

**ORDINANCE O-2020-18**

**AN ORDINANCE ENACTING SECTION 139.09 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.**

**WHEREAS**, the Police Department regularly receives and responds to automated alarm (Automated Alarms) calls originating from businesses in the Village of Windham; and

**WHEREAS**, the vast majority of these calls are justified and have an ascertainable basis for the call, but in some instances these calls have been numerous and upon response determined by the Police Department to have no basis. Usually the baseless calls are preventable by the businesses from which the call originates; and

**WHEREAS**, upon review, the Council has determined that an addition to the Windham Codified Ordinances as are set forth in Exhibit A hereto are appropriate and should be enacted so as to allow the Windham Police Department to continue to provide timely response to Automated Alarms as needed, but to avoid the inefficient use of time and resources for calls that are ultimately found to be without merit.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

**Section One:** The provisions set forth in the attached Section 139.09 of the Windham Codified Ordinances as are shown on the attached Exhibit "A" are hereby enacted.

**Section Two:** The Council expressly finds that the charge set forth in Section 139.09 (c) is determined to approximate the cost to send a police officer to the location of the unjustified Automated Alarm, and is not a punitive amount in excess of the cost of responding.

**Section Three:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council: First Reading: July 21, 2020  
Second Reading: August 25, 2020  
Third Reading: September 22, 2020

Vote of Council: Ayes: 6  
Nays: 0

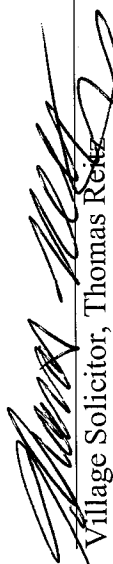
ATTEST:

APPROVED:

  
Fiscal Officer, Chere M. Taylor

  
Scott Garrett, Mayor

APPROVED AS TO FORM:

  
Village Solicitor, Thomas Rette

**Exhibit A**

139.09 OWNER RESPONSIBILITY FOR UNNECESSARY AUTOMATIC ALARMS.

- (a) For purposes of this section of the Village of Windham Codified Ordinances, an Automatic Alarm shall mean those alarms which are or can be triggered without human intervention, by an action of an intruder or disturbance in or on a location.
- (b) The Village of Windham Police Department will, subject to other overriding need to respond to other responsibilities of the Police Department, respond to a business in the Village of Windham when an Automatic Alarm is triggered. In the event the Police Chief or his designee determines there was a justifiable reason for the triggering of the Automatic Alarm there shall be no charge to the business which is located on-site at the location of the triggered Automatic Alarm.
- (c) In the event the Police Chief or his representative determines that there was no justifiable reason for triggering the Automatic Alarm there will be no charge for the Police Department responding to the first three unjustified Automatic Alarms per calendar year. In the event an Automatic Alarm summons the Police Department to a location four or more times in a calendar year, there shall be imposed joint and several liability on the owner of the location and the business operator of the location a charge of \$50.00 for each unjustified Automatic Alarm.