

SECTION 9.09. HARASSMENT OF DOGS USED FOR PUBLIC SAFETY PURPOSES.

It shall be unlawful to interfere or meddle with any dog being used by the Eden Prairie Police Department or any other peace officer in the performance of any of the functions or duties of the Department or of such officer. No person shall torture, harass, tease, torment, beat, kick, strike, mutilate, injure, disable or kill any dog being used by the Eden Prairie Police Department or any other peace officer in the performance of any of the functions or duties of the Department or of such officer.

Source: Ordinance No. 49-86

Effective Date: 9-17-86

SECTION 9.10. FIRE AND BURGLAR, ROBBERY AND SAFETY ALARMS.

Subd. 1. Purpose. The purpose of section 9.10 A and 9.10 B are to protect the police and fire services of the City from misuse and to provide for the maximum possible service to alarm users. The ordinance is intended to provide for the regulation of Burglar, Robbery and Safety Alarm Systems and Fire Alarm Systems, establish a user fee for false alarms and the registration of Burglar, Robbery and Safety Alarm Systems and Fire Alarm Systems in order to improve the reliability of such systems and reduce or eliminate false alarms. Section 9.10 A regulates Fire Alarm Systems. Section 9.10 B regulates Burglar, Robbery and Safety Alarm Systems.

Subd. 2. Definitions. The following terms as used in sections 9.10 A and 9.10 B shall have the meanings stated:

- A. "Adopted Code(s)" means the Minnesota Fire Code (MFC) and the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72).
- B. "Alarm Initiating Device" means a device that is designed to respond either manually or automatically to the presence of smoke, fire, or the activation of a fire suppression system.
- C. "Alarm user" means the person in control of any alarm system.
- D. "Burglar, Robbery and Safety Alarm System" means and includes any alarm installation designed to be used for safety on the premises which contain the alarm installation including the prevention or detection of burglary or robbery.
- E. "Central Station Company" means any company that receives signals from any alarm system and transmits to the "Police/Fire Communications Center" any request for service as a result of these signals.
- F. "Enforcement Official" means the Fire Chief or his designated representative.
- G. "False alarm" means an audio, visual or electronically transmitted alarm signal eliciting a response by fire and police personnel when a situation requiring a response does not in fact exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the alarm user or lessee of an alarm system or of his or her employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or alarm user.
- H. "Fire Alarm System" means and includes any alarm installation designed to be used for the prevention or detection of fire on the premises which contain the alarm installation including monitoring of water flow alarms for fire sprinkler systems.
- I. "Fire Protection Business" means any individual, partnership, corporation or other entity that is appropriately licensed in the state to install or causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services, provides runner services or monitors any Fire Alarm System, fire sprinkler system or special fire protection system.

- J. “Monitored System” means a Fire Alarm System that is connected pursuant to NSPA 72 or MFC to a Central Station Monitoring Company that receives signals from the Fire Alarm System or fire sprinkler system and notifies the appropriate person or agency depending on the type of alarm signal received.
- K. "Police/Fire Communications Center" is the City facility used to receive emergency requests for service and general information from the public to be dispatched to respective police/fire units.
- L. “Qualified Fire Alarm Technician” means any person licensed by the State of Minnesota to inspect, install, repair or perform maintenance on Fire Alarm Systems.
- M. “Required Fire Alarm System” means a fire alarm system, including fire sprinkler system water flow monitoring, that is required to be installed and maintained by the Adopted Codes.
- N. “UL Certificate/Certification” means a certificate issued by UL that indicates that a Fire Alarm System meets the NFPA 72 code requirements for a central station monitored Fire Alarm System.
- O. “User fee” means a charge payable to the City of Eden Prairie, to defray the expenses of responding to a false fire alarm.

SECTION 9.10 A. FIRE ALARM SYSTEM.

Subd. 1. False Alarm Fees.

- A. Non-Required Fire Alarm System. A Fire Alarm System that is not a Required Fire Alarm System which reports more than three (3) false alarms to the City in a single calendar year will cause the alarm user to be charged a user fee for each false alarm in excess of three (3) per calendar year. The fee charged shall be in accordance with the fee schedule adopted by the City Council.
- B. Required Fire Alarm System. A Fire Alarm System that is a Required Fire Alarm System which reports a more than one (1) false alarm to the City in a single calendar year will cause the alarm user to be charged a user fee for each false alarm in excess of one (1) per calendar year. The fee charged shall be in accordance with the fee schedule adopted by the City Council.
- C. Appeal of User Fee. A Fire Alarm system alarm user who is required by the City to pay a user fee as the result of a false alarm may by written notice appeal the false alarm charge to the City Manager-within ten (10) days of notice from the City of the false alarm charge. The decision of the City Manager shall be final.

Subd. 2. Payment of User Fee.

- A. Payment of user fees provided for under Section 9.10 A. Subd. 1 must be paid to the City within thirty (30) days from the date of notice by the City to the alarm user. Failure to pay the fee within thirty (30) days' notice will cause the alarm user to be considered delinquent and subject to a late payment charge in accordance with the fee schedule adopted by the City Council.
- B. *All delinquent charges for user fees computed as provided in paragraph A above shall be forwarded to the City Clerk who shall prepare a roll each year of the delinquent amounts against the respective properties serviced, which roll shall be delivered to the City Council for certification to the County Auditor on or before October 15 of each year. Prior to delivery of the roll to the City Council, the City Clerk shall give written notice to the property owner on or before September 15th of the City’s intention to certify the charges to the auditor.*

Subd. 3. Automatic Dialing Devices Prohibited.

- A. No automatic dialing devices initiating a pre-recorded emergency alarm message shall be connected to the Police/Fire Communications Center through any telephone line or other electronic means, except when authorized by the City Manager or his or her designee.
- B. Remote automatic alarm systems and other related devices shall not be installed in such a manner that an automatic alarm signal is connected to the 911 trunks. Under specific circumstances, automatic devices with two-way voice communication may be permitted if the Fire Chief finds that the device complies with Section 1215.0800 Subpart 5 of the Code of Minnesota Administrative Rules and is otherwise in compliance with the requirements of federal, state and local laws and regulations.

Subd. 4. Registration, Certification, Inspection, Testing, Maintenance, Suspension and Annual Education Requirements for Required Fire Alarms.

A. Registration of Required Fire Alarm Systems.

- 1. All Fire Alarm Systems in the City of Eden Prairie which are required by the Adopted Codes must be registered with the Eden Prairie Fire Department. The registration shall be submitted on a form provided by the City of Eden Prairie (hereinafter referred to as “registration or “registrations”). The form shall contain information the City of Eden Prairie deems necessary to properly respond to and manage alarms.

Source: Ordinance No. 12-2009
Effective Date: 12-10-2009

- 2. The Fire Alarm System alarm user shall be required to file an amended registration whenever there is a change in the Fire Protection Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System. Registrations shall not be transferable from one property to another or from one alarm user to another.
- 3. Every Fire Alarm System alarm user shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being placed into operation. Each Fire Protection Business installing Fire Alarm Systems shall provide the alarm user with notice of the existence of this ordinance, registration information and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer’s instructions.
- 4. The Fire Alarm System alarm user shall complete and deliver the Fire Alarm System Registration on the form specified by the City to the Fire Chief before the Fire Alarm System is activated or placed into service.

- B. System Certification. All required Fire Alarm Systems installed after January 1, 1986 shall have a UL72 certificate. All required Fire Alarm Systems that are updated, modified or replaced must have a UL72 certificate issued certifying that the Fire Alarm System is in compliance with Adopted Codes. The certificate shall be signed by a Qualified Fire Alarm Technician.

C. Inspection, Testing and Maintenance.

- 1. The Fire Alarm System alarm user shall have all Fire Alarm Systems inspected and tested at least once per year in accordance with Adopted Codes.
- 2. The Fire Alarm System alarm user shall maintain all Fire Alarm Systems in accordance with manufacturer specifications and Adopted Codes.

D. Annual Alarm System Training. Every alarm user of a Required Fire Alarm System shall complete the City Fire Annual Alarm User Training course no later than March 31 of each year, provided however that for the year 2009, the training shall be completed no later than July 1, 2009. The course may be completed either online or at the offices of the Enforcement Official. The alarm user may designate as the person(s) to complete the training such individual(s) who have responsibility to supervise the maintenance of the Required Fire Alarm System or such other person(s) as approved in writing by the Enforcement Official.

E. Registration Fees.

1. No fee shall be charged for the initial registration of a Fire Alarm System. No fee shall be charged for any registration that is required to be resubmitted for any reason other than suspension. Any registration that has been suspended for false alarms as stated below will be charged a registration reinstatement fee as set forth in the fee schedule adopted by the City Council.
2. Failure to pay the fee within thirty (30) days' notice will cause the alarm user to be considered delinquent and subject to a late payment charge in accordance with the fee schedule adopted by the City Council.

Source: Ordinance No. 12-2009
Effective Date: 12-10-2009

F. Required Fire Alarm System Registration Suspension. An alarm user of a Required Fire Alarm System who fails to complete the Annual Alarm System Training as required above or an alarm system which reports more than six (6) false alarms to the Police/Fire Communications Center in a single calendar year will cause the registration of the Fire Alarm System to be suspended. If the registration has been suspended for failure to complete the Annual Alarm System Training the alarm user must complete the training and submit to the Enforcement Official the required fee to reinstate the registration. If the registration has been suspended for reporting more than six (6) false alarms as specified above, the alarm user must have the system repaired and submit documentation of the repairs to the Enforcement Official, along with the required fee to reinstate the registration.

G. Appeal of Registration Suspension Fee. Any alarm user whose registration of the Fire Alarm System is suspended may request in writing a hearing on the suspension. If a hearing is requested, the date for the hearing shall be set not more than fourteen (14) days after receipt of the request for hearing. The hearing shall be held by the Hearing Officer, who shall be appointed by the City Manager and who may be an employee of the City. Upon conclusion of the hearing, the Hearing Officer shall, within ten (10) days, make his decision which reverses or affirms the suspension and shall notify the alarm user in writing of his decision ("Hearing Officer's Notice of Decision"). If the Hearing Officer's decision is to affirm the suspension, the Hearing Officer shall include in the Hearing Officer's Notice of Decision findings and conclusions supporting the decision. The decision of the Hearing Officer shall be final.

SECTION 9.10 B. BURGLAR, ROBBERY AND SAFETY ALARMS.

Subd. 1. False Alarm Fees.

A. A Burglar, Robbery and Safety Alarm System which reports more than three (3) false alarms to the City in a single calendar year will cause the alarm user to be charged a user fee for each false alarm in excess of three (3) per calendar year. A fee schedule will be set by the City Council based upon the number of false alarms reported per calendar year.

B. Any Burglar, Robbery and Safety Alarm System alarm user which is required by the City to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the City Manager within ten (10) days of notice by the City of the false alarm charge. The City Manager will have authority to make a final determination as to whether the appellant is to be charged. The decision of the City Manager shall be final.

Subd. 2. Payment of fees.

- A. Payment of user fees provided for under Subd. 3 must be paid to the City within thirty (30) days from the date of notice by the City to the alarm user. Failure to pay the fee within thirty (30) days' notice will cause the alarm user to be considered delinquent and subject to a late payment charge in accordance with the fee schedule adopted by the City Council.

Source: Ordinance No. 12-2009
Effective Date: 12-10-2009

- B. All delinquent charges for user fees computed as provided in paragraph A above shall be forwarded to the City Clerk who shall prepare a roll each year of the delinquent amounts against the respective properties serviced, which roll shall be delivered to the City Council for certification to the County Auditor on or before October 15 of each year. Prior to delivery of the roll to the City Council, the City Clerk shall give written notice to the property owner on or before September 15th of the City's intention to certify the charges to the auditor.

Subd. 3. Automatic Dialing Devices Prohibited.

- A. No automatic dialing devices initiating a pre-recorded emergency alarm message shall be connected to the police/fire communications center through any telephone line, except when authorized by the City Manager or his or her designee.
- B. Remote automatic alarm systems and other related devices shall not be installed in such a manner that an automatic alarm signal is connected to the 911 trunks. Under specific circumstances, automatic devices with two-way voice communication may be permitted if the Police Chief finds that the device complies with Section 1215.0800 Subpart 5 of the Code of Minnesota Administrative Rules and is otherwise in compliance with the requirements of federal, state and local laws and regulations.

Subd. 4. Burglar, Robbery and Safety Alarm System Alarm System Registration.

- A. Every Burglar, Robbery and Safety Alarm System alarm user must file with the police department a registration for each alarm system used within (30) days of activation of the system and keep the registration information current. After the first response to an unregistered Burglar, Robbery and Safety Alarm System, the police department has the authority to not respond to subsequent alarms from that alarm system as long as that alarm system remains unregistered. The authority to not respond continues indefinitely, and the alarm user is not entitled to one response per year.

Source: Ordinance No. 12-2009
Effective Date: 12-10-2009

- B. The registration of the Burglar, Robbery and Safety Alarm System will be on a form provided by the City of Eden Prairie. The form shall contain information the City of Eden Prairie deems necessary to properly respond to and manage alarms.

Subd. 5. Suspension of Police Response.

- A. Notice of Suspension of Police Response. Where the Burglar, Robbery and Safety Alarm System is unregistered (Unregistered System) or where an alarm user is more than 90 days overdue in payment of alarm fines (Overdue Payments), the City of Eden Prairie may serve, in-person or by U.S. certified mail addressed to the address at which the alarm is located written notice (hereinafter referred to as "Notice") that effective fourteen (14) days from the date of the Notice, the Eden Prairie Police Department will no longer respond to alarm dispatch requests from that site (hereinafter referred to as "Suspension"), unless there is an in-person call for assistance from a person at or near the premises or other independent information that verifies the need for

an immediate police response. The Suspension will be revoked and Police response will be reactivated in the case of an Unregistered System when the alarm system is registered and in the case of an Overdue Payments once all Overdue Payments and fines have been paid.

Source: Ordinance No. 12-2009
Effective Date: 12-10-2009

- B. Written Appeal of Suspension. Any Burglar, Robbery and Safety Alarm System alarm user who has been given Notice of Suspension may by written notice appeal the Suspension to the City Manager within ten (10) days of date of the Notice. The decision of the City Manager shall be final.

Source: Ordinance No. 5-2009
Effective Date: 5-14-2009

Source: Ordinance No. 62-87
Effective Date: 5-19-88

SECTION 9.11. RENTAL HOUSING.

Subd. 1. Purpose. The purpose of this section is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all residential rental buildings and structures within the City. The provisions contained herein are in addition to other applicable provisions of the City Code and not in lieu thereof. Any provisions contained herein which are inconsistent or in conflict with any other provision of the City Code shall supersede such other provisions.

Subd. 2. Scope. The provisions of this Section shall apply to all rental buildings. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Section shall apply to the separate portions as if they were separate buildings.

Subd. 3. Enforcement.

- A. Authority. The Administrative Authority is hereby authorized and directed to enforce all of the provisions of this section.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever the Administrative Authority or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Section. If such building or premises is occupied, the Administrative Authority or representative shall first present proper credentials and request entry; if such building or premises is unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Administrative Authority or representative shall have recourse to every remedy provided by law to secure entry.
- C. Substandard Buildings. All rental buildings or portions thereof which are determined to be substandard as defined in this Section constitute a violation of this Section and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in Subdivision 10 of this Section.
- D. Modifications. Whenever there are practical difficulties involved in carrying out the provision of this Section, the Administrative Authority may grant modifications for individual cases, provided that the modification is in conformity with the intent and purpose of this Section and that such modification does not reduce the level of