

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB36

ORDINANCE NUMBER: 2021-36

TITLE: AN ORDINANCE AMENDING SECTION 10-222(e) OF THE BLACK HAWK MUNICIPAL CODE RELATING TO SERVICE FEE FOR FALSE ALARMS BY ALARM DEVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 10-222(e) of the Black Hawk Municipal Code is hereby amended to read as follows:

**Sec. 10-222. False Alarms to Agencies of Public Safety by Alarm Devices.**

\* \* \*

(e) When the Police or Fire Department, or any other City organization or agency responsible for emergency responses, responds to a signal activated by an alarm device, as defined above, and it appears after proper investigation that a false alarm did occur, then the owner or occupant of the premises to which the response is made, the designated person or company responsible for monitoring, and the person or company responsible for the installation and maintenance of the alarm device, shall each be subject to a false alarm service warning or fee as determined by the City of Black Hawk Fee Schedule, as the same may be amended from time to time.

\* \* \*

(2) The first five (5) false alarms at a particular location in each calendar year shall result in a warning. The owner, occupant, person or company found responsible for said premises shall be subject to the following presumptive service fee schedule as set forth in the City of Black Hawk Fee Schedule, as the same may be amended from time to time. The service fee shall be payable to the Finance Director and the City may maintain an action for said fee and all costs of collection. The notice of assessment of the service fee shall state that the fee may be appealed to the City Council within ten (10) days of the date of the assessment pursuant to this Subsection (2), provided that the fee is first paid to the City Clerk. Provided however, the City shall have the discretion, based on the existence of aggravating or mitigating circumstances, to deviate from the City of Black Hawk Fee Schedule and instead file an action in the Black Hawk Municipal Court as set forth in this Section 10-222.

a. ~~— A service fee of fifty dollars (\$50.00) consistent with the fee schedule for the sixth, seventh, eighth, ninth and tenth occurrence thereafter; and~~

b. ~~— A service fee of one hundred dollars (\$100.00) consistent with the fee schedule for the eleventh, twelfth, thirteenth, fourteenth and fifteenth occurrence.~~

c. ~~— The service fee shall be payable to the Finance Director and the City may maintain an action for said fee and all costs of collection. The notice of assessment of the service fee shall state that the fee may be appealed to the City Council within ten (10) days of the date of the assessment pursuant to this Subsection (e), provided that the fee is first paid to the City Clerk.~~

d. ~~— Provided, however, the City shall have the discretion, based on the existence of aggravating or mitigating circumstances, to deviate from the presumptive service fee schedule and instead file an action in the Black Hawk Municipal Court as set forth in Section 10-222(e)(3) below.~~

Section 2.     Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3.     Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4.     Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13<sup>th</sup> day of October, 2021.

  
David D. Spellman, Mayor

ATTEST:

  
Melissa A. Greiner, CMC, City Clerk

