

# DRAFT

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

## ALARM ORDINANCE

The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

### 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, control and review false alarm reduction efforts and administer the provisions of this ordinance.

***Alarm Company*** means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with State laws.

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

***Alarm signal*** means any signal audible, visual, or electronically transmitted to a monitoring facility, generated by an alarm system, to which law enforcement is requested to respond.

***Alarm system*** means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

***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, and maintenance of alarm systems and the problems created by false alarms.

***Automatic dial protection device*** means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically

initiates to the \_\_\_\_\_ Police Department a recorded message or code signal indicating a need for law enforcement response.

**Cancellation** means the process where response is terminated when the alarm company (designated by the alarm user) notifies the \_\_\_\_\_ Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police 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.

**False alarm** means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the \_\_\_\_\_ Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

**Local alarm** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

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

**Runaway alarm** means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The \_\_\_\_\_ Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

**Verify** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

## 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. It is the responsibility of the alarm user to obtain the required permit through whichever methods or processes are required by the issuing authority.
- (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 when 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.

## 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; and
- (b) Provide the alarm company the permit number.
- (c) Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the \_\_\_\_\_ Police Department to deactivate a malfunctioning alarm system.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.
- (e) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

#### **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 Technology System Contractors License, issued by the State of Minnesota.
  - 2) Be able to provide the most current contact information for the alarm user.
- (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 written information of how to obtain service from the alarm company for the alarm system.
- (d) An alarm company performing monitoring services shall:
  - 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
  - 2) Provide alarm user permit number to the communications center to facilitate dispatch and/or cancellations.
  - 3) Communicate any available information about the alarm.
  - 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 10 minutes.
- (c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the \_\_\_\_\_ Police Department.

**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, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows: (Examples)

Third, fourth and fifth false alarm . . .	\$50.00
Sixth and seventh false alarm. . . . .	\$100.00
Eighth and ninth false alarm . . . . .	\$250.00
Tenth and over false alarms . . . . .	\$500.00
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.

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

(d) **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. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

(e) **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 create and implement an Alarm User Awareness 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.

**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 10 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\_\_\_\_

Revised November 5, 2008