to serve as a salaried firefighter, police or other law enforcement officer or emergency medical technician.

B. Volunteer firefighters of the combination fire department shall:

1. Be required, when notified, to respond to alarms of fire and other emergencies;

2. Be required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;

3. Be dropped from a fire department's rolls if such volunteer firefighter has two unexcused absences in succession or three unexcused absences in a period of three (3) months;

4. Notify the chief if such volunteer firefighter is leaving the municipality for an extended period of time;

5. Be expelled from the rolls if such volunteer firefighter refuses to attend training classes provided for him or her;

6. Be expelled from the rolls for the following offenses:

a. conduct unbecoming of a firefighter;

b. any act of insubordination;

c. neglect of duty;

d. any violation of rules and regulations governing the fire department; or

e. conviction of a felony; and

7. Reside in the same county as the combination fire department he or she is enrolled in or in a county that immediately borders the county in which the combination fire department is located.

SECTION 13-103. FIRE CHIEF.

The Chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the City, and the rules and regulations adopted in this chapter. The Chief shall have the following powers and duties, and he may assign duties to other members of the department:

1. The Chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the City Administrator.
2. The Chief may inspect or cause to be inspected by members of the department the fire hydrants, cisterns, and other sources of water supply at least twice each year.
3. The Chief may maintain a library or file of publications on fire prevention and fire protection, and shall make use of it to the best advantage of all members.
4. The Chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties.
5. The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department.
6. The Chief shall see that each fire is carefully investigated to determine its cause; and in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure the preservation of all possible evidence for future use in the case.
7. The Chief is authorized to enter any building or premises in the City at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found.
8. The Chief shall see that complete records are kept of all fires, inspections, and apparatus and equipment, personnel, and other information of the department, and shall make reports to the City Administrator as he may require. The Chief shall keep the City informed regarding the fire department and its needs. (Prior Code, Secs. 1-18, 1-27, 1-30, 1-34 to 1-36 in part.)

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SECTION 13-104 DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be appointed by the chief, with approval of the city administrator. (Prior Code, Sec. 1-19)

SECTION 13-105 COMPANY OFFICERS.

Company officers shall be selected by the chief based on the following criteria:

1. Knowledge of fire firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

(Prior Code, Sec. 1-20)

SECTION 13-106 SECRETARY TREASURER.

One member elected by the members of the fire department, subject to approval of the chief, shall be a secretary-treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

(Prior Code, Sec. 1-21)

SECTION 13-107 MEMBERSHIP, NEW MEMBERS.

A. Membership of the department shall consist of such persons as may be appointed by the chief and shall be persons residing within the city. Determination of whether candidates for appointment are capable of performing their duties shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the city administrator.

B. New members of the department shall be appointed by the chief and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by the chief and the city administrator. (Prior Code, Sec. 1-24).

SECTION 13-108 BYLAWS.

The bylaws of the department shall include the following:

1. All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;

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2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;

3. At least one regular business meeting of the members shall be held each month;

4. Any member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;

5. Any member leaving the city for an extended period of time is required to notify the chief;

6. Any member refusing to attend training classes provided for members of the department will be dropped;

7. Any member of the fire department may be dropped from the rolls for the following offenses:

- a. Conduct unbecoming a firefighter;
- b. Any act of insubordination;
- c. Neglect of duty;
- d. Any violation of rules and regulations governing the fire department; or
- e. Conviction of a felony.

(Prior Code, Sec.1-25, in part)

SECTION 13-109 RULES AND REGULATIONS.

The city council, by motion or resolution, may adopt and change regulations relating to the fire department, its organization, operation and compensation. (Prior Code, Sec. 1-29)

SECTION 13-110 BADGES.

Each member of the department is authorized to wear a badge designating his name and rank. (Prior Code, Sec.1-26)

SECTION 13-111 USE OF FIRE EQUIPMENT.

A. The department shall be equipped with such apparatus and other equipment as maybe required from time to time to maintain its efficiency and properly protect life and property from fire.

B. Recommendations of apparatus and equipment needed shall be made by the chief, purchased after approval as other city purchases.

C. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the city administrator.

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D. Suitable arrangements and equipment shall be provided for people to turn in alarms and to notify members of the department so that they may promptly respond.

E. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department. (Prior Code, Sec. 1-33, 1-38)

SECTION 13-112 AUTHORITY OF FIREFIGHTERS AT FIRES.

The fire chief, assistant fire chiefs or other fire department officers in charge shall have complete charge and control at all fires. Fire orders shall be obeyed. The chief or his officers may prescribe limits in the vicinity of a fire which no persons except those residing or owning property therein shall be permitted to enter except on the order of the officer in command. Police officers may aid in carrying into effect the provisions of this section. (Prior Code, Sec. 1-37, in part)

SECTION 13-113 RIGHT OF ENTRY.

The chief of the fire department and his designee may at all reasonable hours entry any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter and other provisions of this code, he may deem necessary to make. (Prior Code, Sec. 1-31)

ARTICLE B

CALLS OUTSIDE LIMITS

SECTION 13-121 POWER TO CONTRACT.

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or military installations or commands, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

State Law Reference: Fire services outside city, city powers, 11 O.S. Secs. 29-105 et seq.

SECTION 13-122 CONTRACTS FOR SERVICE.

Any contract entered into by the city, with an individual owner, a firm, private corporation, association or political subdivision, for outside aid or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, association or political subdivision for such service, equipment or personnel in an amount reached through negotiation by the parties.

SECTION 13-123 AUTHORITY TO ANSWER CALLS.

The fire department is authorized to answer all calls outside the city within a reasonable

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distance of the city limits if first approved by the fire chief on duty. The fire chief shall determine that the equipment and personnel to be dispatched for such calls are not needed for other purposes within the city.

SECTION 13-124 CHARGES FOR CALLS MADE OUTSIDE CITY.

The city may enter into a contract with persons, organizations or associations to provide fire protection service outside the city limits. Such contracts shall be conditioned upon the determination of the fire chief that the property in question is within a reasonable distance from the city and that prior to any fire protection equipment being dispatched for any fire call for such property, the fire chief on duty shall first approve such call and determine that the equipment and personnel to be dispatched are not needed for other purposes within the city. The charges for such calls shall be as specified in the fee schedule.

SECTION 13-125 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All firefighters attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the city. The firefighters shall be entitled to all the benefits of any fire pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city.

SECTION 13-126 DEPARTMENT CONSIDERED AGENT OF STATE

The fire department when answering any fire alarm or call or performing any fire prevention services outside the corporate limits of the city shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the city shall not be liable in damages for any act of commission, omission or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

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CHAPTER 2

POLICE SERVICES

Section 13-201 Police department created; chief.
Section 13-202 Duties.

SECTION 13-201 POLICE DEPARTMENT CREATED; CHIEF.¹

There shall be a police department, the head of which is the chief of police, or the police chief. (Prior Code, Sec. 1-13)

Cross Reference: See also Section 7-801 et seq on unclaimed or abandoned property held by the police.

SECTION 13-202 DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice violators of the ordinances of the city; to suppress all riots, affrays and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve warrants, writs, executions and other processes properly directed and delivered to them; to apprehend and arrest persons violating state laws as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. (Prior Code, Section 1-14, in part)

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CHAPTER 3

EMERGENCY MANAGEMENT

Section 13-301	Purpose of chapter.
Section 13-302	Agency.
Section 13-303	Responsibilities and duties of Director, Deputies:
Section 13-304	Duty and responsibility of Mayor in the event of an emergency.
Section 13-305	Emergency powers of Emergency Management Agency.

SECTION 13-301 PURPOSE OF CHAPTER.

The purpose of this Chapter is to create an emergency management organization for the City to be prepared for, and to function in the event of emergencies endangering the lives and property of the people of the City. The duty of such emergency management organization shall be to the protection of the lives and health of the citizens of the City, and the property and property rights, both private and public, and to perform all functions necessary and incident thereto.

SECTION 13-302 AGENCY.

The purpose of the Emergency Management Agency (hereinafter "Agency") is to prepare for, and function in the event of emergencies endangering the lives and property of the citizens of the City. The Agency is headed by a Director appointed by the City Manager for such compensation and under such terms as the City Manager may establish. The Director serves at the pleasure of the City Manager.

**SECTION 13-303 RESPONSIBILITIES AND DUTIES OF DIRECTOR,
DEPUTIES.**

A. The Director of the Agency shall be the administrative head of the Agency and shall be responsible for carrying out the emergency management program of the City in coordination with the Emergency Services Direction and Control Group. He shall have such further duties and responsibilities to cooperate with all emergency services and emergency management agencies of other governmental units, including the State and Federal governments.

B. The City Manager, or the Director when empowered by the City Manager, may designate some person as Deputy Director or Assistant Director, and shall prescribe the

duties of the Deputy or Assistant, from time to time, as necessary for the carrying out of the emergency management program of the City. The Deputy Director shall perform all duties of the director upon the death, disability, illness, or separation from service of the Director. In addition to the foregoing duties the Deputy or Assistant shall render such aid and assistance and perform such duties under the emergency management program of the City as may be required by the Director."

SECTION 13-304 DUTY AND RESPONSIBILITY OF MAYOR IN THE EVENT OF AN EMERGENCY.

A. The Mayor is hereby authorized to declare an emergency and the Mayor shall make reasonable attempts to notify the City Manager and Emergency Management Director. In the absence of the Mayor or inability of the Mayor to act the duties of the Mayor shall be performed by the Mayor pro-tem. In the event both of these officials are unavailable to act, then the City Manager may declare an emergency. An emergency is defined as a natural or other catastrophe which endangers the lives, property, health, safety, or welfare of the inhabitants of Piedmont.

B. The Mayor shall be the City spokesman for public relations and media contacts.

SECTION 13-305 EMERGENCY POWERS OF EMERGENCY MANAGEMENT AGENCY.

A. In the event of an enemy-caused emergency or emergency resulting from natural causes, the Director, after due authorization from the Mayor, shall have the power and authority to enforce all rules and regulations relating to emergency management; and, if necessary, to take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with other governmental agencies and emergency management services organizations. He shall have authority to activate the emergency operations center; and upon activation, he will be in charge of the emergency operations center through the duration of the emergency.

B. The Director, other members of the agency, and members of any emergency services, and the Emergency Management Agency established herein shall have the power and authority to enforce the laws of the State and ordinances of the City during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or ordinances.

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CHAPTER 4

ALARM SYSTEMS

Section 13-401	Definitions.
Section 13-402	Purposes.
Section 13-403	Alarm user permit required.
Section 13-404	Disconnection of faulty or defective alarms.
Section 13-405	False alarms, user fee and permit revocation.
Section 13-406	Automatic dialing devices, enhanced 911 system connections prohibited.
Section 13-407	Immediate disconnection or reprogramming of illegal devices required.
Section 13-408	Enforcement and penalties.
Section 13-409	Cumulative remedies.

SECTION 13-401 DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

1. "Alarm administrator" means the department head or his designee of the department designated by the city administrator to perform the administrative functions of this chapter;
2. "Alarm system" means one or more devices designed to detect and signal unauthorized intrusion, entry, robbery, fire or other emergency condition, which signals are responded to by public law enforcement officers, fire department personnel, private security guards or security officers. This provision excludes systems installed within motor vehicles;
3. "Alarm user" means any person in control of any building, structure or facility wherein an alarm system is maintained;
4. "Audible alarm system" means an alarm system not interconnected to an alarm business or the police service communication center, but is activated by sounding a bell, siren or other device that makes an audible or visual signal at the location protected by the alarm system, indicating a need for police, fire or other emergency response;
5. "Enhanced 911 system" means an emergency phone system which is designed to receive emergency phone calls by dialing the three digit number 9-1-1. The system places the person requesting emergency service in touch with fire, police and ambulance services by dialing a single number;
6. "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. False alarms include those caused by:
 - a. Error or mistake, including any action by any person or entity or agent owning or operating any dwelling, building or place which results in the activation of any alarm system when no emergency exists;
 - b. Malfunction, including any activation of any alarm system caused by a flaw in the normal operation, design, installation, maintenance of the system, faulty equipment, change in environment, or premises upon or within which

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the alarm system is operating;

- c. Intentional misuse, including any intentional activation of an alarm system when no burglary, robbery, vandalism, fire or other emergency is in progress. This subparagraph does not apply to testing during installation and regular maintenance when the user notifies the police service in advance and receives permission for the test.

An alarm is not considered a false alarm if it is determined that the alarm was the result of:

- a. Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods or other similarly violent conditions;
- b. Vandalism causing physical damage to a premises;
- c. Attempted entry of a location causing visible physical or other evidence of damage to the location;
- d. Severe weather causing physical damage to the premises; or
- e. When the alarm user calls the police service and cancels the alarm before the police respond by using his personal identification number as registered with the alarm administrator;

7. "Fire alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of fire or other activity requiring urgent attention, and to which the fire department personnel are expected to respond. This provision excludes alarm systems installed within motor vehicles;

8. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system;

9. "Telephone dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for police, fire or medical response;

10. "User fee" means the amount assessed to alarm users for false alarm responses in excess of the maximum number allowed in any one calendar year. The fee is on a per response basis for false alarms.

(Ord. No. 276, 1/23/89; Ord. No. 277, 4/24/89)

SECTION 13-402 PURPOSE

The purpose of this chapter is to enhance and protect the emergency services of the city. The provisions of this chapter apply only to systems located in the city.. (Ord. No. 277, 4/24/89)

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SECTION 13-403 ALARM USER PERMITS REQUIRED.

A. Every alarm user shall obtain an alarm user's permit for each alarm system from the city alarm administrator prior to the use of the alarm and upon the effective date of this chapter. The permit application shall include information as to the number of and type of alarms installed, alarm company providing the service, monitoring agent, and numbers to be called in the event an emergency should occur.

B. Permits are also required for audible alarms and alarms with automatic dialing devices attached. This provision does not pertain to alarm systems installed within motor vehicles.

C. Each approved application and permit shall bear the signature of the alarm administrator.

D. The alarm administrator may issue registration decals to alarm users obtaining permits under this chapter.

E. Every alarm user may display all permit stickers on the front entrance of his facility so that it will be available for inspection anytime night or day.

F. If the city police or fire department receives a request for assistance from an unregistered alarm system, a fee as set by the city will be assessed against the alarm user. (Ord. No. 277, 4/24/89)

SECTION 13-404 DISCONNECTION OF FAULTY OR DEFECTIVE ALARM.

An alarm user is required upon notice from the alarm administrator to disconnect any alarm system which is faulty or defective in design or operation. An alarm system shall not be reconnected until proof of repair is furnished to the alarm administrator. (Ord. No. 277, 4/24/89)

SECTION 13-405 FALSE ALARMS, USER FEE AND PERMIT REVOCATION.

A. When records indicate ten (10) false alarms within one calendar year, the alarm administrator shall notify the alarm user by mail of the number of false alarms on record. The alarm user will also be notified that for the remainder of the calendar year responses to false alarms as defined will result in the alarm user being assessed a fee per response. If the amount billed the alarm user for emergency responses to false alarms is not paid within thirty (30) days of the statement date, the alarm administrator may revoke the alarm user's permit.

B. If the alarm user's permit has been revoked, the alarm user will be required to make application for a new permit. No alarm permit will be issued to an individual or business who owes fees to the city resulting from false alarm assessments. It is a violation of this chapter to operate an alarm system when the permit for that system has been revoked by the alarm administrator, or to operate an alarm system without a permit as required by this chapter.

C. If the alarm user's permit is revoked, the alarm user may appeal the revocation to the city administrator, provided the appeal is made in writing to the city administrator within ten (10) calendar days from the date of revocation. (Ord. No. 277, 4/24/89)

SECTION 13-406 AUTOMATIC DIALING DEVICE, ENHANCED 911 SYSTEM CONNECTIONS PROHIBITED.

It is unlawful for any person to program an automatic dialing device to any telephone line which, when activated, dials the digits 9-1-1. It is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to dial the digits 9-1-1. (Ord. No. 276, 1/23/89)

SECTION 13-407 IMMEDIATE DISCONNECTION OR REPROGRAMMING OF ILLEGAL DEVICES REQUIRED.

Any alarm user having an alarm system connected to the phone lines which is programmed to dial the digits 9-1-1 shall immediately disconnect or reprogram his telephone dialing device. (Ord. No. 276, 1/23/89)

SECTION 13-408 ENFORCEMENT AND PENALTIES.

A. Enforcement of this chapter shall be by the police and fire chiefs, the alarm administrator, the code enforcement officer, or their designees.

B. Any violation of this chapter shall be punishable as provided in Section 1-108 of this code. Each day a violation continues shall be a separate offense. (Ord. No. 276, 1/23/89; Ord. No. 277, 4/24/89)

SECTION 13-409 CUMULATIVE REMEDIES.

A. In addition to the penalties provided for in this chapter, the alarm administrator may take appropriate legal action to require the disconnection of any alarm system operated in violation of this chapter, including but not limited to disconnection of the alarm system seeking injunctive relief in the district court.

B. If an alarm system is in violation of Section 13-406 of this code, the city attorney and alarm administrator are hereby authorized to take appropriate legal action to cause the alarm system to be disconnected, phone service discontinued or other immediate action to prevent the alarm system from dialing 9-1-1. The city attorney is authorized to seek injunctive relief in district court, if necessary, to accomplish the disconnection. The remedies provided for in this section shall be cumulative to the criminal penalties provided for in this chapter. (Ord. No. 276, 1/23/89; Ord. No. 277, 4/24/89)

