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## **SOP - SUFFOLK ALARM ORDINANCE**

### **ARTICLE II, ALARMS, DIVISION 3, POLICE RESPONSE ALARMS, REGARDING ALARM SYSTEMS REGULATION AND RESPONSE, AND PENALTIES FOR FALSE ALARMS, OF THE CODE OF THE CITY OF SUFFOLK**

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, as follows:

#### **DIVISION 3. POLICE RESPONSE ALARMS**

##### ***Sec. 30-81. Alarm systems regulation and response; purpose and definitions.***

###### **(a) Purpose.**

The purpose of this section is to reduce the dangers and inefficiencies associated with False Alarms and to encourage alarm companies and property owners to maintain the operational reliability, properly use Alarm Systems, and to reduce or eliminate False Alarm Dispatch Requests.

This section governs systems intended to summon law enforcement response, establishes service fees, establishes a system of administration, sets conditions for the suspension of law enforcement response and establishes a public education and training program.

###### **(b) Definitions.**

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

**Alarm administrator** means the person(s) designated by the police department and designated by the chief of police to administer the provisions of this section.

**Alarm agreement** means an agreement between the alarm company and the alarm user to provide alarm services.

## 30-81 DEFINITIONS

**Alarm installer checklist** means a check-off list provided by the police department's alarm administrator, or other checklist agreeable to the alarm administrator, to the alarm installer to complete at each alarm site after the installation of an alarm system and prior to its activation.

**Alarm dispatch request** means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.

**Alarm response manager (ARM)** means a person designated by an alarm installation company and monitoring company to handle alarm issues for the company and act as the primary point of contact for the jurisdiction's alarm administrator.

### **Alarm registration:**

**(a) Alarm user** - Information submitted by the alarm user to the alarm administrator which will activate the Suffolk Police Department's response to an alarm site.

**(b) Alarm business** - Information provided by an alarm installation company or monitoring company to the alarm administrator which will authorize the business to request the Suffolk Police Department's response to an alarm site.

**Alarm site** means a location served by one or more alarm systems. In a multiunit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

**Alarm system** means a device or series of devices which emit or transmit an audible or remote visual or electronic alarm signal which is intended to summon police response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes Local Alarm Systems, but does not include an

## 30-81 DEFINITIONS

alarm installed in a motor vehicle, on one's Person, domestic violence alarms, fire alarms, medical alarms, or a system which will not emit a signal

either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

**Alarm user** means any person, who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

**Alarm user awareness class** means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

**Alarm user list** means a list provided by the alarm user's alarm installation company or if no alarm agreement exists between the alarm user and an alarm installation company, the alarm user's monitoring company.

**Automatic voice dialer** means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the police department requesting a police dispatch to an alarm site.

**Burglar alarm** means an alarm intended to identify the presence of an intruder in either a business or residence.

**Burglary alarm crime in progress** means a burglar alarm dispatch request reported by a monitoring company that indicates a crime is in progress based upon an audio, video or similar verification device installed at the alarm site.

**Business license** means a business license issued by the commissioner of the revenue to an alarm installation company or monitoring company physically located in the city, to sell, install, monitor, repair, or replace alarm systems. The term does not include a security alarm license issued by the police department.

## 30-81 DEFINITIONS

**Cancellation** means the termination of a police response to an alarm site after dispatch request is made but before an officer's arrival at the alarm site.

**Conversion of alarm user** means the transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.

**Customer false alarm prevention checklist** means a check-off list provided by the alarm administrator to the alarm installer to provide to the alarm user to complete prior to the activation of an alarm system.

**Enhanced call verification** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user and/or the alarm user's designated representatives by telephone and/or other electronic means, to determine whether an alarm signal is valid before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact, must be provided when requested.

**False alarm** means an alarm dispatch request to the police department which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.

**Holdup/robbery/duress alarm** means an alarm signal generated by the activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a person is in need of immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "Holdup Alarm or Duress Alarm."

## 30-81 DEFINITIONS

**Licensed Alarm Company** means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, monitoring or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

**Local alarm system** means an unmonitored alarm system that annunciates an alarm (visual or audible) only at the alarm site.

**Monitoring** means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the police department.

**One plus duress alarm** means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

**Panic alarm** means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

**Person** means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

**Police department** means the department of police as defined in Chapter 10 of the Charter.

**Responsible party** means a person 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.

**Security alarm license** means the license issued by the police department to an alarm installation company or monitoring company to sell, install, monitor, repair or replace alarm systems. The term does not include a business license issued by the commissioner of the revenue.

### 30-81 DEFINITIONS

**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 security 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 nationally recognized testing organizations marked as follows: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

**Suspension of response** means the termination of police response to alarms at a specified alarm site as a result of false alarms or other violation of the alarm ordinance.

**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.

**Virginia Department of Criminal Justice Services security business license** means a business license required by the Virginia Department of Criminal Justice Services authorizing operation of a security business in the Commonwealth of Virginia.

**Sec. 30-82. Administration of alarm systems.**

(a) Responsibility for administration of this section is vested with the chief of police.

(b) The chief of police shall designate an alarm administrator to carry out the duties and functions described in this section.

**Sec. 30-83. Registration required; application; fees; false statements.**

(a) An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm registration. A separate alarm registration is required for each alarm site. A registration fee including a completed alarm registration application shall be submitted to the alarm administrator and approved prior to any alarm system activation. The alarm company and monitoring company will be notified upon approval by the alarm administrator.

(b) Owners of local alarm systems as defined in Section 30-81(b) are required to adhere to all sections of this ordinance and are subject to all fees, service fees, suspensions, penalties or other requirements that are applicable.

(c) No alarm installation company or monitoring company shall install or monitor any alarm system that is designed to elicit the response of the police department without a valid alarm company registration. Companies shall also maintain a valid license issued by the Virginia Department of Criminal Justice Services, proof of which shall be submitted with the company's initial registration.

(d) 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:

(1) Failed to pay a fee assessed as outlined in this ordinance; or,

## 30-83 REGISTRATIONS

(2) Had an alarm registration for the alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected; or,

(3) Failed to complete the registration form as required.

The alarm company and monitoring company shall be informed by the alarm administrator when the alarm registration is approved.

(e) Alarm registration, and renewal fees - The City shall provide an alarm registration application for each Alarm User.

(1) The alarm registration and associated fee shall be the responsibility of the alarm user. The alarm company installing the alarm shall facilitate alarm registration by providing a copy of this ordinance and a copy of the alarm registration form. The initial alarm registration fee must be submitted within seven days after the alarm system activation or alarm system takeover.

(2) An alarm registration shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee to the alarm administrator.

(3) Whenever the information provided on the alarm registration changes, the alarm user shall provide the updated information to the city's alarm administrator, within 30 days of the change. Failure to comply will result in a fee assessed to the alarm user.

(4) The alarm administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of the registration.

(5) It is the responsibility of the alarm user to submit the updated information and renewal fees prior to the registration expiration date.

(6) Failure to renew shall be classified as use of a non-registered security alarm system and subject the alarm site to a suspension and late fees.

### **30-83 REGISTRATIONS**

(7) Registration fees shall be established by the city council and on file in the city clerk's office and shall be collected annually based on a one-year registration period.

(f) Late fee. Alarm users who fail to obtain and/or make payment for an alarm registration within 30 days after notification will be assessed a late fee established by the city council and on file in the city clerk's office.

(g) Refunds and prorations. No refund, partial refund or proration of a registration or registration renewal fee will be made.

(h) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(i) All fees owed by an applicant must be paid before an alarm registration may be issued or renewed.

#### ***Sec. 30-84. Transfer of registration prohibited.***

An alarm registration is not transferrable.

***Sec. 30-85. Duties of alarm users.***

**(a)** An alarm user shall:

**(1)** Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.

**(2)** Make every reasonable effort to have a responder arrive at the alarm system's location within 45 minutes after being requested by the monitoring company or police department.

**(3)** Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

**(4)** Keep a set of written operating instructions for each alarm system at each alarm site.

**(5)** Provide alarm registration number to both the alarm installation company and monitoring company.

**(6)** Notify the alarm administrator of any changes to the registration within 72 hours.

**(7)** Ensure that all responsible parties are trained on the operation of the system and how to prevent false alarms.

**(b)** No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the police department or the city and then transmit any pre-recorded message or signal. An administrative fee, established by the city council and on file in the city clerk's office, per incident will be assessed.

## 30-85 DUTIES ALARM USERS

(c) All alarm users shall agree with their alarm installation company and monitoring company to go through an “acclimation period” for the first seven days after activation of a burglar alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to any alarm signal from the alarm site, or make an alarm dispatch request to the police. Verified crimes in progress or other confirmed emergencies will still receive a response.

(d) An alarm user shall have a licensed alarm installation company inspect the alarm system after two false alarms in their one-year registration period. The alarm administrator may waive a required inspection if it determines that a false alarm could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year registration period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false-alarm-resistant or provide additional user training as appropriate.

### ***Sec. 30-86. Audible alarms; restrictions, disconnects.***

(a) No one shall install or repair an alarm system in the city that has a siren, bell or other signal that is audible from any property adjacent to the alarm site that sounds for longer than ten consecutive minutes after the alarm is activated, or that repeats the ten-minute audible cycle more than one time during a single armed period. This shall not include repairs intended to bring the alarm into compliance with this ordinance. A per incident administrative fee established by the city council and on file in the city clerk’s office will be assessed.

(b) Audible alarm systems may be disconnected by the city through the use of any means reasonable and necessary if the alarm does not automatically shut off as described in subsection (a). The city or its employees or agents shall not be responsible or liable for damage resulting from such disconnection.

**Sec. 30-87. Duties of alarm installation companies and monitoring companies.**

(a) Each alarm installation company and alarm monitoring company must designate one individual as the alarm response manager (ARM) for the company.

(1) The individual designated as the ARM shall have the knowledge and authority to deal with false alarm issues and respond to requests from the alarm administrator.

(2) The name, contact number, and email address of the ARM shall be provided to the alarm administrator upon the initial security alarm registration and renewals. Failure to comply within 30 days after being notified in writing from the alarm administrator may result in the suspension of the company's security alarm license.

(3) The city shall assess a reinstatement fee established by the city council and on file in the city clerk's office, and a fee per registered user if users have been notified of the suspension.

(b) Every alarm installation and monitoring company engaged in business in the city shall obtain and maintain the Virginia Department of Criminal Justice Services business license as required by the Code of Virginia, and the Security Alarm License as defined in Sec. 30-81.

(c) Ninety days after enactment of this ordinance, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA CP-01-Control Panel Standard.

(d) Upon the effective date of this ordinance, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms as defined by Sec. 30-81. The alarm installation 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.

### 30-87 DUTIES ALARM COMPANIES

(e) Alarm installation companies shall not install, modify or repair “single action” devices for the activation of hold-up, robbery or panic alarms. New devices shall require two actions or an activation delay to provide more positive assurance that the user intends to activate the device.

(f) An alarm company shall not use an automatic voice dialer for any alarm system as defined by this ordinance.

(g) Upon installation or activation of an alarm system, the alarm installation company shall distribute written information/training to the alarm user including:

(1) The applicable law relating to false alarms.

(2) Explanation of the proper operation of the alarm system to include how to prevent false alarms.

(3) How to obtain service from the alarm company for the alarm system.

(4) Completion with the alarm user of the customer false alarm prevention checklist or an equivalent checklist approved the alarm administrator. The installer shall complete the checklist.

(5) Training on the proper use of duress, robbery, holdup, or panic alarms as appropriate to the installed system.

(h) Each installation company must maintain both the completed alarm installer checklist and the customer false alarm prevention checklist.

(1) The alarm administrator may request copies of such records for any individual alarm user. The requested records shall be supplied within seven business days after receiving the request.

(2) Failure to comply with this subsection will result in a service fee established by the city council and on file in the city clerk’s office assessed to the alarm installation company.

## 30-87 DUTIES ALARM COMPANIES

- (i) A monitoring company shall:
- (1) Employ enhanced call verification as defined in this ordinance, to determine whether an alarm signal is valid before initiating an alarm dispatch request, EXCEPT in the case of a panic, robbery in progress alarm, or where a crime in progress has been verified by video or audible means.
  - (2) Provide alarm user registration number and the Virginia Department of Criminal Justice Services business license number to the police department communications center.
  - (3) Communicate available information about the alarm, to include the location of the alarm signal(s), the type of alarm activation and whether the alarm user or responsible party is on the way to the alarm site.
  - (4) Communicate a cancellation to the police department communications center as soon as possible, following a determination that response is unnecessary.
  - (5) Upon request, immediately provide the Suffolk Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.
  - (6) Maintain for a period of at least one year, after the date of an alarm dispatch request, all records relating to the alarm dispatch request.
    - (a) Records shall include name, address, telephone number of alarm user, each zone activated, time of alarm dispatch request, and evidence of all attempts to verify.
    - (b) The monitoring company shall furnish these records to the alarm administrator upon request and within seven business days of after receiving the request. Failure to comply with this request shall result in a per incident service fee established by the city council and on file in the city clerk's office.

### **30-87 DUTIES ALARM COMPANIES**

**(7)** Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means, when an alarm dispatch request is made. This shall include messages left on voice mail in the process of enhanced call verification.

**(j)** All alarm installation companies holding alarm agreements shall provide the alarm administrator with a complete alarm user list of existing accounts whose premises are located within the city. This shall be submitted annually between October 31st and December 31st. The customer information must be provided in a format acceptable to the alarm administrator, and shall include details as may reasonably be requested by the alarm administrator.

**(k)** The customer lists described in subsection (j) above is proprietary and confidential information and shall not be released to anyone absent a court order.

**(l)** Failure to provide alarm user list to the alarm administrator, as required in subsection (j), will result in a per day service fee established by the city council and on file in the city clerk's office until the alarm installation company or monitoring company complies with the requirement. Failure to comply after ten business days will result in the suspension of the company's security alarm license. The city will assess a reinstatement fee established by the city council and on file in the city clerk's office and a fee per registered user, if users have been notified of the suspension, by the alarm administrator.

## 30-88 LICENSING ALARM COMPANIES

### ***Sec. 30-88. Licensing of alarm installation and monitoring companies.***

(a) Every alarm installation company and every alarm monitoring company shall obtain a security alarm license from the police department to be renewed annually. Failure to pay the security alarm license annual fee within 30 days after notice will result in the assessment of a late fee established by the city council and on file in the city clerk's office.

(b) Alarm installation companies shall provide the name, address and phone number of any monitoring company that they are using to monitor their alarm sites within the city. Monitoring companies shall provide the name, address and phone number of any alarm installation companies for which they monitor alarms within the city.

(c) The police department will not respond to any alarm dispatch request from any alarm installation company or monitoring company that does not possess a current, valid security alarm license issued pursuant to this section, a valid Virginia Department of Criminal Justice Services Security Business License, and a current, valid business license if required.

(d) The alarm administrator shall notify all known alarm users subscribing to an unlicensed alarm installation company or an unlicensed alarm monitoring company that the company is unlicensed and that the police department will no longer respond to the user's alarms. The city will assess the alarm installation company or monitoring company a reinstatement fee established by the city council and on file in the city clerk's office and a fee per registered user, if users have been notified.

(e) The fees imposed by this section are in addition to the business license fee if required by the city and all other fees levied by the city.

## 30-89 DUTIES OF ALARM ADMINISTRATOR

### ***Sec. 30-89. Duties and authority of the alarm administrator.***

The alarm administrator shall be designated by the chief of police and shall be responsible for the establishment and implementation of policies and procedures related to the administration of this ordinance. In addition, the alarm administrator has the following authority:

(a) The alarm administrator shall establish and implement a procedure to notify the alarm user of a false alarm. Immediate notification shall be provided by the responding officer, whenever possible. The alarm administrator shall send a follow-up written notice to the alarm user within seven days of the date of the false alarm.

(b) The alarm administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or through a conference telephone call, at the alarm administrator's discretion. Failure to participate will result in suspension of either the alarm registration, the security alarm license, or both, as indicated by the facts of the case. Reinstatement after compliance will require payment of the registration reinstatement fee for the alarm user or alarm company.

(c) The alarm administrator may establish an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The alarm administrator may require alarm user participation in the class when alarm users have violated this ordinance.

(d) If a false robbery, hold up or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the alarm administrator may request a replacement of the device with an acceptable dual-action or recessed device.

(e) The alarm administrator may require an alarm user to remove the duress or panic alarm capability from their alarm system after the occurrence of a false alarm.

## **30-90 FALSE ALARM FEES, SERVICES FEES, LATE FEES**

### ***Sec. 30-90. False alarm fees; service fees; late fees.***

**(a)** False alarm fees. An alarm user shall pay assessed service fees established by the city council and on file in the city clerk's office for police response to any second and subsequent false alarm(s) during the alarm user's one-year registration period.

**(b)** The alarm administrator may choose to waive one false alarm service fee if the alarm user complies with recommendations made by the alarm administrator to include but not limited to participation in an alarm user awareness class.

**(c)** If a false alarm fee is not paid within 30 days after the invoice is mailed, a late fee established by the city council and on file in the city clerk's office will be assessed.

**(d)** Fees for false alarms by non-registered alarm systems.

**(1)** In addition to the fees set forth in subsection (a), a false alarm fee for non-registered alarms established by the city council and on file in the city clerk's office is hereby imposed upon any person operating a non-registered alarm system for every false alarm response. The alarm administrator may waive all or a portion of this additional fee for a non-registered system if the alarm user submits an application for an alarm registration within ten business days after receiving notice of such violation.

**(2)** A monitoring company shall be notified of any non-registered alarm systems by the alarm administrator. Any monitoring company requesting an alarm dispatch request for a non-registered alarm system shall pay a per incident administration fee established by the city council and on file in the city clerk's office. If the fee is not paid within 30 days after the invoice is mailed, a late fee established by the city council and on file in the city clerk's office shall be assessed on the monitoring company.

### **30-90 FALSE ALARM FEES, SERVICES FEES, LATE FEES**

(e) If cancellation of police response occurs prior to the police officer's arrival at the alarm site, the response is not considered a false alarm and no fee will be assessed.

(f) The alarm installation company shall be assessed a false alarm fee established by the city council and on file in the city clerk's office if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.

(g) Any monitoring company that fails to utilize enhanced call verification as required by this ordinance shall be assessed a fee established by the city council and on file in the city clerk's office.

(h) A fee established by the city council and on file in the city clerk's office shall be assessed against an alarm installation company if the alarm administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

(i) Notice of the right of appeal under this ordinance shall be included with notice of any fee.

(j) All registration fees, renewal registration fees, service fees or fines assessed under this section are due within 30 days of written notice unless otherwise noted. A late fee established by the city council and on file in the city clerk's office shall be assessed for each individual registration fee due and all other fees due that are not paid within 30 days.

## 30-91 SUSPENSION NOTICE/ 30-92 SUSPENSION

### ***Sec. 30-91. Notice to alarm users of false alarms and suspension of police response.***

(a) The alarm user shall be notified after each false alarm. After the second false alarm, the alarm user shall be sent an invoice within 72 hours of the violation.

(b) The alarm administrator shall notify the alarm user in writing and the appropriate alarm installation company or monitoring company by electronic mail 30 days before an alarm response is to be suspended. Suspension of alarm response in this subsection does not apply to duress, robbery, hold up and panic alarms. The notice of suspension must also include any fee due and a description of the appeals procedure available to the alarm user and/or the alarm installation company or monitoring company.

### ***Sec. 30-92. Suspension of response.***

(a) The alarm administrator may suspend law enforcement response to an alarm site by suspending the alarm registration if it is determined that:

(1) The alarm user has five or more false alarms in a 12-month registration period.

(2) There is a statement of material fact known to be false in the application for registration.

(3) The alarm user has failed to make payment of any fee assessed within 30 days of date of invoice, pursuant to this ordinance.

(4) The alarm user has failed to submit a written notice from an alarm installation company that complies with the requirements of this article stating that the alarm system has been inspected and repaired as required by the alarm administrator and/or additional training has been conducted by the alarm installation company.

## **Sec. 30-92. Suspension of response**

**(b)** Unless there is a separate indication that there is a crime in progress, the police department will refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm registration is suspended.

## 30-93 VIOLATION TO CALL/ 30-94 APPEALS

### ***Sec. 30-93. Violation to make alarm dispatch request for suspended alarm site.***

(a) It is a violation of this section for a person to operate an alarm system during the period in which the alarm registration is suspended.

(b) It is a violation of this section for a monitoring company to make an alarm dispatch request to an alarm site after the monitoring company's alarm response manager (ARM) has been notified by electronic mail by the alarm administrator that the registration for that alarm site has been suspended. After three business days of the ARM's notification the monitoring company shall be assessed a fee established by the city council and on file in the city clerk's office for each such dispatch to an alarm site. If the fee is not paid within 30 days after the invoice is mailed, a late fee established by the city council and on file in the city clerk's office shall be assessed on the monitoring company.

### ***Sec. 30-94. Appeals of determinations regarding alarm registrations, security alarm license, and fees.***

(a) If the alarm administrator assesses a fee, suspends or revokes an alarm registration or security alarm license or denies the issuance, renewal or reinstatement of an alarm registration or security alarm license, the alarm administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant, alarm user, alarm installation company or alarm monitoring company.

(b) The applicant, alarm user, alarm installation company or alarm monitoring company may appeal any action described in (a) above to the chief of police or his/her designee by setting forth in writing the reasons for the appeal and delivering the appeal to the chief of police or designee within 20 business days after the date of notification from the alarm administrator. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

## 30-94 APPEALS

**(c)** A procedure for appeal to the chief of police or his designee shall be established.

**(1)** The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee established by the city council and on file in the city clerk's office to the police department and setting forth the reasons for the appeal.

**(2)** The chief of police or his designee shall conduct a hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the alarm administrator. The chief of police or his designee must base the decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the alarm administrator.

**(3)** Filing of an appeal stays any action by the alarm administrator to suspend an alarm registration or require the payment of a fee until the appeal process has been exhausted.

**(d)** The alarm administrator or the chief of police, or their respective designees, may adjust the count of false alarms or assessed fees based on:

**(1)** Evidence that a false alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);

**(2)** Evidence that a false alarm was caused by a power outage of more than four hours or severe weather such as a tornado or earthquake;

**(3)** Evidence that an alarm dispatch request was not a false alarm; or,

**(4)** The occurrence of multiple alarms within in a 24 hour period, which may be considered as one false alarm if the alarm user has taken corrective action, unless the false alarms are directly caused by the alarm user.

### **30-94 APPEALS**

(e) The alarm administrator may waive all of a false alarm fee or a partial part of the fee due to extenuating circumstances or to encourage corrective action.

(f) On review of fees assessed to an alarm installation company or monitoring company, the alarm administrator, or, if appealed, chief of police, or designee, or the administrative hearing officer, may consider whether the alarm installation company or monitoring company has engaged in a consistent pattern of violations.

## 30-95 REINSTATEMENT

### **Sec. 30-95. Reinstatement of suspended alarm registration.**

(a) On the first suspension of a registration, a person who's alarm registration has been suspended may obtain reinstatement of the registration by the alarm administrator if the person:

(1) Submits a new application and pays a reinstatement fee established by the city council and on file in the city clerk's office, and

(2) Pays, or otherwise resolves, all outstanding fees and penalties, and

(3) Submits a written notice from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company, and

(4) The alarm user successfully completes an alarm awareness class and test.

(b) On the second and every subsequent suspension of a registration, reinstatement may be obtained by compliance with (a) above and compliance with one or more conditions as set by the alarm administrator to include but not limited to upgrade of control panel and/or equipment or compliance with verification procedures.

(c) The police department shall reinstate its response to an alarm site as soon as is practicable after receiving electronic notice of reinstatement from the alarm administrator. The alarm user and monitoring company shall take notice that the alarm site has been officially reinstated only after receiving notice from the alarm administrator of that fact.

## 30-96 SECURITY ALARM LICENSE SUSPENSION

### ***Sec. 30-96. Suspension of security alarm license.***

(a) The chief of police or his designee may revoke a security alarm license of an alarm installation company or monitoring company if he determines that:

(1) There is a violation of this chapter by the alarm installation company or monitoring company and/or;

(2) The alarm installation company or monitoring company has failed to pay any fee assessed under this section, more than 60 days after the fee is due.

(b) The police may not respond to any alarm where the alarm installation company or monitoring company is under revocation.

(c) A suspension made pursuant to this section is not subject to administrative review.

(d) The chief of police or designee may reinstate a security alarm license that has been suspended pursuant to this section. An administrative fee established by the city council and on file in the city clerk's office shall be assessed as part of a security alarm license reinstatement.

### ***Sec. 30-97. Confidentiality of alarm information.***

All information contained in documents gathered through alarm registrations, the submission of customer lists and in the alarm appeal process shall be held in confidence by all employees of the alarm administrator and the city. Such information is proprietary and is hereby declared confidential and not a public record. Such information shall not be released to the public or any person other than a law enforcement agency, third party administrator or the applicable alarm user, alarm installation company or alarm monitoring company except pursuant to court order.

**Sec. 30-98. Scope of police duty; immunities preserved.**

The issuance of alarm registrations does not create a contract between the police department and/or the city and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the police department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the police department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the police department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

**Sec. 30-99. 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.

BE IT FURTHER ORDAINED that any phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended or repealed hereby remain in full force and effect.

This ordinance shall be effective July 1, 2008, and thereafter, and shall not be published.

READ AND PASSED: MAY 21, 2008

TESTE: \_\_\_\_\_  
Tracey L. Sanford, Deputy City Clerk

**SUFFOLK ALARM FEE SCHEDULE**  
**FISCAL YEAR 2010-2011**

<b>ALARM USERS</b>	<b>FEE</b>	<b>ORDINANCE SECTION</b>
Annual Registration	25.00	Page 9 <b>30-83 (e) (7)</b>
Renewal Registration	10.00	Page 9 <b>30-83 (e) (7)</b>
Registration late fee	25.00	Page 10 <b>30-83 (f)</b>
Renewal Reg. late fee	10.00	Page 10 <b>30-83 (f)</b>
Automatic Dialer	100.00	Page 11 <b>30-85 (b)</b>
Audible Alarm Violation	100.00	Page 12 <b>30-86 (a)</b>
False Alarm - Second	50.00	Page 19 <b>30-90 (a)</b>
False Alarm – Third	100.00	Page 19 <b>30-90 (a)</b>
False Alarm –Fourth / more	150.00	Page 19 <b>30-90 (a)</b>
Robbery/Panic - Second	100.00	Page 19 <b>30-90 (a)</b>
Robbery/Panic - Third	150.00	Page 19 <b>30-90 (a)</b>
Robbery/Panic- Fourth +	250.00	Page 19 <b>30-90 (a)</b>
Reinstatement / Suspension	50.00	Page 26 <b>30-95 (a) (1)</b>
Alarm fee - late fee	25.00	Page 20 <b>30-90 (j)</b>
Unregistered Alarm	100.00	Page 19 <b>30-90 (d) (1)</b>
Appeal fees per request	25.00	Page 24 <b>30-94 (c) (1)</b>
<b>ALARM COMPANY FEES</b>		
Failure to provide user list	25.00 per working day	Page 16 <b>30-87 (l)</b>
Failure to report new install	100.00	
Reinstatement failure to provide ARM	100.00 + 100.00 per registered user	Page 13 <b>30-87 (a) (3)</b>
Customer Checklist	50.00	Page 14 <b>30-87 (h) (2)</b>
Installer Checklist	50.00	Page 14 <b>30-87 (h) (2)</b>
Dispatch Records request	50.00	Page 15 <b>30-87 (i) (6) (b)</b>
Security Alarm Company Registration fee	100.00	Page 6 <b>30-81 definition</b> , Page 13 <b>30-87 (b)</b> , Page 17 <b>30-88 (a)</b>
Registration late fee	25.00	Page 17 <b>30-88 (a)</b> Page 20 <b>30-90 (j)</b>
Reinstatement fee	100.00	Page 17 <b>30-88 (d)</b> Page 27 <b>30-96 (d)</b>
Unregistered Alarm call	100.00	Page 19 <b>30-90 (d) (2)</b>
False alarm caused by Alarm Company	75.00	Page 20 <b>30-90 (f)</b>
Employee false statement	100.00	Page 20 <b>30-90 (h)</b>
Failure to use ECV	100.00	Page 20 <b>30-90 (g)</b>
Alarm dispatch request on a suspended alarm site	100.00	Page 23 <b>30-93 (b)</b>
Appeal fee per request	25.00	Page 24 <b>30-94 (c) (1)</b>