

ORDINANCE NO. 1955

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 8.04 - ALARMS TO ADDRESS ALARM SYSTEM ISSUES WITHIN THE CITY.

WHEREAS, the City Council has evaluated the changes in alarm systems throughout the City and desires to amend Chapter 8.04 - Alarms to reflect these changes.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, in regular session, that Chapter 8.04 - Alarms of the Salisbury Municipal Code be amended as follows:

CHAPTER 8.04

ALARMS

Sections:

- 8.04.010 Purpose and definitions.**
- 8.04.020 License – Required.**
- 8.04.030 Application for license – Fees.**
- 8.04.040 Alarm companies to provide list of users to police and fire department.**
- 8.04.050 False alarms – Violations and penalties.**
- 8.04.060 Weather-related activation of alarms.**
- 8.04.070 Holdup alarms.**
- 8.04.080 Panic alarms prohibited.**
- 8.04.090 Audible alarm systems.**
- 8.04.100 Auto dialer.**
- 8.04.120 Operating without a license – Penalties.**
- 8.04.130 Alarm system operating instructions.**
- 8.04.140 Alarm system operation and maintenance.**

- 8.04.010 Purpose and definitions.**

The purpose of this chapter is to provide standards and regulations applicable to alarms such as burglar (~~or~~-intrusion), holdup (~~or~~-robbery) alarms, ~~etc.~~, life safety alarms (fire detection, heat detection, smoke detection and water flow in occupancies), alarm companies, alarm agents and alarm users as defined in this chapter. It is the intent of this chapter to provide for the registration of alarm

companies, and alarm systems, to control false alarms, to ensure the proper use of ~~alarms~~ operation, maintenance, and use of alarm systems, to place a time limit on audible alarms and to provide penalties for violations of this chapter.

For the purpose of this chapter, the following words shall have the meanings ascribed to them:

“Alarm,” means activation of any alarm system that indicates that a criminal activity, fire or fire-related emergency, or medical emergency is taking place. The alarm may be an audible alarm at ~~the place of criminal activity~~ or within the occupancy or it may be transmitted to a central monitoring station by electronic means.

“Alarm agent” means any person employed by an alarm company whose duties shall include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding, or causing others to respond, to an alarm ~~device~~ system.

“Alarm company” means any person who engages in the business of altering, maintaining, selling at retail, servicing or responding to ~~a burglar or holdup~~ an alarm system but does not include telephone answering services which receive alarm activation signals and relay information to the police or fire department dispatch centers but do not function in any other manner ~~as a security alarm system~~.

“Alarm dispatch notification” means the process for notification of the fire or police dispatch centers indicating that an alarm, either automatic or manual, has been activated at a particular alarm site.

“Alarm signal” means the actual activation of an alarm system.

“Alarm site” means a single premise or location served by an alarm system or systems.

“Alarm system” means any assembly of equipment, mechanical or electrical, device or series of devices, including, but not limited to, systems interconnected by radio frequency signals, arranged or designed to signal an alarm indicating an unauthorized entry to, or criminal activity requiring attention and to which the police are expected to respond. It shall also mean an alarm indicating fire, smoke, excessive heat, or sprinkler water flow in the occupancy by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition that requires immediate attention and to which the fire department is expected to respond. Alarm system includes devices activated automatically, such as burglary alarms, fire, heat, or smoke detectors, water flow alarms and devices activated manually, such as holdup alarms and individual emergency pull stations. Alarm system does not include an alarm installed on a vehicle or an alarm

designed to alert only the occupants of a premise that does not have a sounding device that is audible on the exterior of the alarm site.

“Alarm user” means any ~~business or building to which an alarm system is attached~~ owner or lessor of any alarm system, the occupant of any dwelling unit with an alarm system, each tenant using an alarm system in a multi-tenant occupancy, or any person, firm, partnership, corporation, government or other entity which uses an alarm system at an alarm site.

“Audible alarm system” means an alarm system, which utilizes an audible device such as a siren, bell, horn, klaxon, etc., as a warning device when the alarm is activated.

“Automatic dialing device” means an alarm system, which automatically sends over a regular telephone line, by, direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

“Cancellation” means verification from the alarm business or company that there is no actual emergency at the alarm site and there is no further need for the police or fire department to respond.

“Central monitoring station” means a control center, including but not limited to a telephone answering service which provides for the receiving, on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communication center of the police department or the dispatch center for the fire department of the city of Salisbury.

“City” means the city of Salisbury, Maryland.

“Control panel” means the on-site central processing unit designed to control, manage, and operate an alarm system.

“Digital dialer” means a device that transmits digital signals from an alarm system to a central monitoring station through the telephone network.

“False alarm” means any alarm caused by means other than criminal activity, or an actual fire or medical emergency including, but not limited to, the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm or of his employees or agents; any alarm that is caused by means other than criminal activity or when functioning properly.

“Fire chief” means the chief of the fire department of the city of Salisbury, Maryland, or his / her designated representative.

“Fire department” means the City of Salisbury Fire Department.

“Fire department dispatch center” means the agency responsible for dispatching the fire department for event response.

“Holdup alarm system” means an alarm system signaling a robbery or attempted robbery.

“Key box entry system” means a device designed to safely secure keys, or other information, for use by fire department personnel to quickly gain access and entry into an occupancy.

“Keypad or touch pad” means a device that permits the control of an alarm system by the manual entering of a coded sequence of numbers or letters.

“Monitoring” means the process by which an alarm company receives signals from alarm systems and relays an alarm dispatch notification to the dispatching agency for the purpose of summoning fire, emergency medical services, and / or police personnel to respond to the alarm site.

“Panic alarm” means an alarm system described or advertised for the purpose of being normally or otherwise activated by a person to summon fire department personnel or police for any reason other than robbery or robbery attempts or an actual fire or a medical emergency.

“Person” means any person, firm, partnership, association, corporation, company of any kind.

“Police chief” means the chief of police department of Salisbury, Maryland or his / her designated representative.

“Police department” means the Salisbury police department.

“Proprietor” means any person who owns or controls the use of property in which an alarm system is installed.

“Residential alarm user” means the occupant of any residential dwelling that constitutes a single alarm site with an alarm system.

“Takeover” means the transaction or process by which an alarm user takes over the control of an existing alarm system that was previously controlled by another alarm user.

“Twelve month period” means a consecutive twelve (12) month period within a calendar year.

“Verification” means the attempt by the alarm company or its representative/s to contact the alarm site by telephone or other electronic means, whether or not actual contact with a person is made, to corroborate, or verify, the information transmitted by the alarm signal.

“Written notice” means notice by certified mail, return receipt requested.

8.04.020 License – Required.

A. It is unlawful for any person or alarm company ~~doing or intending to conduct to do~~ business within the city limits of the city of Salisbury without first having obtained a license from the finance department.

B. The application for an alarm company license shall be signed by the individual proprietor of the business or by a partner or by the proper corporate official as is appropriate for the form of business seeking to register for a license.

C. The police department shall establish standards ~~which~~ that an alarm company must meet to obtain an alarm company license. The police department shall refuse a license to any alarm company that fails to meet its alarm company standards.

D. The police department shall, within thirty (30) days after receipt of the application, either approve or deny the issuance of a license. In the case of approval, the finance department shall notify the applicant in writing of the approval and shall issue a license on a form established by the finance department. In the case of denial, the police department shall notify the applicant in writing of the denial and of the basis for the denial. The notice of denial shall inform the applicant that he/she may appeal the denial and set forth a procedure for appeal. A procedure for appeal shall be established by the police department. (Ord. 1907 (part), 2004).

8.04.030 Application for license – Fees.

Applications shall be made on forms furnished by the finance department. The applicant shall pay a one-time registration fee of fifty dollars (\$50.00) and may renew the registration, at no cost, prior to expiration each calendar year. All companies currently ~~doing conducting~~ business in the city ~~will have to~~ shall re-register and update information before July 1, 2004~~2006~~. ~~This fee will defray costs associated with the processing and review of the registration forms.~~ (Ord. 1907 (part), 2004).

8.04.040 Alarm companies to provide list of users to police and fire departments.

All licensed alarm companies shall provide the police and fire departments with the following:

1. A complete list of names and addresses of all persons to whom alarm systems have been sold, leased, rented or otherwise given use of;
2. The alarm system's location;
3. All other information requested on a form provided by the police department. (Ord. 1907 (part), 2004)

8.04.050 False alarms – Violations and penalties.

A. If, within a calendar year, the fire and / or police departments responds to more than two false alarms at the same location, the following response fees will be charged to the property owner.

False Alarm Occurrence	Fees	
	Fire	Police
1 st	\$ 0.00	0.00
2 nd	0.00	0.00
3 rd	200.00	50.00
4 th	400.00	100.00
5 th	600.00	150.00
6 th	800.00	200.00
7 th	1,000.00	250.00
8 th	1,200.00	300.00
9 th	1,400.00	400.00
10 th	1,600.00	500.00
11 th	1,800.00	600.00
12 th	2,000.00	700.00
13 th	2,200.00	800.00
14 th and above	2,500.00	1,000.00

Failure to pay said fines within ninety (90) days of notification of the violation will result in a lien on the property until fines are satisfied.

B. Newly installed alarm systems will be given a thirty (30) day grace period to allow for correction of equipment and user errors. During the thirty (30) day period, the alarm user will be allowed unlimited false alarms, as long as steps are being taken to correct any problems. The alarm company installing

the new system shall notify the police and fire departments in writing of the new installation, including the effective date.

C. The director of finance will maintain accurate records of false alarms and will bill for payment thereof by mailing said bill to the property owner of the subject location.

D. If the false alarm bill remains unpaid for more than ninety (90) days, the director of finance shall ~~commence with the placing of~~ place a lien against the subject property by forwarding to the last known address of the owner as recorded in the real estate assessment records of the city of Salisbury by ~~registered or certified mail, with return receipt~~ written notice, a notice of lien, and such receipt shall constitute a prima facie evidence of service upon such owner if it is signed either by the owner or by a person of suitable age and discretion located at such address. In the event that delivery of said notice of lien is refused by the property owner or his agent, then valid service may be accomplished by hand delivery of same to either the property owner or a person of suitable age and discretion employed or residing at the subject location. (Ord. 1907 (part), 2004).

8.04.060 Weather-related activation of alarms.

~~A. Due to the activation of many alarms during severe weather, the on-duty commander of the police department shall have the option of assigning alarms a low priority during this time. If time permits the building may be visually checked by an officer. If, because of other calls or because of an excessive amount of alarms, the police department is unable to respond to the alarm location, the central station will be notified of the problem, and it will be the alarm company's responsibility to have someone check the building or to notify a representative of the business of the situation. Once this notification is made, the police department is relieved of any responsibility to respond to that alarm. (Ord. 1970 (part), 2004).~~

A. Police department actions.

Due to the activation of many alarms during severe weather, the on-duty commander of the police department shall have the option of assigning alarms a low priority during this time. If time permits the building may be visually checked by an officer. If, because of other calls or because of an excessive amount of alarms, the police department is unable to respond to the alarm location, the central monitoring station will be notified of the problem, and it will be the alarm company's responsibility to have someone check the building or to notify a representative of the business of the situation. Once this notification is

made, the police department is relieved of any responsibility to respond to that alarm. (Ord. 1970 (part), 2004).

B. Fire department actions.

Due to the activation of many alarms during severe weather, the fire department shall have the option of assigning alarms a low priority during this time. Priority assignments shall be made based on the type of alarm, the type of occupancy, and the fire department's previous experience and history of alarms received from the occupancy and its response to the location. The fire department shall cause a process of verification of the alarm to be initiated to assist in the assignment of a priority to the alarm activation. If the fire department is unable to immediately respond to the location due to the increased volume of alarm system activations, the fire department dispatch center shall be notified. The alarm company shall be responsible to investigate the nature and cause for the alarm activation and advise the fire department dispatch center. Unless verification indicates that the fire department's services are required at the alarm location, the fire department is relieved of any responsibility to respond to the alarm and of any liability associated with the lack of a sufficient response to the alarm site.

8.04.070 Holdup alarms.

It is unlawful for any alarm user to activate any alarm system known as a "holdup alarm" to summon police for anything other than a holdup in progress. Use of alarm systems for crimes such as thefts, disorderly or intoxicated subjects is prohibited and shall be charged as a false alarm. (Ord. 1907 (part), 2004)

8.04.080 Panic alarms prohibited.

No system known as a "panic alarm" will be permitted within the limits of the city of Salisbury.

8.04.090 Audible alarm systems.

It is unlawful for any person, firm or business to install or maintain any audible alarm system which does not automatically discontinue emitting an audible sound within fifteen (15) minutes. The use of an audible alarm by itself is prohibited. The alarm must have the capability of notifying someone of an alarm activation by means other than emitting an audible sound. This shall not apply to fire alarms, elevator emergency alarms, water flow activation alarms, or alarms which indicate a medical emergency. (Ord. 1907, (part), 2004)

8.04.100 Auto dialer.

It is unlawful for any person to have any device attached in any way to a telephone or telephone-type equipment which, when activated by remote control, dials a preprogrammed number and transmits a prerecorded message communicating a then-existing emergency condition including, but not limited to fire, illness or a criminal offense, which used the number of the police or fire departments. The police chief is authorized to grant exceptions for handicapped persons. (Ord. 1907 (part), 2004)

8.04.120 Operating without a license – penalties.

A. An alarm company may not ~~do~~ conduct business, including, but not limited to installing, altering, leasing, monitoring, maintaining, repairing, replacing or servicing an alarm system, within the city of Salisbury, without an alarm company license. A violation of this subsection shall be a misdemeanor, subject to imprisonment of up to thirty (30) days, or a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30) days.

B. Any alarm company ~~doing~~ conducting business within the city of Salisbury on the effective date of the ordinance codified in this chapter shall apply for a license within thirty (30) days of the effective date of the ordinance codified in this chapter and may continue ~~doing~~ conducting business while its license application is being processed, ~~and any~~ An alarm company not previously doing conducting business in the limits of the city on the effective date of this chapter shall not commence ~~doing~~ conducting business until the application is approved.

C. Any violation of this chapter which does not specifically provide for a penalty shall be a misdemeanor and subject to a fine of not more than one hundred dollars (\$100.00). (Ord. 1907 (part), 2004)

8.04.130 Alarm system operating instructions.

The alarm user shall maintain a copy of the operating instructions for the alarm system at the alarm site and provide this document to the fire department upon request.

8.04.140 Alarm system operation and maintenance.

The alarm user shall:

1. Maintain the premises and the alarm system in such a manner that will minimize or eliminate unnecessary false alarms.

2. Cause a representative to respond to the alarm system's location within thirty (30) minutes (or less) when requested by the fire department.

3. Ensure that the alarm system control key (s) or code (s) are safely secured in the facility's key box in accordance with Key Box Entry System code provisions.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ___ day of _____, 2005, and thereafter a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed at its meeting on the ___ day of _____, 2005.

Brenda J. Colegrove
City Clerk

Michael P. Dunn,
President of the City Council
of the City of Salisbury

Approved by me this
day of _____ 2005.

Barrie P. Tilghman
Mayor of the City of Salisbury