

ARTICLE IV. ALARM SYSTEMS*

***Editor's note:** Ord. No. 145 of 1988, § 1, adopted March 14, 1988, repealed and reenacted Article IV to read as herein set out. Former Art. IV, police alarm systems, comprising §§ 42-101--42-112, 42-121--42-124, was derived from Code 1950, §§ 214.1--214.3, 214.4-1--214.4-4, 214.5-1--214.5-6, 214.6-1, 214.6-4, and 214.7.

Cross references: Police alarms and alarm systems fees, § 32-103; fire alarm monitoring, § 22-41 et seq.

DIVISION 1. GENERALLY

Sec. 42-101. Purpose.

It is the purpose of this article to protect and promote the health, safety and general welfare of the residents of the city by reducing the number of avoidable alarms to emergency agencies. Avoidable alarms contribute to ineffective utilization of public safety manpower and equipment. In addition, avoidable alarms require emergency responses which may contribute to a high accident rate and delayed responses to genuine emergencies. This article seeks to ensure that police, ambulance, and fire communications facilities will be available to dispatch police, ambulance and fire personnel or actual emergencies and to alleviate the nuisance of audible [avoidable] alarms to the surrounding community. Another purpose of the article is to provide the city with the names of responsible people to contact in the case of activation of an alarm. Nothing in this article should be construed to imply any guarantee of emergency response by the city to any activated alarm.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 770-96, § 1, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-102. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

Alarm business: Any person who engages in the business of selling, altering, installing,

leasing, maintaining, repairing, replacing, servicing, monitoring, or responding to an alarm system. *Alarm subsystem:* That part of an alarm system which is designed for a particular hazard or emergency, and which is part of an alarm system designed for multiple hazard or emergency warnings. For example, an alarm system which provides both fire and intrusion warnings may have a fire alert subsystem.

Alarm system: A device or an assembly of equipment which is intended to alert persons outside a premises to a forcible entry or intrusion into the premises or to a fire or conditions similar to fire on the premises; by connection to a private answering point for the purpose of reporting to emergency agencies, by connection to a private security

service, or by direct connection to an emergency agency. The term does not include local alarm systems or proprietary systems.

Alarm user: Any person who owns, leases or uses an alarm system within the city, except for a person whose alarm system is on a motor vehicle. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises in the city, the person using such system is an alarm user.

Avoidable alarm: The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner, user, custodian or lessee of an alarm system, or his employees or agents, or through any other cause, whereby notification to an emergency agency indicates that an emergency situation exists requiring response by an emergency agency when, in fact, no such emergency situation exists. An avoidable alarm also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. Avoidable alarm does not include alarms activated by violent conditions of nature, such as blizzards, tornadoes, earthquakes, or any other similar cause beyond the control of the user of an alarm system. Activation of an alarm system under circumstances in which the activator reasonably believes that an emergency situation exists is not an avoidable alarm.

Emergency agency: The police department or fire department.
False hold-up alarm: Any signal actuated by a hold-up alarm to which the police respond but which is not the result of a hold-up or robbery.

False police alert alarms: Any signal activated by a police alert alarm to which police respond but which is not the result of an imminent danger of death or bodily injury.

Hold-up alarm: Any police alert alarm actuated by a hold-up or robbery at a specific location; or actuated by a victim of a hold-up or robbery at a specific location.

Local alarm system: A signaling system which, when activated, causes an audible signaling device to be activated outside the premises within which the system is installed.

Police alert alarm: An alarm or alarm system component which is intended to be used to signal police in an emergency situation where an imminent danger of death or bodily injury exists.
Private answering point: A business which offers the service of receiving emergency signals, monitoring said signals, and relaying them to an emergency agency.

Proprietary system: An alarm, sound and/or recording alarm and supervisory signals at a control center located within the premises protected by the alarm, which does not activate an alert to persons outside of the premises and is not intended to alert an emergency agency, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to an emergency agency or to a private answering point, or to a local alarm system, it thereby becomes an "alarm system" as defined in this section.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 298-88, § 1, 5-23-88; Ord. No. 432-02, § 1, 6-3-02)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 42-103. Exemptions; conferences with alarm users.

(a) *Generally.* The provisions of this article shall not apply to proprietary alarm systems, alarm systems mandated by the Denver Building or Fire Code, alarm systems

used by federal, state or local governmental agencies or authorities or alarm systems located in public, elementary or secondary schools. Federal, state or local governmental agencies, public schools, and other public entities defined in C.R.S. Sec. 24-10-103(5) using alarm systems may obtain a permit, but shall not be required to do so.

(b) *Exception.* If there is reason to believe that any alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the police department, excise and licenses, fire department, or the building department may require a conference with an alarm permit holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 228-90, § 1, 4-23-90; Ord. No. 645-90, § 1, 10-29-90; Ord. No. 770-96, § 2, 9-3-96; Ord. No. 432-02, § 1, 6-3-02)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

DIVISION 2. USER ALARMS

Sec. 42-104. Alarm user permits required.

(a) It shall be unlawful for any person to own, use, lease, operate, or maintain an alarm system within the city unless such person shall have first obtained a permit from the director of excise and licenses. There will be no guaranteed police department response to unpermitted systems. If, in a permit year, a permitted system generates five (5) avoidable alarms, which are recorded and upheld following any appeal as described in section 42-112, the alarm call status for police assistance for that permitted system will change from "emergency" to "general broadcast," as described in section 42-111. This status will remain in effect until a new permit year begins.

(b) The city shall issue only one permit for each premises.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 645-90, § 2, 10-29-90; Ord. No. 770-96, § 3, 9-3-96; Ord. No. 432-02, § 2, 6-3-02)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-105. Alarm user permit application.

(a) In order to obtain an alarm user permit, any person who operates an alarm system shall submit an application for such permit in the form designated by the city, which application shall contain the following:

- (1) The name, address and telephone number of the person applying for a permit.
- (2) The address of the premises upon which the alarm system is or will be located.
- (3) The type of alarm system for which the permit is sought.
- (4) The name of the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, if applicable.
- (5) If available, the name and telephone number of two (2) other persons who can be reached at any time, day or night, and who are authorized by the owner of the premises in which the system is installed to open the premises.
- (6) Any other information as the director of excise and licenses may require.
- (7) The annual permit fee as set forth in section 32-46.5.

(b) The information required on the permit application shall be treated as confidential and shall not be made available to members of the general public. The council finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on a permit application shall be used by the city only for law enforcement purposes.

(c) The manager of safety and the director of excise and licenses shall issue such rules, regulations and procedures governing use of permit applications as are necessary to protect their confidentiality and provide for the efficient management of information. (Ord. No. 145-88, § 1, 3-14-88; Ord. No. 770-96, § 4, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-106. Issuance.

Upon receipt of a properly executed application, the director of excise and licenses shall issue an alarm user permit to the applicant. Alarm user permits shall not be transferable and shall be maintained on the premises where the alarm system is located and made available for inspection by police, fire, excise and licenses, and building department personnel. Issuance of an alarm user permit, however, does not guarantee emergency response to the alarm.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 770-96, § 5, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-107. Duration of permit.

An alarm user permit shall be valid for one (1) calendar year from date of issue.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 405-89, § 1, 7-31-89; Ord. No. 770-96, § 6, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-108. Reserved.

Editor's note: Ord. No. 770-96, § 7, adopted Sept. 3, 1996, repealed § 42-108, effective Feb. 1, 1997, which pertained to revocation of permit and derived from Ord. No. 145-88, § 1, adopted Mar. 14, 1988; Ord. No. 405-89, § 2, adopted July 31, 1989; and Ord. No. 645-90, § 3, adopted Oct. 29, 1990.

Secs. 42-109, 42-110. Reserved.

Editor's note: Ord. No. 405-89, § 3, adopted July 31, 1989, repealed §§ 42-109 and 42-110, pertaining to permit renewals and renewal fees, as derived from Ord. No. 145-88, § 1, adopted March 14, 1988.

Sec. 42-111. Notice of excessive use.

The city shall notify an alarm user in writing, by means of first class mail sent to the address listed on the permit application, when an alarm user has had three (3) and five (5) avoidable alarms during a permit year. Such notice shall inform the alarm user that after five (5) avoidable alarms, the police department will change the call for service from

emergency to "general broadcast," meaning a patrol car will not be dispatched to the call site but an officer in the vicinity may check the premises.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 405-89, § 4, 7-31-89; Ord. No. 770-96, § 8, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-112. Challenge to avoidable alarm classification.

The director of excise and licenses shall establish procedures for administrative review of avoidable alarms to provide an opportunity for an alarm user to challenge each avoidable alarm during a permit year to present evidence as to why any such alarm should not be classified as an avoidable alarm. In order to present such evidence for administrative review, an alarm user must so notify the director of excise and licenses in writing within thirty (30) days after the date of mailing of any notification of an avoidable alarm. The failure to give timely notice shall be deemed a waiver of the right to challenge the classification of avoidable alarm. If, within thirty (30) days after notification of avoidable alarm number five (5), an alarm user does not request an administrative review, or if the classification is upheld after administrative review, additional calls for service generated from the user's system will receive the police department's "general broadcast" classification. Alarm users eligible for and awaiting an administrative review will continue to receive emergency service, pending the director of excise and licenses' determination.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 770-96, § 9, 9-3-96)

Editor's note: Ord. No. 770-96, § 11, adopted Sept. 3, 1996, provided for an effective date of Feb. 1, 1997.

Sec. 42-113. Police and fire alarm interface.

(a) It shall be unlawful to own, lease or use an alarm system which transmits signals directly to the police or fire department unless the transmission is in a manner and form approved by the appropriate department and uses special trunk lines or other communication facilities designated by the appropriate department.

(b) Alarm systems which are interconnected or otherwise transmit signals directly to the police or fire departments shall be subject to the laws, rules, regulations and penalties adopted by the city relating to such systems.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 645-90, § 4, 10-29-90)

Sec. 42-114. Local alarms.

All local alarm systems shall become deactivated and silenced automatically after a period of time not to exceed fifteen (15) minutes. Police and/or fire officials may disable an audible alarm signal that has not been silenced prior to the expiration of the fifteen (15) minute period, and shall not be liable for any damage that may result.

(Ord. No. 145-88, § 1, 3-14-88)

DIVISION 3. FALSE HOLD-UP AND POLICE ALERT ALARMS

Sec. 42-115. Permit for police alert alarms; charges for false alarms.

(a) *Permit for police alert alarms.* No person shall own, use, lease, operate or maintain a police alert alarm within the city unless such person shall have first obtained a permit from the director of excise and licenses. The permit application shall contain such information as the director of excise and licenses, with the advice of the manager of safety, shall require.

(b) *False hold-up and false police alert alarm charges.* Activation of hold-up alarms or police alert alarms shall be deemed an intentional act for which a required fee shall be deemed imposed [for false alarms]. Any user of such alarms shall pay to the city a charge of fifty dollars (\$50.00) for each and every false hold-up alarm or false police alert alarm to which police respond.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 298-88, § 2, 5-23-88; Ord. No. 432-02, § 3, 6-3-02)

DIVISION 4. VENDOR LICENSING*

***Cross references:** Licenses generally, Ch. 32.

Sec. 42-116. Required.

(a) It shall be unlawful for any business, firm, corporation or other commercial entity to operate, monitor, maintain, install or sell an alarm system without a license from the director of excise and licenses.

(b) It shall be unlawful for any alarm business to operate, maintain or monitor an alarm system within the city unless such alarm system has a permit, granted by the director of excise and licenses, in full force and effect.

(c) When an alarm business required to be licensed under this division requests a response by an emergency agency to the location of an alarm system, they shall provide to the emergency agency the permit number assigned by the department of excise and licenses to the alarm system. The alarm business shall be charged a penalty of twenty-five dollars (\$25.00) for providing an incorrect alarm system permit number or no permit number. Any alarm business required to be licensed under this division shall be charged a penalty of twenty-five dollars (\$25.00) each and every time they request an emergency response to an alarm or alarm system that has not been issued a permit granted by the director of excise and licenses pursuant to this article. No alarm business shall be allowed to renew its license if any penalties due and owing under this subsection are unpaid. Any agency receiving a request for an emergency response to an alarm or alarm system shall notify the department of excise and licenses when a request for emergency response to an alarm or alarm system that has not been issued a permit pursuant to this article is received, or when either an incorrect or no alarm system permit number has been provided. This notification shall include the name of the alarm business making the request, date and time of the request, and the location to which the response was requested and, if either an incorrect or no alarm system permit number was provided by the alarm business, the correct and incorrect alarm system permit number, or the fact no alarm permit number was provided. The department of excise and licenses shall notify

the alarm business requesting the response that the location was not permitted or that either an incorrect or no alarm system permit number was provided, and assess the penalty. The penalty shall be considered due, owing, and payable to the city thirty (30) days after the department of excise and licenses has sent notice to the alarm business of a request for an emergency response to an unpermitted alarm or that either an incorrect or no alarm system permit number was provided. If prior to the expiration of the thirty-day period, the alarm business provides proof satisfactory to the director of excise and licenses that the alarm or alarm system for which the emergency response was required was issued a permit by the department of excise and licenses prior to the request for an emergency response and that the correct alarm system permit number was provided, or, that the request for an emergency response to the unpermitted location was not made by the alarm business, the director of excise and licenses shall vacate the penalty. (Ord. No. 145-88, § 1, 3-14-88; Ord. No. 645-90, § 5, 10-29-90; Ord. No. 293-98, § 1, 5-4-98; Ord. No. 343-99, § 1, 5-3-99)

Sec. 42-117. Application.

A business, firm, corporation or other commercial entity that is in the business of owning, operating, maintaining, monitoring, installing or selling alarm systems shall submit in writing an application for a license to the director of excise and licenses. Such application shall contain, when applicable, specific provisions relating to testing procedures; to the skill and competency of the applicant to be a permittee; to the quality, efficiency and effectiveness of the alarm systems or proprietary systems owned or to be operated, maintained, monitored, installed or sold by the applicant; to procedures used to verify alarms and to such other information as the director shall find reasonably necessary to effectuate the purpose of this article. Each application shall indicate the name, address and telephone number of a representative of the applicant who can be contacted to service the applicant's alarm systems or proprietary systems. (Ord. No. 145-88, § 1, 3-14-88; Ord. No. 645-90, § 6, 10-29-90)

Sec. 42-118. Fee.

License fees under this division are prescribed in section 32-103. License fees for federal, state and local governmental agencies, public schools, and other public entities defined in C.R.S. Sec. 24-10-103(5) using alarm systems shall be waived. (Ord. No. 145-88, § 1, 3-14-88; Ord. No. 432-02, § 4, 6-3-02)

Sec. 42-119. Issuance.

The director of excise and licenses is hereby authorized to issue a vendor license to any business, firm, corporation or other commercial entity, authorizing such business, firm, corporation or other commercial entity to do business in the city by performing any or all of the following functions: to own, operate, maintain, install or sell alarm systems or proprietary systems. (Ord. No. 145-88, § 1, 3-14-88)

Sec. 42-120. Alarm business regulations.

(a) Every alarm business in the city shall provide all alarm systems purchasers or lessees with written instructions that provide adequate information to enable the alarm user to

operate the alarm properly. A current copy of all such written instructions shall be furnished to the director of excise and licenses upon its request.

(b) Every alarm business in the city shall provide all alarm system purchasers or lessees with an application for an alarm user permit in the form designated by the director.

(c) Every alarm business in the city which owns, operates, maintains, installs or sells police alert alarms shall provide all police alert alarm purchasers or lessees with an application for a police alert alarm permit.

(d) Any alarm business which monitors or responds to an alarm system shall verify all alarms other than police alert alarms or holdup alarms, if possible, by telephone or by another method of verification that has been approved by the director of excise and licenses. A record of all verification attempts shall be kept by the alarm business for a period of one (1) year and shall be made available to the director of excise and licenses upon request.

(Ord. No. 145-88, § 1, 3-14-88; Ord. No. 298-88, § 3, 5-23-88; Ord. No. 645-90, § 7, 10-29-90; Ord. No. 432-02, § 4, 6-3-02)

Sec. 42-121. Reserved.

Editor's note: Former § 42-121 pertained to expiration of user permit, was repealed by § 8 of Ord. No. 645-90, adopted Oct. 29, 1990, and derived from Ord. No. 145-88, adopted Mar. 14, 1988; and Ord. No. 228-90, adopted Apr. 23, 1990.

Secs. 42-122--42-130. Reserved.