ARTICLE II. ALARM SYSTEMS

Sec. 50-31. Title of article.

This article shall be known and cited as the Alarm Systems Code.

(Code 1981, § 20-181)

Sec. 50-32. Applicability of article.

The provisions of this article shall apply to the area within the city.

(Code 1981, § 20-182)

Sec. 50-33. Definitions.

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

Alarm business means the business of any person who sells, leases, maintains, monitors, services, repairs, alters, replaces, moves or installs any alarm system, or causes any alarm system to be sold,
leased, maintained, monitored, serviced, repaired, altered, replaced, moved or installed, in or on any building, structure, facility or premises.

*Alarm system* means any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

*Alarm user* means a person who uses an alarm system to protect any building, structure, facility or premises.

*Automatic tape-dialing device* means an alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

*Chief of police* means the police chief of the city, and includes his duly authorized agents.

*Department* means the department of police of the city.

*Direct signal alarm system* means an alarm system which provides for a special telephone line that is directly connected to the department and has an outlet at the department which emits a sound or transmits a signal, or both, when actuated.

*Director* means the director of finance of the city, and includes his duly authorized agents.

*Duress alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

*Dwelling unit* means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, roominghouses, tourist courts and motels.

*False alarm* means any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the city police department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the police chief or his designee determines that an alarm has been caused by the malfunction of the indicator at the department.
2. When the police chief or his designee determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company.
3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence.
4. When an alarm is intentionally caused by a resident or employee acting under a reasonable belief that a need exists to call the department.
5. When an alarm is followed by a call to the department cancelling the alarm by giving proper information, prior to the arrival of the department at the source of the alarm.
6. When the alarm is caused by a natural or manmade catastrophe, or an act of God, including such events as tornadoes, floods, earthquakes or other similar violent conditions.

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

*Licensee* means a person who has obtained an alarm business license under the provisions of this article.
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Residence means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, roominghouses, tourist courts and motels.

(Code 1981, § 20-183; G.O. No. 4807, § 1, 6-8-1998)

Cross reference—Definitions generally, § 1-2.

Sec. 50-34. Penalty; additional remedies.

(a) Any person who violates or causes a violation of any provision of this article shall be punished, upon conviction, in accordance with the provisions of section 1-7

(b) The city attorney may bring an action in the name of the city to restrain or prevent a violation of any provision of this article or any continuance of any such violation.

(Code 1981, § 20-196)

Sec. 50-35. Authority to establish additional regulations.

The director may establish, promulgate and enforce reasonable procedures in order to administer and enforce the provisions of this article.

(Code 1981, § 20-189)

Sec. 50-36. Alarm business license required; exceptions.

(a) No person shall engage or attempt to engage in the business of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this article. This license shall be in addition to all other licenses required by the city.

(b) No license shall be required of a person who sells alarm systems at his place of business or by mail, but neither installs nor maintains, nor offers to install or maintain, such system. For the purpose of this exception, maintenance does not include the repair under warranty of an alarm system without additional charge.

(Code 1981, § 20-184)

Sec. 50-37. Issuance of alarm business license.

(a) Application. A person applying for a license under this article or a renewal thereof shall file a written verified application with the director on a form provided by the director, which form shall require the following information and such other information as the director deems necessary:

(1) The application shall include the name, address and telephone number of the applicant.

(2) The application shall include the business or trade name, address and telephone number of the applicant:

a. If an unincorporated association, the names and addresses of the associates.

b. If a corporation, the corporation's registered name and the names and addresses of the local manager.
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c. If an individual proprietorship, the name and address of the proprietor.

(3) The application shall include the address of all offices of the alarm business in the city.

(4) The local manager shall make available to the chief of police, upon request, the name and address of any local employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him access to information about the installation and use of alarm systems for alarm users.

(5) The application shall include a statement of repair and maintenance service to be made available to the applicant's customers.

(6) The application shall include the name and address of the person designated by the applicant to receive notice issued under this article.

(7) The application shall include the signature of the applicant.

(b) Renewal. A person applying for a renewal of a license shall file his application in accordance with provisions of this article.

(c) Qualifications of applicants. The applicant shall have an affirmative duty to meet the following requirements, and upon the filing of a license application, the director shall conduct an investigation to determine whether the following requirements are satisfied:

(1) That the information contained in the license application is true.

(2) That the applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one year immediately preceding the date the license application is filed or does not have a license that is currently suspended.

(3) That neither the applicant nor any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him access to information in the installation and use of alarm systems for alarm users has been convicted of the following:
   a. Any felony involving moral turpitude within the previous five years;
   b. Any misdemeanor involving moral turpitude within the previous two years; or
   c. Repeated or continual violation of any provision of this article within the previous two years; provided, however, that denials under subsections (c)(3)a. and b. shall be subject to section 1-8 and subsection 70-51(b).

(4) That the types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through the applicant's alarm business are in compliance with this article.

The director may request the department to assist the director in the investigation of a license application. Any person who has been denied a license based on subsections (c)(3)a. or b. may submit proof of rehabilitation to the director, who shall consider such information in accordance with procedures set forth in subsection 70-326(1).

(d) Action by director. If the director determines that a license application satisfies the requirements prescribed by this section, the director shall issue a license; otherwise, the director shall deny the license application.

(e) Notification of applicant; appeal of denial. The director shall notify the applicant of the issuance of a license or denial of the license application. In the case of a denial of a license application, the director shall proceed in accordance with section 70-51. An applicant who has been denied an application may appeal such denial in accordance with procedures set forth in section 70-51.
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(f) **Expiration.** A license shall expire on December 31 next succeeding issuance thereof unless the applicant timely applies for license renewal in accordance with this article and the determination of the renewal request is delayed beyond January 31, in which case the licensee's license is extended pending the determination of the renewal request by the director; provided, however, no license that has been suspended or revoked shall be renewed until the period of suspension or revocation has expired.

(g) **Reapplication after denial.** If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been determined to lack good moral character in accordance with section 1-8, or has had a license revoked within one year immediately preceding the date the license application is filed, or has a license that is currently suspended, then the applicant, upon disassociation with the individual, may obtain a license upon reapplication.

(CODE 1981, § 20-185)

Sec. 50-38. Transfer of alarm business license; changes in information.

(a) A license issued under this article shall not be assigned or transferred.

(b) A licensee shall notify the director of the following information within ten days:

(1) Any change of control and ownership or management of the alarm business.

(2) Any change in address or a new address of the alarm business.

(3) Any change of trade name of the alarm business.

(4) Names of new local employees, agents, corporate officers, partners or business associates, which shall also be furnished to the chief of police when requested.

(5) Any change in the repair and maintenance services available by or through the licensee's alarm business.

(CODE 1981, § 20-188)

Sec. 50-39. Suspension or revocation of alarm business license.

(a) The director shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one or more of the following reasons:

(1) Attempted assignment or transfer of a license prohibited under subsection 50-38(a).

(2) Failure to notify the director of any change as required under subsection 50-38(b).

(3) Failure to comply with any reasonable rule or regulation of the director.

(4) Failure to provide proper instructions as required under section 50-42

(5) Failure to provide adequate repair and maintenance services as required by section 50-43

(6) Installation or replacement of alarm systems not in accordance with sections 50-46 and 50-47

(b) Suspension of a license may be for up to 30 days.

(c) A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.

(d) The director shall revoke a license for any one or more of the following reasons:
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(1) Conviction of the licensee of any felony or misdemeanor involving moral turpitude, or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for any felony or misdemeanor involving moral turpitude and whose position in the alarm business gives him access to information in the installation and use of alarm systems for alarm users.  

(2) Suspension of a license more than twice in any 12-month period.  

(3) The making of any false statement as to a material matter or the omission of any material fact in any application for a license or any change in information required under subsection 50-38(b).  

(e) After revocation of a license, a person may file a new application for a license pursuant to section 50-37.  

(Code 1981, § 20-190)  

Sec. 50-40. Investigations.  

For the purpose of enforcing this article, the director shall have the power to make an investigation pursuant to provisions of chapter 70, article III, division 2; provided, however, the director shall not have the authority under this section to seize or inspect records pertaining to the operation of a security system.  

(Code 1981, § 20-191)  

Sec. 50-41. Hearings.  

(a) No license issued under this article shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the director or a hearing officer in accordance with procedures set forth in subsection 70-51(c).  

(b) The director shall provide notice to the licensee as set forth in subsection 70-51(c). Procedures for revocation or suspension shall be as set forth in section 70-51.  

(c) An alarm user seeking to appeal an administrative civil penalty assessed pursuant to section 50-44 may do so by filing a request for a hearing in writing with the director of finance within 20 days from receipt of written notice from the city of the assessment of such civil penalty. Such hearing shall be scheduled and conducted pursuant to the procedures set out in sections 70-155, 70-156 and 70-157, and shall have binding effect and finality upon the parties and the issues as described in such sections. The burden of proof with respect to the issues involved in the assessment shall be as described in section 50-44.  

(Code 1981, § 20-192; G.O. No. 4807, § 2, 6-8-1998)  

Sec. 50-42. Duty of alarm businesses to furnish instructions on operation.  

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates.  

(Code 1981, § 20-186)
Sec. 50-43. Duty of alarm businesses to provide repair and maintenance services.

A licensee shall make available repair and maintenance services, including emergency services during nonbusiness hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service.

(Code 1981, § 20-187)

Sec. 50-44. Penalties for false alarms.

(a) Civil penalties. All false alarms, as defined in this article, to which the department responds, after the third false alarm in a one-year period, shall result in a civil penalty as set forth in the following schedule:

(1) Fourth false alarm from a facility other than a residence within a one-year period, $50.00 per false alarm call, and $50.00 per call for each false alarm call thereafter, to and including the seventh call.

(2) Eighth false alarm and each false alarm call thereafter from a facility other than a residence within a one-year period, $100.00 per call.

(3) Fourth false alarm from a residence within a one-year period, $15.00 per false alarm call and $15.00 per call for each false alarm call thereafter, to and including the seventh call; eighth false alarm and each false alarm call thereafter from a residence within a one-year period, $30.00 per call.

(b) Determination that false alarm has occurred. The burden of proof to prove that an alarm call falls within the exceptions to the false alarm definition shall be upon the person charged with the violation. Upon a determination by the department that more than three false alarms have occurred, the department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within 30 days. For the first three calls, the determination of the department shall be deemed to be conclusive as to whether or not a false alarm has occurred for all purposes, including prosecution under section 50-34, as described in this section. The department may consider, in determining whether or not the first three calls are false alarms, any written or oral statement that the alarm user submits, provided such statement is provided within 30 days after the date of notice for the fourth false alarm. Since no penalties accrue for the first three calls, it has been determined, as a legislative matter, that for administrative convenience there shall be no right to notice or right to contest or appeal the determination of the department for the first three calls.

(c) New systems. Any alarm user who has had an alarm system installed for less than 60 days shall not be subject to the penalties set forth in this article, nor shall any alarm that occurs within the first 60 days after installation be counted in determining whether more than three false alarms have occurred, provided:

(1) The alarm user, the alarm business or the installer submits to the department proof as to when the alarm system was installed within 30 days after notice is given by the department under subsection (b) of this section; and

(2) The department determines the date of the installation of the alarm system and that the alarm occurred within the first 60 days after the system was installed.

All persons who are licensed under provisions of this article shall provide, upon request from the department, information concerning the name of the alarm user, the date of the installation, the address where the alarm system was installed, the type of system installed, and such other information as the
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department may require to determine the date of installation. If such information has been submitted to the department and the department determines that the alarm did not take place within the first 60 days after installation of the alarm system, then the alarm user shall be subject to penalties set forth in this article. The alarm user may raise, as a defense to prosecution under this article, that the false alarm took place within the first 60 days after the alarm system was installed, provided the alarm user raised the issue and submitted proof to the department concerning the date of installation as required in this section. The alarm user shall have the burden of proving such defense.

(d) Exceptions. The department may cancel any notice or civil penalty upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in section 50-33.

(e) Criminal penalty. In addition to the civil penalties stated in this section, it shall be considered a violation of this article for an alarm user to have four or more false alarms in a one-year period, as defined in this section. In a prosecution for this violation under section 50-34, each false alarm after the third such false alarm shall constitute a separate violation. Further, in determining such a violation, the issues of whether an alarm constitutes an exception to the false alarm definition under section 50-33, or when a false alarm occurred with respect to the date of installation of the alarm system, shall be considered affirmative defenses, and the burden of raising and presenting evidence establishing such shall be upon the alarm user. Nothing contained in this section shall prohibit the court from imposing a fine that is higher than the civil penalty established in this section.

(f) Suspension of police response. In addition to the penalties set forth in this section, the department shall, upon sending notice of the fourth false alarm in one year, advise the alarm user that the department shall, upon the eighth false alarm in one year, declare that the alarm system constitutes a public nuisance, and police response will be suspended. Upon the eighth false alarm, police response will be suspended, and will be reinitiated only upon receipt of written verification from an alarm business stating that the alarm system is in good working order and that the personnel using that system have been trained in its proper operation. Upon the 12th false alarm within one year, police response shall be suspended for one year. The department shall notify the alarm user by ordinary mail sent to the location of the alarm system of any suspension of police response under this section. This suspension of police response described in this subsection is limited to situations in which the only indication of the need for a police response to the location is the alarm generated by the activation of the alarm system at issue, and shall not include any situations in which an alarm activation is accompanied by other information or verification indicating a need for a police response to that location.

Sec. 50-45. Duties of alarm businesses regarding verification of alarms.

(a) The alarm business monitoring an alarm system shall attempt to verify every alarm signal, except duress or holdup alarm activation, as other than a false alarm before requesting a police response to the alarm signal. This verification attempt shall include, at the minimum, a phone call to the business or a member of management for that purpose. The alarm business shall have an affirmative duty to advise the department of that attempt prior to requesting a police response.

(b) The alarm business monitoring an alarm system shall communicate all verified cancellations of alarm dispatch requests to the Springfield/Greene County Emergency Communications Department.

(c) If an alarm business provides, maintains, services or monitors an alarm system for one or more buildings containing one or more dwelling units together at a given location, under common ownership or management, containing a total number of 50 or more dwelling units in which alarms have been installed, the alarm business shall be responsible for performing or causing to be performed an on-site verification of an alarm as being other than false prior to requesting police response. The duty for on-site verification shall not include duress or holdup alarm activations. The
alarm business shall have an affirmative duty to advise the department of that verification prior to requesting a police response.

(G.O. No. 4807, § 4, 6-8-1998)

Sec. 50-46. Automatic dialing devices.

(a) No person shall install or use an automatic dialing device which is programmed to dial the department's telephone number or the city's emergency number 911.

(b) Within 90 days from the effective date of the ordinance from which this article is derived, all automatic dialing devices programmed to dial the department's telephone number shall be reprogrammed to dial any other consenting person who may relay the emergency message to the department by live voice. The alarm user of such device shall be responsible for having his alarm system reprogrammed within the 90-day time period.

(Code 1981, § 20-194)

Sec. 50-47. Audible alarms.

(a) For purposes of this section, the term "audible alarm" means an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

(b) No person shall install or use an audible alarm without a 15-minute timer.

(c) Within 90 days from the effective date of the ordinance from which this article is derived, any alarm user having an audible alarm shall be responsible for equipping it with a 15-minute timer.

(Code 1981, § 20-195)

Secs. 50-48—50-50. Reserved.