

# Model Alarm Ordinance



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## ***Introductory Notes***

*The attached Model Alarm Ordinance has been prepared to assist public safety and the alarm industry in enacting comprehensive, proven alarm management ordinances.*

- **Guide Available:** *A Guide to Alarm Ordinances is available from FARA, it describes key items you should consider.*
- **Cooperative Effort:** *FARA strongly believes that false alarm reduction should be a cooperative effort among all parties involved. We strongly suggest that you form a working group comprised of representatives from the alarm industry, public safety officials, community and business groups, and any other entity that has a stake in the reduction of false alarms, before attempting to implement any alarm management program.*
- **Customize to Your Needs:** *It is important that the ordinance be reviewed carefully before endorsing or recommending that it be adopted either in whole or in part. There may be aspects of the ordinance that will pose potential problems in your locale, and you may decide that those characteristics should not be included in your local alarm ordinance.*

**Editing Required:** *Throughout the ordinance there are italicized notes to aid you in drafting an ordinance that best suits your jurisdiction. Anything italicized should not be adopted as part of your ordinance and should be deleted after being considered.*

# ALARM ORDINANCE

## SECTION 1 PURPOSE AND SCOPE

The purpose of this ordinance is to encourage alarm owners and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

This ordinance authorizes the *(Insert appropriate official here - examples: Mayor, County Executive, City Administrator, Police Chief, Fire Chief, etc)* to govern fire, smoke emitting devices, harmful gas, burglary and robbery alarm systems. This ordinance requires permits, establishes fees, provides for revocation of permits, and provides penalties for violations.

## SECTION 2 DEFINITIONS

- 2.1 **Alarm Administrator** means a person or persons designated by the governing authority to administer, control and review false alarm reduction efforts and administer this ordinance.
- 2.2 **Alarm Dispatch Request** means a notification to a public safety agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.
- 2.3 **Alarm Installation or Servicing Company** means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site. This definition shall also include individuals or businesses that install and service the Alarm Systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).
- 2.4 **Alarm Monitoring** means the process by which an Alarm Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning public safety to the Alarm Site.
- 2.5 **Alarm Monitoring Company** means a person or business which provides alarm monitoring services.
- 2.6 **Alarm Site** means a single fixed location served by an Alarm System or systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.
- 2.7 **Alarm System** means a device or series of devices which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon public safety response, including local alarm systems.
- 2.8 **Alarm User** means any person (owner, manager, etc) who has responsibility for or primary control of an Alarm Site.
- 2.9 **ANSI/SIA Control Panel Standard CP-01** means the ANSI - American National Standard Institute approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for Alarm System control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratories (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.
- 2.10 **ANSI/TMA-AVS-01 Alarm Validation Scoring Standard** provides a standardized method of creating a classification metric for unauthorized human activity detected by alarm systems that will assist law enforcement with resource allocation and “call for service” prioritization.
- 2.11 **Automatic Voice Dialer** means any device capable of being programmed to send a prerecorded voice message, when activated to a public safety or emergency services agency requesting dispatch.
- 2.12 **Do-It-Yourself (DIY) Alarm System** – an alarm system designed to be installed by the alarm user without the assistance of an alarm installation or servicing company.
- 2.13 **Duress Alarm** means a silent alarm signal generated by pressing a button or entering a designated code into an arming station in order to signal that the Alarm User is being forced to turn off the system and resulting in a request for public safety dispatch.
- 2.14 **Enhanced Call Verification (ECV)** is a monitoring procedure requiring that a minimum of two attempts to contact the alarm user be made prior to making an Alarm Dispatch Request. The two attempts must be made to different phone numbers where a responsible party can typically be reached and may be conducted via telephone call or SMS (Short Message Service). The ANSI/AVS-01 standard - Alarm Verification and Notification Procedures standard details how to comply with this requirement.
- 2.15 **False Alarm** means an Alarm Dispatch Request to a public safety agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense or indication of fire, smoke, harmful gas, or heat exists, after having completed an investigation of the Alarm Site.

- 2.16 **Harmful gas** means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to persons or property. For example, carbon monoxide is a harmful gas.
- 2.17 **Holdup/Robbery Alarm** means an Alarm System signal generated by the manual activation of a device intended to signal a robbery in progress.
- 2.18 **Local Alarm System** means any Alarm System, which is not monitored, that emits or produces an alarm only at the Alarm Site.
- 2.19 **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering a code at an arming station that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235).
- 2.20 **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring public safety response.
- 2.21 **Person** means an individual, corporation, partnership, association, organization or similar entity.
- 2.22 **Keyholder** means an individual capable of reaching and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.
- 2.23 **KNOX Rapid Entry System or KNOX System** means a secure access program that provides immediate entry for emergency responders into buildings and other secured property. The KNOX System utilizes three devices: KNOX boxes, KNOX key switches and KNOX padlocks. The KNOX box is a small, wall-mounted safe that holds building keys for emergency responders to retrieve for access in emergency situations. A KNOX key switch allows electric override to power operated gates and doors. A KNOX padlock allows access to non-power operated gates and doors.
- 2.24 **Medical alarm** means a wireless pendant or transmitter that can be activated by the user in an emergency to transmit a signal to an alarm company to summon emergency medical personnel.
- 2.25 **Monitor-It-Yourself (MIY) Alarm System** – An alarm system where alarm activations are sent only to the alarm user to determine if an emergency condition exists.
- 2.26 **Owner** means any person who owns the premises in which an Alarm System is installed or the person or persons who lease, operate, occupy or manage the premises.
- 2.27 **Private Guard Responder** means a private guard company, an alarm company's guard, or a person or entity appointed by an Alarm User to be responsible to confirm that an attempted or actual crime, fire or other emergency has occurred at an Alarm Site.
- 2.28 **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, at its' discretion, discontinue police responses to alarm activations from what appears to be a Runaway Alarm.
- 2.29 **Smoke Emitting Device:** A machine specifically constructed to be activated by an intruder detection system that, when activated, produces dense smoke, fog or vapor to reduce visibility in the protected area.
- 2.30 **Smoke Emitting Device Site** means a single fixed premises or location served by a smoke emitting device or devices. Each unit with a smoke emitting device in a multi-unit building or complex shall be considered a separate device site.
- 2.31 **Suspension of Response** means the termination of public safety response to alarms at a specified Alarm Site as a result of false alarms, failure to remit fines/fees, or other violation of the alarm ordinance.
- 2.32 **Unregistered Alarm Site** means a site that has not complied with a jurisdiction's registration requirements as defined in the alarm ordinance.
- 2.33 **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.
- OR
1. Confirmation by the Alarm User at the alarm site or via self-monitored audio/visual equipment;
  2. Confirmation by a private guard responder at the Alarm Site;
  3. Audible and/or visual evidence provided by a monitored alarm system.
- 2.34 **Verify** means an attempt by the Alarm Monitoring Company to determine the validity of an alarm signal prior to initiating an Alarm Dispatch Request.
- 2.35 **Zones** means the capability of an Alarm System to separate and report incidents or alarms by area. (Example: Zone 1 – Front Door Contact; Zone 2 – Front Entry Motion Detector)

### SECTION 3 EXEMPTIONS

- 3.1 This ordinance shall not apply to an Alarm System installed on a motor vehicle or a boat unless the alarm is permanently located at a site or is connected to an Alarm Monitoring Company.
- 3.2 An Alarm User which is a federal, state, county, or municipal government entity shall be subject to this ordinance, but a registration shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein.

- 3.3 This ordinance does not govern calls made directly to the emergency communications center by residents, guests, or business occupants. Emergency resources are always available and direct calls of its citizens and business owners will receive a higher priority response. This ordinance shall apply only to calls made to the emergency call center by contracted third parties not physically present at the Alarm Site.
- 3.4 This ordinance does not apply to Personal Emergency Response System Alarms (PERS) installed at the residence of a person, monitored by an alarm systems company, and designed only to permit the person to signal the occurrence of a medical or personal emergency so that the company may dispatch appropriate aid; it is not part of a burglar alarm system or fire alarm system.

#### SECTION 4: PROHIBITED ACTS

- 4.1 It shall be unlawful to activate an Alarm System for the purpose of public safety when no fire, harmful gas, burglary or robbery dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- 4.2 It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.
- 4.3 It shall be unlawful to install, maintain, or use an Automatic Voice Dialer.

#### SECTION 5 REGISTRATION

- 5.1 **Registration Required:** No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid alarm registration. A separate alarm registration is required for each alarm site.
- 5.2 **Registration Term:** Alarm registrations are valid for one year from registration. The Alarm Administrator shall notify each Alarm User of the need to renew at least thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date.
- 5.3 **Application:** The permit shall be requested on an application form provided by the Alarm Administrator. The Alarm User has the duty to obtain an application from the Alarm Administrator.
- 5.4 **Transfer of Possession:** When the possession of the Alarm Site is transferred, the Alarm User obtaining possession of the Alarm Site shall file an application for an alarm registration within 30 days of obtaining possession of the Alarm Site. Alarm registrations are not transferable.
- 5.5 **Reporting Updated Information:** Whenever the information provided on the alarm registration application changes, the Alarm User shall provide correct information to the Alarm Administrator within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Alarm Administrator a form requesting updated information. The permit holder shall complete and return this form to the Alarm Administrator when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.
- 5.6 **Initial Alarm Registration Fee:** The fee for an initial alarm registration is established by resolution and shall be paid by the Alarm User. No refund of a registration will be made. The initial alarm registration fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System takeover.
- 5.7 **Renewal Alarm Registration Fee:** The fee for a renewal alarm registration is established by resolution and shall be paid by the Alarm User. No refund of a registration or registration renewal fee will be made.
- 5.8 **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.
- 5.9 **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).
- 5.10 **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.
- 5.11 **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".)

#### SECTION 6 DUTIES OF THE ALARM USER

- 6.1 **The Alarm User shall:**
- 6.1.1 maintain the premises and the Alarm System in a method that will reduce or eliminate False Alarms.
  - 6.1.2 provide the permit number to the Alarm Installation or Servicing Company and/or Alarm Monitoring Company.

- 6.1.3 respond or cause a representative, who has access to the Alarm Site to respond to the alarm system's location within forty-five minutes when notified by the police or fire department.
- 6.1.4 obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.
- 6.1.5 not use Automatic Voice Dialers.
- 6.1.6 not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.
- 6.1.7 adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.
- 6.1.8 maintain a set of written operating instructions for each Alarm System at each Alarm Site.
- 6.1.9 inform their Alarm Installation or Servicing Company of any change that alters any of the information listed in their paperwork with the Alarm Installation or Servicing Company within five (5) business days of such change.
- 6.1.10 have a licensed Alarm Installation or Servicing Company inspect the alarm system after two (2) False Alarms in a one (1) year period. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period, the Alarm User must have a licensed Alarm Installation or Servicing Company modify the Alarm System to be more False Alarm resistant, if required, and/or provide additional user training as appropriate.
- 6.1.11 agree with their Alarm Installation or Servicing Company and/or Alarm Monitoring Company to go through an "acclimation period" for the first seven (7) days after installation of a burglar alarm system. During the "acclimation period" the Alarm Installation or Servicing Company and/or Alarm Monitoring Company will have no obligation to and will not respond to any alarm signal from the Alarm Site, excluding panic, duress, robbery and holdup signals, and will not make an Alarm Dispatch Request to public safety, unless there is human, audio or video verification of an actual criminal offense or when a specific exception is granted by the Police Chief or their designee.
- 6.1.12 notify their Alarm Installation or Servicing Company, Alarm Monitoring Company and the Alarm Administrator within 5 business days if the Alarm System is disconnected or terminated, or if the contracted Alarm User or business moves or the Alarm Site is sold.
- 6.1.13 provide any audio/visual evidence to the public safety department upon request.
- 6.2 Section 6.1 also applies to all individuals and businesses, who have installed DIY and/or MIY Alarm systems.
- 6.3 **KNOX Rapid Entry System:**
  - 6.3.1 All new and existing commercial occupancies having an automatic fire alarm system shall have an approved KNOX System installed in a location approved by the fire department.
  - 6.3.2 The KNOX System box shall contain all keys, fobs, reader cards, etc. for all locked areas of the building as required by the fire department. "Keys" shall include but not be limited to, all areas of the building, automatic fire alarm systems, pull station resetting tools, all elevators and elevator machine rooms, sprinkler systems riser rooms, and gated areas with keypad access, including the front gate and any interior gate/areas, including pools and common areas. "Keys" shall not include keys to individual multifamily rental units.
  - 6.3.3 All commercial properties within the locality with power operated vehicle or pedestrian access gates shall have an approved KNOX key switch system for access by public safety personnel. All commercial properties with non-power operated vehicle or pedestrian access gates shall be equipped with a KNOX padlock.
  - 6.3.4 All building owners and managers shall notify the fire department immediately of changes of locks and/or keys, fobs, reader cards, etc., for building access to allow for the placement of new keys in the KNOX System box.

## **SECTION 7 DUTIES OF ALARM COMPANY**

- 7.1 **Each Alarm Installation or Servicing Company shall:**
  - 7.1.1 maintain a license as required by the locality and state. Furnish license numbers to the Alarm Administrator on request.
  - 7.1.2 install each Alarm System in a manner compatible with the environment and within the manufacturer's specified parameters of the devices.
  - 7.1.3 connect and program the detectors in the Alarm System to report detailed zone and detector information on the type and location of each device.
  - 7.1.4 take reasonable measures to prevent the occurrence of False Alarms.

- 7.1.5 provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off (arm and disarm) and how to cancel an alarm.
  - 7.1.6 be available to maintain the Alarm System in good working order.
  - 7.1.7 provide written information on how to obtain service from the Alarm Installation or Servicing Company for the Alarm System.
  - 7.1.8 use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.
  - 7.1.9 ensure that all Alarm Users of Alarm Systems are given adequate training.
  - 7.1.10 provide new customers with a summarized copy of this ordinance and an Alarm User registration application.
  - 7.1.11 notify the Alarm Administrator if it takes over responsibility for Alarm System accounts from another person and provide details as may be reasonably requested by the Alarm Administrator.
  - 7.1.12 designate one individual as the Alarm Response Manager for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator. The appointed individual must be knowledgeable of the general provisions of the ordinance, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, phone number, and email address of the designated Alarm Response Manager must be provided to the Alarm Administrator and updated on an annual basis or when the designated Alarm Response Manager changes.
  - 7.1.13 provide the Alarm Administrator with a customer list in a format acceptable to the Alarm Administrator, upon request.
  - 7.1.14 not use Automatic Voice Dialers.
  - 7.1.15 not program Alarm Systems so that they are capable of sending one plus duress alarms. The Alarm Installation or Servicing Company shall remove the one plus duress alarm feature from Alarm Systems whenever an alarm technician is at the Alarm Site or otherwise accessing the panel for reprogramming purposes.
  - 7.1.16 not install a device to activate a holdup, robbery, duress or panic alarm, which is a single action, non-recessed button.
  - 7.1.17 ensure that all smoke emitting devices installed or operated in this jurisdiction conform to the *FARA Standard for Smoke Emitting Devices*.
  - 7.1.18 notify the Alarm Monitoring Company (if separate from the Alarm Installation or Servicing Company) if it takes over responsibility for Alarm System accounts from another Person or Company.
  - 7.1.19 notify their alarm monitoring company of an alarm system account termination within 5 days of termination.
- 7.2 **Each Alarm Monitoring Company shall:**
- 7.2.1 maintain a license as required by the locality and state. Furnish license numbers to the Alarm Administrator on request.
  - 7.2.2 communicate Alarm Dispatch Requests and cancellations to the municipality in a manner and form determined by the Alarm Administrator.
  - 7.2.3 request alarm response using public safety telephone numbers designated by the Alarm Administrator.
  - 7.2.4 attempt to verify:
    - 7.2.4.1 **For Burglar Alarms:** Attempt to verify, by contacting the Alarm Site and/or Alarm User to determine whether an Alarm Signal is valid before requesting dispatch. Verification shall require, at a minimum, that a second attempt be made to a different point of contact if the first attempt fails to reach an Alarm User who can properly identify themselves and attempt to determine whether an Alarm Signal is valid. The exception is in the case where a crime-in-progress has been verified by real-time audio/video surveillance of an Alarm Site by the Alarm Monitoring Company, by means of devices that permit either the direct, live listening in or viewing of an Alarm Site or portions thereof.
      - 7.2.4.1.1 Utilize AVS-01 standardized methods for calculating an alarm score based on information obtained from verification methods such as performing ECV, viewing audio and/or video data or receiving multiple alarms in a short amount of time.
    - 7.2.4.2 **Holdup Alarms:** Attempt to verify, by contacting the Alarm Site and/or Alarm User to determine whether an Alarm Signal is valid before requesting dispatch is encouraged, but not required. Dispatch may be requested immediately in the case of a panic, duress or holdup or robbery alarm, or in cases where a crime-in-progress has been verified by real-time audio/video surveillance of an Alarm Site by the Alarm Monitoring Company, by means of devices that permit either the direct, live listening in or viewing of an Alarm Site or portions thereof.

- 7.2.4.3 **For Fire Alarms:** Attempt to verify the alarm at single family dwellings by contacting the premises and/or the alarm user to determine if the alarm is valid or not. This process shall not take longer than 90 seconds.
- 7.2.4.4 **For Hazardous Gas Alarms:** A call to alert occupants to leave the premises is encouraged, but a dispatch request to either the fire department or gas company is required regardless of on-site feedback, as many gasses may be undetectable by sight or smell.
- 7.2.5 communicate any available information related to the Alarm Dispatch Request, including:
  - 7.2.5.1. Alarm User registration number.
  - 7.2.5.2. nature of the alarm (i.e.: fire, hazardous gas, burglary, robbery, panic, duress, silent or, audible).
  - 7.2.5.3. specific location of all alarm signals (interior or perimeter, north, south, front, back, floor, etc.).
  - 7.2.5.4. advise that the Alarm User or the Keyholder is on the way to the Alarm Site with their estimated time of arrival (ETA) and description of vehicle.
  - 7.2.5.5. Alarm Monitoring Company operator name and I.D. number.
  - 7.2.5.6 Alarm Monitoring Company telephone call back number.
  - 7.2.5.7 Alarm Monitoring Company license number (License number assigned by the Alarm Administrator)
- 7.2.6 contact the Alarm User or Keyholder within 24 hours via mail, telephone or other electronic means when an Alarm Dispatch Request is made with a summary of the alarm events.
- 7.2.7 maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Alarm Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Alarm Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.
- 7.2.8 notify the Alarm Administrator if it takes over responsibility for Alarm System accounts from another Person and provide details as may be reasonably requested by the Alarm Administrator.
- 7.2.9 designate one individual as the Alarm Response Manager for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator. The appointed individual must be knowledgeable of the general provisions of the ordinance, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, phone number, and email address of the designated Alarm Response Manager must be provided to the Alarm Administrator and updated on an annual basis or when the designated Alarm Response Manager changes.
- 7.2.10 provide the Alarm Administrator with a customer list in a format acceptable to the Alarm Administrator, upon request.
- 7.2.11 not use Automatic Voice Dialers.
- 7.2.12 not make an Alarm Dispatch Request in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption, unless there is human, audio or video verification of an actual criminal offense.

## SECTION 8 DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR

- 8.1 **The Alarm Administrator shall:**
  - 8.1.1 designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests.
  - 8.1.2 establish a procedure to accept cancellation of Alarm Dispatch Requests.
  - 8.1.3 establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records.
  - 8.1.4 establish a procedure for the notification to the Alarm User of a False Alarm.
  - 8.1.5 make a copy of this ordinance and/or an ordinance summary sheet available to the Alarm User.
  - 8.1.6 upon receipt of a completed alarm registration application form and the alarm registration fee, the Alarm Administrator shall register the applicant unless the applicant has:
    - 8.1.6.1 failed to pay a fine or fee assessed under this ordinance; or
    - 8.1.6.2 had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

- 8.1.7 notify the Alarm User in writing after each billable False Alarm. The notification shall include: the amount of the fine for the False Alarm, notice that the Alarm User can attend alarm user awareness class to waive a fine, the fact that response will be suspended after the *(Insert your number of false alarms here)* False Alarm, excluding duress, holdup and panic alarms, and a description of the appeals procedure available to the Alarm User.
- 8.1.8 notify the Alarm User and the Alarm Installation Company or Alarm Monitoring Company in writing *(Insert your number of days here)* days before the alarm response is to be suspended. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Alarm Monitoring Company.

8.2 **The Alarm Administrator may:**

- 8.2.1 require a conference with an Alarm User and the Alarm Installation Company and/or Alarm Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.
- 8.2.2 create and implement an alarm user awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and public safety agencies in developing and implementing the class. The class shall inform alarm users of the problems created by False Alarms and teach Alarm Users how to avoid causing False Alarms.
- 8.2.3 require an Alarm User to remove a holdup alarm device that is a single action, non-recessed button, or have it replaced with an acceptable dual-action or recessed device after the occurrence of a false holdup alarm.
- 8.2.4 require an Alarm User to remove the duress or panic alarm capability from their Alarm System after a specified number of false alarms *(insert your number of false alarms here)*.
- 8.2.5 require an Alarm User to upgrade their Alarm System or change the manner in which dispatches are requested in order to reduce False Alarms.

## SECTION 9 ENFORCEMENT

- 9.1 Notice of the right of appeal under this ordinance shall be included with any fines.

9.2 **User Fines:**

- 9.2.1 It is hereby found and determined that *(Insert your number of false alarms here)* or more False Alarms within a *(Insert your choice "twelve-month period preceding an alarm" or "registration year" or "calendar year" or "fiscal year")* is excessive, constitutes a public nuisance, and shall be unlawful.
- 9.2.2 Civil penalties for False Alarms within a registration year may be assessed against an Alarm User as established by resolution
- 9.2.3 An Alarm User may be issued a fine established by resolution for any other violation of this ordinance or any other applicable local or state law.
- 9.2.4 An Alarm User may have the option of attending an alarm user awareness class in lieu of paying one prescribed fine.
- 9.2.5 If cancellation of an Alarm Dispatch Request occurs prior to public safety arriving at the scene, no False Alarm will be assessed.

9.3 **Alarm Installation or Servicing Company Fines:**

- 9.3.1 The Alarm Installation or Servicing Company shall be issued a fine established by resolution if the officer responding to the False Alarm or the Alarm Administrator determines that an on-site employee of the Alarm Installation or Servicing Company directly caused the false alarm. In this situation, the False Alarm will not be counted against the Alarm User.
- 9.3.2 The Alarm Installation or Servicing Company shall be issued a fine established by resolution if the Alarm Administrator determines that an Alarm Installation or Servicing Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.
- 9.3.3 An Alarm Installation or Servicing Company may be issued a fine established by resolution for any other violation of this ordinance or any other applicable local or state law.

9.4 **Alarm Monitoring Company:**

- 9.4.1 An Alarm Monitoring Company shall be issued a fine established by resolution for each failure to Verify Alarm System signals as specified in this ordinance. In this situation, the False Alarm will not be counted against the Alarm User.
- 9.4.2 An Alarm Monitoring Company shall be issued a fine established by resolution if the Alarm Administrator determines that an employee of the monitoring company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the alarm user.



- 9.4.3 An Alarm Monitoring Company may be issued a fine established by resolution for any other violation of this ordinance or any other applicable local or state law. In this situation, the False Alarm will not be counted against the alarm user.
- 9.5. **Suspension of Response:**
- 9.5.1 The Alarm Administrator may suspend law enforcement response to alarms at a specified Alarm Site by revoking the alarm registration if it is determined that:
- 9.5.1.1 the Alarm User has *(Insert your number here)* or more false alarms in a *(Insert your choice "twelve month period preceding an alarm" or "registration year" or "calendar year" or "fiscal year")*;
- 9.5.1.2 there is a statement of a material fact known to be false in the application for a registration;
- 9.5.1.3 the Alarm User has failed to make timely payment of a fine or fee assessed under this ordinance;
- 9.5.1.4 the Alarm User has failed to submit a written certification from an Alarm Installation or Servicing Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation or Servicing Company;
- 9.5.1.5 the Alarm User has refused to comply with the registration requirement *(enter number of days)* after being notified by the Alarm Administrator of the requirement.
- 9.5.2 Unless there is separate indication that there is a crime in progress, the *(Insert the appropriate next level of appeal for your municipality here)* will refuse law enforcement response to an Alarm Dispatch Request to a burglar alarm at an Alarm Site for which the alarm registration is revoked.
- 9.5.3 If the alarm registration is reinstated pursuant to this ordinance, the Alarm Administrator may again suspend response to the Alarm Site by again revoking the alarm registration if it is determined that *(Insert your number here)* False Alarms have occurred within *(Insert your number here)* days after the reinstatement date.

## SECTION 10 APPEALS

- 10.1 If the Alarm Administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm registration, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation or Servicing Company and/or Alarm Monitoring company.
- 10.2 The Alarm User, Alarm Installation or Servicing Company or Alarm Monitoring Company may appeal an assessment of a fine or the revocation of an alarm registration to the Alarm Administrator by setting forth in writing the reasons for the appeal within twenty (20) business days after notice of the fine or revocation.
- 10.3 The Alarm User or the Alarm Installation or Servicing Company or Alarm Monitoring Company may appeal the decision of the Alarm Administrator to the *(Insert the appropriate next level of appeal for your municipality here)* as follows:
- 10.3.1 the applicant may file a written request for a review by paying an appeal fee established by resolution and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator.
- 10.3.2 the *(Insert the appropriate next level of appeal for your municipality here)* shall conduct a review within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s).
- 10.3.3 the *(Insert the appropriate next level of appeal for your municipality here)* shall make its decision on the basis of the preponderance of evidence presented at the hearing.
- 10.3.4 the *(Insert the appropriate next level of appeal for your municipality here)* must render a decision within fifteen (15) days after the date of the hearing. The *(Insert the appropriate next level of appeal for your municipality here)* shall affirm or reverse the decision of the Alarm Administrator.
- 10.4 Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an alarm registration or requiring payment of a fine, until the *(Insert the appropriate next level of appeal for your municipality here)* has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.
- 10.5 Alarm Administrator or *(Insert the appropriate next level of appeal for your municipality here)* may adjust the count of false alarms including but not limited to:
- 10.5.1 evidence that a False Alarm was caused by severe windstorms, electrical storms, tornadoes, floods, earthquakes or some other violent act of nature;
- 10.5.2 evidence that a False Alarm was caused by action of the utility company beyond the control of the alarm user;
- 10.5.3 evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- 10.5.4 evidence that the alarm dispatch request was not a False Alarm;
- 10.5.5 malicious causes beyond the control of the Alarm User;

- 10.5.6 in determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period may be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.
- 10.6 With respect to fines of an Alarm Installation or Servicing Company or Alarm Monitoring Company the Alarm Administrator or *(Insert the appropriate next level of appeal for your municipality here)* may take into consideration whether the Alarm Installation or Servicing Company or Alarm Monitoring Company had engaged in a consistent pattern of violations or has taken corrective action.

## **SECTION 11 REINSTATEMENT**

- 11.1 A Person whose alarm registration has been revoked may, at the discretion of the Alarm Administrator, have the alarm registration reinstated if the person:
- 11.1.1 pays a reinstatement fee established by resolution;
  - 11.1.2 pays, or otherwise resolves, all outstanding citations and fines; and
  - 11.1.3 provides satisfactory evidence to the Alarm Administrator that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation or Servicing Company; and/or that additional training in the proper use of the Alarm System as provided by the Alarm Installation or Servicing Company for all Alarm Users.
- 11.2 In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:
- 11.2.1 proof that an employee of the Alarm Installation or Servicing Company or Alarm Monitoring Company caused the False Alarm;
  - 11.2.2 a certificate showing that the Alarm User has successfully completed the alarm user awareness class;
  - 11.2.3 evidence that the alarm control panel has been upgraded to meet ANSI/SIA Control Panel Standard CP-01;
  - 11.2.4 a written statement from a local independent inspector with a license and/or credential approved by the Alarm Administrator stating the alarm system has been inspected and is in good working order;
  - 11.2.5 confirmation that the Alarm Monitoring Company will not make an Alarm Dispatch Request unless the need for public safety is confirmed by audio or video verification, or by a Person at the alarm site.

## **SECTION 12 CONFIDENTIALITY**

In the interest of public safety, all information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

## **SECTION 13 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 public safety response may be influenced by factors such as: the availability of public safety units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

## **SECTION 14 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.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.