

04 Ordinance, 2004-11

CITY OF HYATTSVILLE ORDINANCE 2004-11

An Ordinance whereby the City Council adds Chapter 37 ALARM REGISTRATION to the City Code requiring the registration of alarm systems with the City and providing procedures and penalties to prevent false alarms.

WHEREAS, Maryland Annotated Code, Article 23A, Section 2 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of their citizens; and

WHEREAS, the Mayor and City Council are aware that the use of alarm systems to protect property enhances the safety of neighborhoods; and

WHEREAS, the Mayor and City Council are cognizant that the misuse of such alarm systems nevertheless contribute to false alarms and unnecessary noise within neighborhoods; and

WHEREAS, the Mayor and City Council deem it appropriate to establish procedures for the registration of alarm systems within the City to avoid false alarms and to cut short the disturbance both to the police department and to the neighborhoods immediately surrounding such false alarms.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 37 is hereby added to the Hyattsville Code to read as follows:

Chapter 37

ALARM REGISTRATION

- § 37-1 Purpose.
- § 37-2 Definitions.
- § 37-3 Registration; License; Application; Fee; Transferability; False Statements.
- § 37-3.1 Alarm Systems in Rental Units.
- § 37-4 Duties of the Alarm User.
- § 37-5 Duties of the Alarm Company.
- § 37-5.1 Alarm Company License.
- § 37-6 Duties of the Alarm Administrator.
- § 37-7 Suspension of Response.
- § 37-8 Administrative Fees & Fines & Credits.
- § 37-9 Notification.
- § 37-10 Appeals.

- § 37-11 Reinstatement.
- § 37-12 Enforcement and Penalties.
- § 37-13 Confidentiality.
- § 37-14 Severability.

§ 1. Purpose.

(A) The purpose of this ordinance is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness and proper utilization of Alarm Systems and to reduce or eliminate False Alarms which may unduly divert law enforcement from responding to criminal activity.

(B) This ordinance governs systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

§ 2. Definitions.

In this Chapter:

(A) **Alarm Administrator** means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts. Unless otherwise provided by the City Administrator, the Alarm Administrator shall be the Chief of Police or his/her designee.

(B) **Alarm Company** means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or Monitoring an Alarm System in an Alarm Site.

(C) **Alarm Dispatch Request** means a notification to a law enforcement agency that an alarm, either manual or automatic has been activated at a particular Alarm Site.

(D) **Alarm Registration** means a permit issued by the Alarm Administrator to an Alarm Company or an Alarm User to operate an Alarm System in compliance with this Chapter.

(E) **Alarm Site** means a single fixed premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

(F) **Alarm System** means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or

electronic signal indicating an alarm condition and intended to summon law enforcement service of the municipality, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.

(G) **Alarm User** means any Person who (which) uses or is in control of any Alarm System at its Alarm Site.

(H) **Automatic Voice Dialer** means any device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency.

(I) **Cancellation** or Responding Agency Alarm Dispatch Cancellation is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring law enforcement agency response.

(J) **City** means the City of Hyattsville.

(K) **Conversion** means the transaction or process by which one Alarm Company begins monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.

(L) **Duress Alarm** means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.

(M) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

(N) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(O) **Law Enforcement Authority** means the Chief of Police or his other designees or an authorized representative of the City of Hyattsville.

(P) **License** means a License issued to an Alarm Company to sell, install, monitor, repair, or replace Alarm Systems by the City or any authority having jurisdiction.

(Q) **Local Alarm System** means any Alarm System that annunciates an alarm only by an internal or external audio device without connection to an external agency.

(R) **Monitoring** means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning Law Enforcement response to the Alarm Site.

(S) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234; One Plus Duress Code = 1235).

(T) **Panic** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(U) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(V) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

(W) **Verify** means an attempt, by the Alarm Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

(X) **Zones** are subdivisions into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

§ 3. Registration; License; Application; Fee; Transferability; False Statements.

(A) No Alarm User/Alarm Company shall operate, or cause to be operated, an Alarm System at an Alarm Site without a valid alarm registration/license issued by the Alarm Administrator. A separate registration is required for each Alarm Site.

(B)

(1) A fee paid by the alarm user for a registration and registration renewal for an Alarm Site shall be assessed every two years. The initial fee is \$50 for all alarm sites. No refund of a registration or registration renewal fee will be made. The initial registration fee must be submitted to the Alarm Administrator within five (5) days after the alarm installation or alarm Takeover.

(C)

(2) In renewing the alarm registration, the Alarm User shall be entitled to a credit in the renewal fee as follows:

(3) The fee paid by the alarm company for a license to operate an alarm system or alarm systems shall be \$150 if the alarm company operates less than five (5) systems in the City or \$300 if the alarm company operates five (5) or more alarm systems in the City. The license shall be for two (2) years unless revoked or superceded.

# of False Alarms	Credit
0	\$37.50
1	\$25.00
2	\$12.50

(D) Upon receipt of a completed application form and the proper fee, the Alarm Administrator shall register or license the applicant unless the applicant has:

(1) failed to pay a fee or a fine assessed under this Chapter; or

(2) had an alarm registration or license for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(E) Each Alarm Registration/License application must include the information as specified in the application and as further requested by the Alarm Administrator.

(F) Any false statement of a material fact made by an applicant on its application shall be sufficient cause for refusal to issue a registration or license or to revoke a registration or license and shall be a violation of this Chapter.

(G) An alarm registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the registration application within five (5) business days.

(H) All fees owed by an applicant must be paid before a registration or license may be issued or renewed.

(I) A registration and license shall expire two (2) years from the date of issuance, and must be renewed every two years by submitting an updated application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall attempt to notify each Alarm User or Alarm Company of the need to renew thirty (30) days prior to the expiration of the registration or license. It is the responsibility of the Alarm User or Alarm Company to submit an application prior to the expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. A \$25 late fee can be assessed if the renewal is more than thirty (30) days late. In the event a registration or license has not been renewed sixty (60) days after it expires, the

applicant for renewal shall be charged as a new registration or license, upon payment of a \$50 reinstatement fee.

(J) The Alarm Administrator may modify such fees to conform to any county tax credit program that is income related.

§ 3.1 Alarm Systems in Rental Units.

(A) A tenant of a rental unit with an Alarm System shall obtain an Alarm Registration from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's residential unit.

(B) The owner or property manager of an apartment complex shall obtain a separate alarm registration for any Alarm System operated in offices or common areas of the apartment complex. The fee for these registrations or the renewal of these registrations shall be the same as the fee for a non-residential Alarm Site.

(C) If an Alarm System installed by a tenant in a rental unit is Monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the rental unit.

(D) For purposes of enforcing this article against an individual residential unit, the tenant is responsible for False Alarms emitted from the Alarm System in the tenant's residential unit.

(E) Each apartment or rental unit shall be considered an Alarm Site.

§ 4. Duties of the Alarm User.

(A) An Alarm User shall:

(1) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms, and

(2) make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the City to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises, and

(3) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User shall 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 ten (10) minutes after being activated (or fifteen (15)

minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609).

(C) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms in any one (1) year period. The Alarm Administrator may waive an inspection requirement 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 properly Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate.

(D) An Alarm User shall not use Automatic Voice Dialers.

(E) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

(F) It shall be a violation of this Chapter for there to be more than two (2) false alarms per twelve (12) month period at any alarm site.

§ 5. Duties of Alarm Company.

(A) Beginning on September 1, 2004, Alarm Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress prior to September 1, 2004. After September 1, 2004 when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to section 4(C) of this ordinance, an Alarm Company must remove the One Plus Duress alarm capability from such Alarm System.

(B) Alarm Companies shall not install a device activating a hold-up alarm which is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a Takeover or Conversion occurs.

(C) Alarm Companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard – Features for False Alarm Reduction.

(D) After completion of the installation an Alarm Company employee shall review with the Alarm User the Customer False Alarm Prevention Checklist approved by the Alarm Administrator.

(E) An Alarm Company performing Monitoring services shall:

- (1) offer a training period in which no request for dispatch by Law Enforcement will occur during the first 7 days after installation of an Alarm

System, but rather will use that week to train the Alarm User on proper use of the Alarm System unless circumstances necessitate immediate requests for response as determined by the Alarm Administrator;

(2) report alarm signals by using telephone numbers designated by the Alarm Administrator;

(3) attempt to Verify every alarm signal, except a Duress and Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;

(4) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;

(5) communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;

(6) ensure that all Alarm Users of Alarm Systems equipped with a Duress or Holdup Alarm are given adequate training as to the proper use of the Duress or Holdup Alarm;

(7) communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;

(8) communicate type of alarm activation (silent or audible, interior or perimeter);

(9) provide Alarm User registration number when requesting dispatch;

(10) endeavor to contact the Alarm User when an Alarm Dispatch Request is made; and

(11) Alarm Companies that perform Monitoring services must maintain for a period of at least one (1) year, records relating to Alarm Dispatch Request. Records must include the name, address and phone 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 and the Alarm Company shall comply with such request.

(F) The Alarm Company can be issued a municipal infraction if the officer responding to the False Alarm determines that an on site employee of the Alarm Company directly caused the False Alarm. Such a false alarm will not be counted against the Alarm User for calculating administrative fees or issuing citations.

(G) It shall be unlawful for an Alarm Company to fail to verify if the Alarm Administrator determines the existence of a consistent pattern or written policy against verification.

(H) It shall be unlawful for an Alarm Company employee to make a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System and the Alarm Company can be issued a municipal infraction for such.

§ 5.1 Alarm Company License.

(A) The Alarm Company must have a City issued license to install, operate, maintain, monitor or repair alarm systems in the City

. (B) The Alarm Administrator can appeal to any appropriate governmental body regulating the Alarm Company to suspend or revoke the Alarm Company's License when the Alarm Company fails to comply with the duties listed in this Chapter. In the event the Alarm Administrator cannot obtain required information about the Alarm Company from the governmental body regulating the Alarm Company, the Alarm Administrator can require the Alarm Company to supply the required information in a registration with the Alarm Administrator.

§ 6. Duties of the Alarm Administrator.

(A) The Alarm Administrator shall:

(1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests;

(2) establish a procedure to accept Cancellation of Alarm Dispatch Requests;

(3) establish, promulgate and amend regulations in conformity with this Chapter including procedures for any law enforcement dispatchers or officers and notification of false alarms to Alarm Users and Alarm Companies;

(4) establish a procedure to record information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records;

(5) establish a procedure for the notification to the Alarm User and/or Alarm Company of a False Alarm.

(B) If there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Administrator may require a conference with an Alarm User

and the Alarm Company responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

(C) The Alarm Administrator may oversee the creation and implementation of a Alarm User Awareness Class. The Alarm Administrator may request the assistance of Alarm Companies and a law enforcement agency 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 operate their Alarm Systems without generating False Alarms.

(D) The Alarm Administrator shall have the authority, with the approval of the City Administrator, to promulgate and amend regulations to implement this Chapter.

§ 7. Suspension of Response.

(A) The Alarm Administrator may suspend alarm response if it is determined that:

(1) the Alarm User has four (4) or more False Alarms in a twelve (12) month period; or

(2) there is a false statement of a material fact in the application for a registration; or

(3) the Alarm User has failed to make timely payment of a fee or fine assessed under this Chapter.

(4) the Alarm User has failed to submit a written certification from an Alarm Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company.

(B) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority may refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the alarm registration is suspended.

(C) If the alarm registration is reinstated pursuant to Section 10, the Alarm Administrator may suspend alarm response if it is determined that two (2) False Alarms have occurred within sixty (60) days after the reinstatement date.

§ 8. Administrative Fees & Fines & Credits.

(A) An Alarm User or Alarm Company shall be subject to warnings and suspension or revocation of registration or license upon the Alarm Administrator considering the number of False Alarms emitted from an Alarm System and the person responsible for such false alarms.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which his alarm registration or license is suspended and is subject to enforcement and penalties in this Chapter. An Alarm Company commits an offense if it continues to request Law Enforcement dispatch to an Alarm Site after notification by the Alarm Administrator that the registration has been suspended or revoked and is subject to enforcement and penalties in this Chapter.

(C) Any Person, operating or monitoring a non-registered Alarm System (whether suspended or never acquired), will be subject to a municipal infraction citation and assessment of a \$250 fine for each day the Alarm System remains unregistered, in addition to any other fees or fines.

(D) An Alarm User may be offered the option of attending an Alarm User Awareness Class in lieu of losing a credit fee for a false alarm.

(E) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of this Ordinance.

(F) It shall be a violation of this Chapter punishable by municipal infraction if more than two (2) false alarms per twelve (12) month period occur regarding one (1) alarm site. The fine for such a violation is \$50 per false alarm for the first violation (i.e. the third false alarm). Any false alarm occurring twelve (12) months after a violation of this subsection F shall be a subsequent violation. The fine for a subsequent violation shall be \$100 for the second, third and fourth violation (i.e. the fourth, fifth and sixth false alarm), and \$200 per false alarm for each subsequent offense thereafter. The penalties here apply to registered and non-registered sites and are in addition to other penalties already provided herein.

(G) Unless otherwise provided herein, any violation of this Chapter, including the non-payment of an administrative fee, shall be a municipal infraction punishable with a \$100.00 fine. A second violation within one year shall incur a fine of \$200.00.

§ 9. Notification.

(A) The Alarm Administrator shall notify the Alarm User in writing after the first, second and third False Alarms. The notification shall include: the amount of the fine for each False Alarm, the availability of Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the fourth False Alarm and a description of the appeals procedure available to the Alarm User.

(B) The Alarm Administrator will notify the Alarm User and the Alarm Company in writing after the fourth False Alarm that alarm response has been suspended. This notice of suspension will also include the amount of the fee for each False Alarm and a description of the hearing procedure available to the Alarm User and the Alarm Company.

§ 10. Appeals.

(A) An Alarm User or Alarm Company may appeal the fee, suspension, or request reinstatement to the Alarm Administrator. An appeal fee of \$25 will accompany the appeal by the Alarm User. Appeal fees will be returned to Alarm User if the appeal is upheld. The filing of an appeal with the Alarm Administrator stays the assessment of the fee or suspension until the Alarm Administrator makes a final decision.

(1) The Alarm User shall file a written appeal to the Alarm Administrator by setting forth the reasons for the appeal within ten (10) days after receipt of the fee or notice.

(2) The decision of the Alarm Administrator or his/her designee(s) shall be final.

(B) The Alarm Administrator may designate a person or board (designee) to hear such appeal. If one person is designated, the person may not be employed in the Alarm Administrator's Department. If more than one person is designated, a majority must not be employed by the Alarm Administrator's Department.

(C) The Hearing shall be informal and the Rules of Evidence and formal procedures shall not apply. The hearing shall be held after notice to appellant of the date, time and place of hearing.

(D) If the Alarm Administrator denies the issuance or renewal of an Alarm Registration, or suspends response, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the applicant or Alarm User and the Alarm Company.

§ 11. Reinstatement.

(A) A Person whose alarm response license, or registration has been suspended or revoked may be reinstated by the Alarm Administrator if the Person provides reasonable proof that the cause of the suspension or revocation will not reoccur. The applicant may be required as applicable to do the following:

(1) submit an updated application and the registration fee;

(2) pay, or otherwise resolve, all citations and fines and fees;

(3) submit a certification from an Alarm Company that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company. Payment of a municipality inspection and reinstatement fee of \$50 may be required;

(4) submit proof that an employee of the Alarm Company caused the False Alarm;

(5) file with the Alarm Administrator, a certificate showing that the Alarm User has successfully completed the Alarm User Awareness Class as provided under Section 6;

(6) file with the Alarm Administrator a written statement from a municipality alarm inspector designated by the Law Enforcement Authority that the alarm or Alarm System has been inspected and found to be in good working order or repaired so as to be in good working order.

§ 12. Enforcement and Penalties.

Enforcement of this ordinance may be by civil action instituted by the Alarm Administrator, and/or by municipal infraction, as provided above in Subsection 8.

§ 13. Confidentiality.

Information contained in registration application 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.

§ 14. Severability.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on June 7, 2004.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on July 19, 2004.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor

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