

# MODEL DRAFT

CITY/COUNTY OF \_\_\_\_\_, STATE

## ALARM ORDINANCE

WHEREAS, this ordinance addresses the finding that excessive false alarms unduly burden the \_\_\_\_\_ Police (Sheriffs') Department's law enforcement resources, and

WHEREAS, the purpose of this ordinance is to establish reasonable standards for users, to ensure that alarm owners are held responsible for the proper operation of their alarm systems, and

WHEREAS, Public Safety agencies recognize the significant burdens placed on state and local law enforcement resources due to responding to false alarm calls, and

WHEREAS, properly installed, monitored and operated alarm systems are effective tools which can identify criminal offenses in progress, and will lead to a reduction in the incidents of false alarms as well as enhance the safety of responding law enforcement officers, and

WHEREAS, governments and private companies wish to make the most effective use of their resources, and

WHEREAS, reduction of false alarms and clearly defined alarm user responsibilities are to the benefit of all parties,

NOW THEREFORE, this ordinance is established to set reasonable standards for users, ensure that alarm owners are held responsible for their use of alarm systems, and to encourage the use of security systems and best practices.

### SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

***Alarm Administrator*** means a person or persons designated by the City or County to administer the provisions of this ordinance.

***Alarm company*** means a person, company, firm, or corporation which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing or monitoring alarm systems; this entity shall be licensed in compliance with city, county and state laws.

***Alarm Event*** means an alarm system activation, to which law enforcement is requested to respond.

**Alarm permit** means a permit issued to an alarm user by the City or County allowing the operation of an alarm system within the City or County.

**Alarm system** means an assembly of equipment installed at a fixed location designed to detect and/or verify an occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond.

**Alarm user** means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

**Alarm User Awareness Class** means a class conducted for the purpose of educating alarm users about the responsible use, operation, maintenance of alarm systems and effective verification and false alarm reduction strategies.

**Cancellation** means that the alarm company provides notification that response by law enforcement is no longer being requested. If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

**City or County** means the City or County of \_\_\_\_\_ or its agent.

**Enhanced Call Confirmation (formerly known as ECV - Enhanced Call Verification or "2-call")** means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user, to determine whether an alarm event is valid before requesting law enforcement response. A second call will be made to contact the alarm user if the first attempt fails. EXCEPT:

- a) as defined by ANSI/TMA CS V 01 current version, in case of a fire, panic, robbery-in-progress alarm or verified alarm, or
- b) as defined by the local jurisdiction or state law.

**False alarm** means the activation of an alarm system when, upon observation by Law Enforcement, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises.

**Local alarm** means an alarm system that is not monitored by a remote monitoring center.

**Permit year** means a 12-month period beginning on the day and month on which an alarm permit is issued.

**Priority Response** means an elevated response as established within each jurisdiction such that response to the protected premise is given a higher response compared to other signals that may not be verified. (See Verified Alarm)

**Priority Response to a Verified Alarm** means that a law enforcement agency having jurisdiction over a location has the autonomy and authority to increase the priority of Verified alarm calls in order to increase the probability of arresting criminal offenders and in reducing the probability of property loss.

**Runaway alarm** means an alarm system that produces repeated alarm activations that do not appear to be caused by separate human action. Law Enforcement may in its discretion discontinue police responses to alarm activations from what appears to be a runaway alarm.

**Verified Alarm** shall be defined as an electronic security system event in which a trained central station operator utilizing a standardized protocol has determined the presence of human(s) and the high probability that a criminal offense is in progress.

## SECTION 2: ALARM PERMIT

- (a) **Permit required.** No person shall use an alarm system without first obtaining a permit for such alarm system from the City or County. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.
- (b) **Application.** The permit shall be requested on an application form provided by the City or County. An alarm user has the duty to obtain an application from the City or County.
- (c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (d) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City or County within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the City or County a form requesting updated information. The permit holder shall complete and return this form to the City or County whether or not any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.
- (e) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- (f) **Type of Verified Alarm system.** If an alarm user has an electronic verified alarm system protecting the premise, the alarm user shall provide the type of verification system used (for example, video verification or audio verification.)
- (g) **Installer of the Alarm System.** The name of service provider that installed the system, or if installed by the alarm user DIY (“do it yourself”) is indicated.
- (h) **Monitoring Agency.** The name of the monitoring station that is monitoring the alarm system or if it is to be monitored by the alarm user MIY (“monitor it yourself”.)
- (i) **Permit fees:** for large commercial >2500 sq.ft. the alarm permit fee is \$50, for small commercial property the alarm permit fee is \$25, and for residential property the alarm permit fee is \$25. A new permit for advising of changes to a system will not require a renewal fee for that year.
- (j) **Annual Renewal Permit:** Police response to a property without a valid annual renewal will be subject to the same fine as failing to register.

## SECTION 3: DUTIES OF THE ALARM USER

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to facilitate dispatch).
- (c) Respond or cause a representative to respond to the alarm system’s location within a reasonable amount of time when notified by the \_\_\_\_\_ Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

- (e) An alarm user must obtain a new permit and pay any associated fees if there is: (i) a change in address or ownership of the location of the alarm-system.
- (f) An alarm user must keep current the annual renewal of the alarm permit.
- (g) An alarm user that installs the system themselves (Do It Yourself or DIY) or will be monitoring it themselves (Monitor It Yourself or MIY) is subject to the same duties as described in paragraph (a), (b), and (d) of Section 4.

#### **SECTION 4: DUTIES OF THE ALARM COMPANY**

- (a) Any person engaged in the alarm business in the city/county shall comply with the following:
  - 1) Obtain and maintain the required state, county and/or city license(s).
  - 2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
  - 3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
- (b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (c) Provide information of how to obtain service from the alarm company for the alarm system.
- (d) An alarm company responsible for monitoring services shall:
  - 1) Ensure the monitoring center utilizes the TMA's ANSI standard CS-V-01: Alarm Confirmation, Verification and Notification Procedures, as applicable, , prior to requesting law enforcement response.
  - 2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
  - 3) Communicate any available information regarding specifics of the alarm event.
  - 4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

#### **SECTION 5: PROHIBITED ACTS**

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.

#### **SECTION 6: ENFORCEMENT OF PROVISIONS**

- (a) *Excessive false alarms/Failure to register.* It is hereby found and determined that three or more false alarms within a permit year is excessive, and shall be unlawful.

Civil penalties and constraints around police response for false alarms within a permit year may be assessed against an alarm user as follows: (Examples)

Second false alarm..... \$ 50.00

Third false alarm ..... \$100.00

Fourth false alarm..... \$150.00

Fifth false alarm ..... \$200.00

Sixth false alarm ..... \$250.00

Seventh, Eighth, Ninth, false alarms.....\$500.00

Tenth False alarm.....Police response will be restricted to verified alarms only. Alarm user will install an approved alarm system with video, audio, or other approved verification technology. The alarm system will monitored in accordance with CS-V-01 standards.

Failure to Register.....\$100.00

(b) **Other Civil Penalty(ies).** Violations will be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.

**Note: Below are alternatives/options for (a) and (b) above:**

(a) **Excessive false alarms/Failure to register.** It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year shall be assessed against an alarm user as per current fee schedule set by city council.

(b) **Other Civil Penalty(ies).** Violations will be enforced through the assessment of civil penalty(ies) set by city council.

(a) **Excessive false alarms/ Failure to register.** It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. The police department shall dispatch only to a verified burglar alarm at that location.

Failure to Register, or failure to have current renewal.....\$100.00

(b) **Payment of Civil Penalty(ies).** Civil penalty(ies) shall be paid within (30) days from the date of the invoice.

(c) **Discontinuance of law enforcement response.** The failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance within 30 days from the date of the invoice shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.

(d) **Civil Non criminal violation.** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

**SECTION 7: ALARM USER AWARENESS CLASS.**

(a) **Alarm User Awareness Class.** The City or County may establish an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and conducting the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City or County may grant the option of attending a class in lieu of paying one assessed fine, not to exceed \$100. As part of this class, information pertaining to security systems that

may also provide a verified alarm to the police shall be provided. Alternatively, the class can be delivered to the user as an online training module.

## **SECTION 8: APPEALS**

(a) *Appeals process.* Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the \_\_\_\_\_ Police Department within 30 days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty (ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the City or County. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

(b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

## **SECTION 9: CONFIDENTIALITY**

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City or County.

## **SECTION 10: GOVERNMENT IMMUNITY**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the \_\_\_\_\_ Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

## **SECTION 11: SEVERABILITY**

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

This ordinance shall take effect on \_\_\_\_\_, 20\_\_