

DOVER CODE

ALARMS AND SECURITY

CHAPTER 58

ARTICLE I

SECURITY REQUIREMENTS

- 58-1. Purpose.**
- 58-2. Applicability.**
- 58-3. Definitions and Word Usage.**
- 58-4. Compliance Required.**
- 58-5. Enforcement.**
- 58-6. Inspections.**
- 58-7. Responsibility for Compliance.**
- 58-8. Degree of Protection; Burden of Proof.**
- 58-9. Life-Safety Factors.**
- 58-10. Exterior Doors.**
- 58-11. Windows.**
- 58-12. Roof Openings.**
- 58-13. Other Points of Access.**
- 58-14. Burglar Alarm Systems.**
- 58-15. Multiple-Family Dwellings.**
- 58-16. Violations and Penalties.**
- 58-17. Street Numbers Required.**

ALARMS AND SECURITY

ARTICLE II

ALARM, BUSINESSES, SYSTEMS AND USERS

- 58-18. Purpose.**
- 58-19. Reserved.**
- 58-20. Reserved.**
- 58-21. Alarm User's Permit.**
- 58-22. Application.**
- 58-23. Fee.**
- 58-24. Required Inspections.**
- 58-25. Operation Without Permit; Violations and Penalties.**
- 58-26. False Alarms; Civil Assessments and Revocation of Permit.**
- 58-27. Revocation Procedure.**
- 58-28. Restoration of Revoked Permit.**
- 58-29. Service of Notice.**
- 58-30. Administrative Rules.**
- 58-31. Failure to Comply.**
- 58-32. Violations and Penalties.**

ARTICLE III

FIRE ALARM SYSTEMS

- 58-33. Purpose.**
- 58-34. Responsibility for Fire Alarm Activation, Owner Response, Fire Alarm Malfunction and Corrective Action.**

DOVER CODE

ARTICLE IV

TELEGRAPH FIRE ALARM

[REPEALED on 05-20-92 by Ord. No. 07-92.]

[HISTORY: Adopted by the City Council: Art. I on 4-10-1979 by Ord. No. 7-1979; Art. II on 4-10-1979 as Ord. No. 8-79; Art. III on 12-14-1977* ; Art. IV on 12-14-1977†; Section 58-16 Amended at time of adoption of Code; Amendments noted where applicable.]

ARTICLE I

SECURITY REQUIREMENTS

[Adopted 4-10-79 by Ord. No. 7-79]

58-1. Purpose.

The purpose of this Chapter is to provide minimum standards of physical security for business establishments and multi-family dwellings within the jurisdictional boundaries of the City of Dover.

58-2. Applicability.

The provisions of this Chapter shall apply to business establishments and multi-family dwellings contained in new buildings or structures. A building or structure that undergoes additions, alterations or repairs within a one-year period that exceed fifty percent (50%) of the assessed value or are more than ten thousand dollars (\$10,000.00), whichever is less, shall be required to meet the requirements for new buildings or structures. In no case shall a building permit be issued until the office of the Chief of Police has indicated that proposed additions, alterations or repairs are in compliance with this Chapter.

58-3. Definitions and Word Usage.

As used in this Chapter the following terms mean:

ACCESSIBLE –Any access point within eighteen (18) feet of the ground or the roof of an adjoining building or structure; or within three (3) feet of an access point, fire escape or ledge in or protruding from the same or an adjacent wall and leading to another building or structure.

* Editor's Notes: Provisions of this Chapter are derived from Ch. 29 of the former Code, adopted 12-14-77.

† Editor's Note: Provisions of this Chapter are derived from Ch. 28 of the former Code, adopted 12-14-77.

ALARMS AND SECURITY

ACCESS POINT – Any opening in the exterior of a building or structure which has a clear cross section of ninety- six (96) inches or more and which has its smallest dimension in excess of six (6) inches, and includes but is not limited to doors and windows.

ACTIVATE – To make a locking device effective in preventing unauthorized entry through the door, window or other access point to which the locking device is attached.

BUSINESS OR COMMERCIAL ESTABLISHMENT – A business which uses or occupies any building or structure for the purpose of display, selling or buying of goods, wares or merchandise.

CONTROL DEVICE – A key or similar mechanical implement that is normally used by authorized persons to activate or deactivate a locking device.

EXTERIOR – That portion of a building or structure that is accessible to the public when the commercial establishment housed therein is closed for business, and includes but is not limited to those portions of individual commercial establishments which are housed in a common building or structure and which are accessible to the public, e.g., as in a shopping center or mall.

LOCKING DEVICE – A mechanical implement or combination of mechanical implements attached to a door, window or other access point of a building or structure and designed to prevent unauthorized entry of the building or structure through that door, window or other access point when the locking device is activated.

MULTI-FAMILY DWELLING – Any structure containing five (5) or more units designed for occupancy.

PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

RATED – Listed by Underwriter's Laboratory.

DOVER CODE

58-4. Compliance Required.

All future Business or Commercial Establishments located within the boundaries of this jurisdiction shall, when unattended, be secured in the manner provided by this Chapter. An establishment is unattended when not occupied by a watchman, maintenance personnel or other authorized persons during the hours that the establishment is closed to the public.

58-5. Enforcement.

The Police Department, under the supervision of the office of the Chief of Police, shall administer and enforce the provisions of this Chapter.

58-6. Inspections.

- A. The enforcing authority shall cause the access points of all establishments subject to the provisions of this Chapter to be inspected as follows:
 - (1) Old buildings and structures shall be inspected periodically.
 - (2) Buildings and structures in the process of construction or buildings and structures subject to the requirements for new buildings or structures pursuant to 58-2 of this Chapter, shall be periodically inspected during the process of construction, additions, alterations or repairs.
 - (3) In addition to inspecting to determine if the mechanical requirements of this Chapter have been met, the enforcing authority shall inspect to determine that the required mechanical devices have been properly installed and are functioning properly.

- B. When an inspection reveals that the building or structure does not meet the requirements of this Chapter, the following procedure shall be followed:
 - (1) Written notice of the deficiencies discovered during the inspection shall be given to the Person responsible for compliance or his designated representative. Such notice shall set forth the amount of time, not greater than thirty (30) days, within which such deficiencies are to be corrected.
 - (2) Upon correcting such deficiencies, the Person responsible for compliance or his designated agent shall advise the enforcing authority, in writing, that such deficiencies have been corrected.

ALARMS AND SECURITY

- (3) The enforcing authority shall within ten (10) days of the receipt of notice of correction again inspect the building or structure and either approve or disapprove them. If the corrections are disapproved, these procedures shall be repeated, except that no more than fifteen (15) days shall be allowed for compliance.
- C. The enforcing authority or its designated agents have the right to enter any building or structure, subject to the provisions of this Chapter, during reasonable business hours, for the purpose of inspecting the premises to ascertain the degree of compliance with the provisions of this Chapter. If, after oral notification and the presentation of evidence of identity to the person responsible for compliance or his designated agent, the right to enter the building or structure is refused, the enforcing authority shall apply to a court of competent jurisdiction for an administrative warrant.

58-7. Responsibility for Compliance.

Responsibility for compliance with the provisions of this Chapter shall be as follows:

- A. When the Business or Commercial Establishment does not share the use of access points with any other business, the Person operating the Business or Commercial Establishment or his designated agent shall be responsible for compliance.
- B. When more than one (1) Business or Commercial Establishment shares the use of access points in the same building or structure, the owner of the building or structure or his designated agent shall be responsible for compliance.

58-8. Degree of Protection; Burden of Proof .

- A. The provisions of this Chapter are not intended to prevent the use of other devices or methods of construction than those provided herein, provided that such other devices or methods of construction provide the same or a greater degree of security than the minimum requirements of this Chapter.
- B. When the Person responsible for compliance desires to use such other device or methods of construction, the burden of proving that the requirements of this Chapter have been met or surpassed shall be on the person responsible for compliance.

58-9. Life-Safety Factors.

No portion of this Chapter shall supersede any local, state or federal laws, regulations or codes dealing with life safety factors.

DOVER CODE

58-10. Exterior Doors.

All Exterior doors shall comply with the following requirements:

A. Wood or metal doors with panels of rated burglary-resistant glazing material, wood doors of solid-core construction at least one and three-eighths (1 3/8) inches thick and solid metal doors having at least equal strength to a wood door of solid-core construction at least one and three-eighths (1 3/8) inches thick. Any of these doors having panels of burglary-resistant glazing material adjacent to the door frame shall be secured as follows:

- (1) Single swinging doors shall be equipped with either a double-cylinder dead-bolt lock that can be deactivated from either the inside or outside only by a key or similar control device or with a single-cylinder dead-bolt lock that cannot be deactivated from the inside and that can be deactivated from the outside only by a key or similar control device.
- (2) Pairs of swinging doors shall be secured at the top and bottom of one (1) leaf with vertical bolts and secured at the center with the type of locking device required for single swinging doors in subsection (A)(1) above.
- (3) Swinging doors which do not permit a center lock, including but not limited to tempered-glass doors, shall be secured at the top and bottom with locking devices meeting the requirements of subsection (A)(1) above.

B. Single swinging doors or pairs of doors constructed of tempered glass that is not burglary resistant may be retained in old buildings or structures. However, when such a door or doors are replaced for any reason, then the replacement door or doors shall be constructed of rated burglary-resistant glazing material. Such doors on all new buildings or structures shall be constructed of rated burglary-resistant material.

C. Garage doors.

- (1) Rolling, solid swinging, sliding or accordion garage-type doors, whether closing vertically or horizontally, shall, when not controlled or locked by electric power operation, be secured on the inside as follows:
 - (a) Hand-operated doors shall be equipped with slide or vertical bolts at either the top or bottom of the door or both sides of the bottom of the door depending on whether the door opens vertically or horizontally.

ALARMS AND SECURITY

- (b) Chain-operated doors shall be equipped with a locking device for securing the chain.
 - (c) Crank-operated doors shall be equipped with a locking device for securing the operating shaft.
- (2) In Subsection C(1) above, if the door provides the only entrance to the building or structure, a locking device meeting the requirements of subsection (A)(1) above may be used on the outside of the door.
- D. Metal accordion, grate or grille-type doors shall be equipped with a metal glide track at the top and bottom and secured with either a single-cylinder lock which can only be deactivated with a key or similar control device or with a padlock. The door and frame shall be so constructed and installed that the door cannot be lifted from its tracks when the door is closed.
- E. Wood doors not of solid-core construction and wood doors of solid-core construction but containing panels less than one and three-eighths (1 3/8) inches thick shall be covered on the inside with at least sixteen-gauge sheet steel or with a rated burglary-resistant glazing material attached with one-inch No. 8 screws placed six (6) inches apart on the perimeter of the plate.
- F. Accessible sliding doors shall be secured as follows:
- (1) Single sliding doors shall have the movable section of the door and sliding on the inside of the fixed section of the door and shall be so constructed and installed that the movable section of the door cannot be lifted from its track when the door is closed.
 - (2) The movable section of single sliding doors shall be secured by vertical bolts at the top and bottom in addition to the center latch. The bolts shall engage to the extent necessary to prevent their being disengaged by any possible movement of the doors within the clearances provided when the door is closed and locking device is activated.
 - (3) Double sliding glass doors shall be secured by vertical bolts at the top and bottom of each door and shall meet the requirements of subsection F(1) and (2) above
- G. The provisions of this subsection shall apply in addition to the security requirements set forth in the preceding subsection of this section.

DOVER CODE

- (1) Hinges or pivots on all doors opening outward shall be secured in such a manner that the hinge or pivot cannot be removed when the door is closed and its locking device is activated.
- (2) Where a locking device utilizes one (1) or more cylinders, the cylinder shall be constructed, attached or protected so that the cylinder cannot be gripped by wrenching devices or deactivated by pulling or driving devices.
- (3) All doorjambes shall be so constructed or protected as to prevent violation of the function of the strike through such means as but not limited to the spreading of the door frame.
- (4) The locking device shall be so constructed and installed that when the door is closed it cannot be made inactive through the removal of mounting screws or bolts.
- (5) The bolts of all locking devices shall have a sufficient throw when the door is closed and the locking device is activated so that the bolt will imbed itself in its receptacle a minimum of one-half (1/2) inch.
- (6) Locking devices and parts of locking devices shall not be used if they bear any numbers or letters which, to a trained person, would reveal a combination from which a key or similar control device could be fashioned or selected which could be used to deactivate the locking device.
- (7) When a padlock-type locking device is used, it shall not be capable of being deactivated through rapping or other similar shocking techniques applied by a trained person. Padlock hasps shall be constructed and installed so that they cannot be removed when the door is closed and the padlock is activated. A padlock shall have a minimum of a two- inch case and seven-sixteenths-inch shackle made of material that will resist cutting with a bolt cutter of up to fifteen (15) inches in length.

58-11. Windows.

All Exterior windows meeting the definition of an access point shall be secured as follows:

A. Nonoperable windows shall be secured by:

- (1) Rated burglary-resistant glazing material.

ALARMS AND SECURITY

- (2) Steel bars of at least one-half inch diameter spaced not more than (4) inches apart, and having dividers of at least one-fourth inch flat steel bars spaced not more than eighteen (18) inches apart and securely fastened on the inside of the window.
- (3) An iron or steel grille of at least one-eighth inch diameter material of not more than two-inch mesh and securely fastened on the inside of the window.

B. Operable windows.

- (1) Operable windows shall be secured as in subsection(A)(1) above or as in subsection(A)(2) or (3), except that, if the window opens inward, the bars may be placed on the outside of the window. When operable windows are secured in accordance with subsection(A)(2) or (3) above, bars should be mounted on secure hinges and secured with a padlock meeting the specification of 58-10(G)(7). These bars shall not be secured in place during normal business hours.
- (2) All operable windows shall be secured with a locking device capable of remaining effective when a force of three hundred (300) pounds is applied to it from any direction. Such a locking device shall be capable of being deactivated only by a key or similar control device and only from the interior of the building or structure.

C. Accessible jalousie windows shall not be used on new buildings or structures.

D. Hinges or pivots on windows opening outward shall be so constructed and installed that they cannot be removed when the window is closed.

58-12. Roof Openings.

- A. Skylights shall be secured in the same manner as windows as in 58-11, depending on whether they are operable or nonoperable.
- B. Hatchways or roof doors shall be secured in the same manner as provided by 58-10, except that locking devices used shall consist of a slide bar or slide bolts.

58-13. Other Points of Access.

All accessible access points not previously dealt with by provisions of this Chapter, including but not limited to air duct or vent openings, shall be secured as in 58-11(A)(2) or (3).

DOVER CODE

58-14. Burglar Alarm Systems.

- A. If the enforcing authority determines that the physical security requirements set forth in this Chapter will not adequately secure the commercial establishment, he may require, in addition to such physical security requirements, the installation and maintenance of an Underwriters' Laboratory approved burglar alarm system covering all accessible access points or a combination of interior devices, including but not limited to photoelectric, ultrasonic, microwave, proximity and sound devices. The enforcing authority may require that the system used by a local alarm or a direct connection with the Police Department. In making a determination of the necessity for an alarm system, the enforcing authority shall consider such factors as the history of unlawful entries against the particular establishment and the type of business and the nature and value of the inventory of the particular establishment.
- B. The person responsible for compliance may request that the enforcing authority allow the commercial establishment to substitute an Underwriters' Laboratory approved burglar alarm system or intrusion detection device for the physical security devices required by this Chapter. The enforcing authority shall grant this request subject to the requirements set forth in 58-8.
- C. Nothing contained in this Chapter shall prevent a commercial establishment from voluntarily installing and maintaining a burglar alarm system or intrusion detection device, provided that the requirements of this Chapter are otherwise complied with.

58-15. Multiple-Family Dwellings.

- A. Multiple-family dwellings shall be exempt from the following provisions of this Chapter:
 - (1) Section 58-11(A)(1), (2) and (3).
 - (2) Section 58-11(B)(1) and (2).
 - (3) Section 58-14.
- B. For the purpose of this Chapter, any interior door located in a multiple-family dwelling which gives access from a public area, including but not limited to a hallway, foyer, lobby, etc., shall be considered an exterior door and shall be secured according to 58-10 of this Chapter. In addition, this type of door shall be equipped with an operational viewing device which provides a minimum one-hundred-eighty degree view of the area immediately adjacent to the door so that there is no requirement to open this door to identify persons seeking access.

ALARMS AND SECURITY

58-16. Violations and Penalties. [Amended on 4-27-83 by Ord. No. 10-83]

Any person who violates any provision of this Chapter shall be guilty of a violation and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). Each day that the violation remains in effect shall constitute a separate violation.

58-17. Street Numbers Required. [Amended on 10-9-85 by Ord. No. 10-85]

The street number shall be attached to the building in such a manner and in such a place as to be easily seen from the street. Furthermore, such numbers shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location by police, fire or other emergency personnel during hours of darkness. Buildings located in rural-type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the building and the public right-of-way, and the numbers shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

ARTICLE II

ALARM, BUSINESSES, SYSTEMS AND USERS

[Adopted on 04-10-79 as Ord. No. 8-79]

58-18. Purpose.

The purpose of this Chapter is to provide minimum standards of operation and regulations applicable to emergency and burglar alarm systems, alarm businesses and alarm users.

58-19. RESERVED. [Repealed on 07-02-97 by Ord. No. 14-97]

58-20. RESERVED. [Repealed on 07-02-97 by Ord. No. 14-97]

58-21. Alarm User's Permit.

Within sixty (60) days after the effective date of this Chapter, every alarm user shall obtain an alarm user permit for each alarm system he operates within the City of Dover. This permit shall be obtained through the office of the Chief of Police. If a licensed alarm business uses an alarm system to protect its own premises, it shall obtain a permit for such system as required by this section.

58-22. Application. [Amended on 10-9-85 by Ord. No. 10-85; Amended on 05-19-04 by Ord. No. 09-2004]

DOVER CODE

- A. Alarm users shall ensure that all information submitted in an alarm user permit application is kept current. The applicant shall include acknowledgement of risk of transmitting through a central station alarm company. Any changes made to any alarm system equipment, termination point or list of persons to be notified in the event of an alarm shall be reported to the Chief of Police in writing within ten (10) days of such change.
- B. The alarm user applying for the permit required in 58-20 of this Chapter shall have his respective street number attached to his building in such a manner and in such a place as to be easily seen from the street. Furthermore, said number shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location of the building by emergency personnel during the hours of darkness. Buildings located in rural-type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the building and the public right-of-way, and the numbers shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.
- C. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or any refusal to sign said application, shall be sufficient cause for refusal to grant or for revocation of a permit.
- D. An alarm user applying for a permit in which the user will utilize only a central station monitoring system shall be required to sign a waiver form at police headquarters, or before a notary public, relieving the city, its officers, agents, servants and employees from any liability in connection with an alarm response or lack thereof. No alarm permit shall be issued for a central station alarm unless the waiver form is signed and approved by the Chief of Police or his designee.

58-23. Fee. [Amended on 07-02-97 by Ord. No. 14-97]

- A. Alarm user permit. There will be a permit fee of twenty five dollars (\$25.00) for the first year for all security and fire alarm systems.
- B. There shall be an annual renewal fee of ten dollars (\$10.00) for all security and fire alarm systems.
- C. If a residential alarm user is over the age of sixty-five (65) and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee, provided proof of age is provided with the application.

ALARMS AND SECURITY

- D. Federal, state, county or local government agencies who operate alarm systems shall be exempt from payment of a fee.
- E. An alarm permit application renewal request received after the first thirty (30) days of a new calendar year shall be processed as an original application.

58-24. Required Inspections.

- A. Every alarm user licensed under this Chapter, connected to the Police Department, may be required to have its alarm system inspected if they exceed five false alarms within a calendar year. Proof of such inspection shall be forwarded to the Police Department. The certificate shall state that, in the opinion of the alarm company, the alarm system complies with the applicable installation standards and is safe and reliable. [Amended on 07-02-97 by Ord. No. 14-97]
- B. The information contained in the alarm user permit application required by 58-21 and other information received by the Chief of Police through correspondence or communications with the alarm user shall be securely maintained and restricted to inspection by the Chief of Police or certain police officers or city employees specifically assigned the responsibility for handling and processing alarm user permits in the course of their duties. If one of these persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this Chapter or official law enforcement matters or without the express written consent of the alarm user supplying such information, he shall be guilty of a violation and shall be fined one hundred dollars (\$100.00).

58-25. Operation Without Permit; Violations and Penalties. [Amended on 6-8-83 by Ord. No. 18-83]

- A. Any alarm system user who operates an alarm system without first obtaining a permit as required by this Chapter or who operates an alarm system when such permit has expired shall be guilty of a violation and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).
- B. Any alarm system user who, after having a permit revoked and after exhausting his right to a hearing, fails to disconnect his alarm system shall be guilty of a violation and, upon conviction, shall be fined one hundred dollars (\$100.00).

58-26. False Alarms; Civil Assessments and Revocation of Permit.

- A. For the purposes of this Chapter, a "false alarm" shall be defined as an alarm signal eliciting a response by police when a situation requiring a response by the police does

DOVER CODE

not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

- B. Except during the first thirty-day period following the installation of an alarm system, there shall be a service charge of seventy-five dollars (\$75.00) for each false alarm received in excess of three (3) in a calendar year, which shall be paid over to the City of Dover. For purposes of this section, a "calendar year" shall be defined as the period from January 1 through December 31. In addition, false alarms may form the basis for revocation of an alarm user's permit as provided in 58-26 of this Code. If the false alarm is due to an alarm system malfunction which is in the process of being repaired or where immediate steps are taken to identify or correct the problem(s), the Chief of Police may waive the service charge. Refusal to pay the service charge within thirty (30) days may be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended on 10-9-85 by Ord. No. 10-85]**

- C. In any case when an alarm is received at police headquarters and the Police Department is unable to locate or make contact with the persons responsible for the alarm system, as designated by the alarm user on the application form, or in case the persons responsible do not expeditiously respond when notified, the City of Dover, its officers, agents, servants and employees shall be exempt from any and all liability for any claim or loss or damage, personal or property, which may result, and a service charge of thirty dollars (\$30.00) shall be paid over to the City of Dover by the alarm user. This service charge shall be in addition to any other service charge that may be imposed pursuant to this Code. **[Added 10-09-85 by Ord. No. 10-85]**

- D. In any case where a false alarm is received in excess of six (6) per calendar year from an alarm system for which an alarm user permit has been obtained, the Chief of Police may require the alarm user to produce a certificate from the alarm company maintaining the equipment indicating that the system has been inspected and is in reliable working order. Failure to produce the above certificate within thirty (30) days of request shall be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Added 10-09-85 by Ord. No. 10-85]**

58-27. Revocation Procedure.

- A. If the Police Department has recorded excessive false alarms, as defined in 58-25, the Chief of Police may notify the permit holder, in writing, and request the permit holder to submit a report within fifteen (15) days describing efforts to discover and eliminate the cause of the false alarms. If the alarm user requests an extension of time to file this report, based on some extraordinary circumstances, the Chief of Police may extend the fifteen-day period for a reasonable time. If the permit holder fails to

ALARMS AND SECURITY

submit his report within the specified period, the Chief of Police shall notify the alarm user that his permit to operate an alarm system has been revoked, and, under such circumstances, the user shall not be entitled to a hearing. For the purposes of this section, "excessive false alarms" shall be defined as more than six (6) false alarms within a calendar year. [Amended on 10-9-85 by Ord. No. 10-85]

- B. If the alarm user submits a report as required by Subsection A of this section, but the Chief of Police finds the report unsatisfactory, then the Chief of Police may issue a written notice of his intent to revoke the alarm user's permit.
- C. If, after the submission of a report required by Subsection A of this section which is satisfactory to the Chief of Police, the alarm system of the permit holder incurs two (2) or more false alarms during the same calendar year, the Chief of Police may issue written notice of his intent to revoke the alarm user's permit.
- D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may within ten (10) days of such receipt submit a written request for a hearing before the Chief of Police, setting forth the reasons that his permit should not be revoked. Written notice of the time and place of the hearing shall be served on the permit holder by the Chief of Police at least five (5) days prior to the date set for the hearing.
- E. At the hearing before the Chief of Police, the holder of the permit or his authorized representative shall have the right to be made aware of the circumstances leading to revocation of the alarm permit and to present evidence on his own behalf. After the hearing, the Chief of Police may either issue an order of revocation, withdraw the notice of revocation or allow a reasonable time, not to exceed fifteen (15) days, in which the alarm user must take action to eliminate the cause(s) of the false alarms to the satisfaction of the Chief of Police.

58-28. Restoration of Revoked Permit.

- A. An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in 58-22 of this Chapter. The Chief of Police shall not be required to issue a revoked user permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may also impose reasonable restrictions and conditions upon the user before issuing a revoked user permit, and these restrictions and/or conditions shall appear on the permit and shall provide for automatic revocation on the occurrence of four (4) false alarms in the remaining permit year.

DOVER CODE

- B. In situations where a user permit is revoked under the conditions in Subsection A of this section, there shall be no appeal to the Chief of Police, and this revocation shall remain in effect for the remainder of the calendar year.

- C. The fee for reissuance of a user permit shall be fifty dollars (\$50.00).

58-29. Service of Notice.

When any city official has the right or is required to act within a prescribed period pursuant to this Chapter, and service is made by mail, one (1) day shall be added to the prescribed period. In lieu of service by mail, delivery may be made by hand by any person eighteen (18) years of age or older.

58-30. Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter and for determination of grounds for clerical revocation of any permit required by this Chapter.

58-31. Failure to Comply.

Failure of any person to comply with the requirements of written notice of a violation of any provision of this Chapter within three (3) days of receipt of such notice, exclusive of Saturdays, Sundays and holidays, shall constitute a violation of this Chapter. Such notice shall continue in force and effect until full compliance with the requirements stated therein, and each and every failure to comply with such notice within twenty-four (24) hours after the three (3) days allowed for compliance shall constitute a separate offense.

58-32. Violations and Penalties.

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Dover who violates any provision of this Chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine of one hundred dollars (\$100.00). Each day during which a violation continues shall be considered a separate offense.

ARTICLE III

FIRE ALARM SYSTEMS

[Adopted on 12-14-77; Amended on 05-20-92 by Ord. No. 07-92]

ALARMS AND SECURITY

58-33. Purpose.

The purpose of this ordinance is to establish a fine system for any person, firm or corporation that fails to maintain their fire alarm system causing the fire department to respond because of the lack of maintenance.

58-34. Responsibility for Fire Alarm Activation, Owner Response, Fire Alarm Malfunction and Corrective Action.

- A. **Owner's Responsibility to Respond.** The responsibility for a fire alarm activation shall be for the premises in which the fire alarm system is installed. A response to an alarm activation shall result when any officer or member of the City of Dover Fire and Rescue Service shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s), by whatever means, and responds thereto by traveling to that premise. After responding to an alarm activation, the enforcement official may notify the owner of the property, or his/her designee, of the activation of the alarm system and such person shall thereupon travel to the premises within 30 minutes of notification to ascertain the status thereof. Should the person notified fail to do so, the City shall charge the owner of the premises a fee of seventy-five dollars (\$75.00). The officer or member of the Dover Fire and Rescue Service who responded to said premises shall serve the owner or authorized representative a "Fire Alarm Activation Report."
- B. **Owner's Responsibility to Service/Repair.** In the event of a fire alarm activation deemed by the fire department to be the result of a fire alarm malfunction, the owner will be served a "Fire Alarm Activation Report" by an officer or member of the Fire Department, indicating that the activation was deemed to be the result of a fire alarm malfunction, and requiring the owner to return a completed "Affidavit of Service/Repair" within fifteen (15) days of said alarm activation which can verify to the satisfaction of the enforcement official that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return an "Affidavit of Service/Repair" within said fifteen (15) day period which is satisfactory to the enforcement official, will result in the assessment against the owner of a fine of two-hundred fifty dollars (\$250.00), or the sum of the total fiscal year operating budget divided by 8760 (the average Fire and Rescue Service operating cost for one hour), whichever is more, for the fire alarm malfunction.
- C. **Tenant's Responsibilities.** It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that smoke detectors installed in accordance with state and local codes are not rendered inoperative by damaging or

DOVER CODE

disconnecting said detectors. Any person found to have disconnected a smoke detector or damaged a smoke detector to the extent that said detector is rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation punishable by a fine of not less than fifty dollars (\$50.00).

ARTICLE IV

(formerly TELEGRAPH FIRE ALARM)

[REPEALED on 05-20-92 by Ord. No. 07-92]