

Chapter 5.22

ALARM SYSTEMS—INTRUSION AND DURESS

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5.22.010 Purpose and scope.

A. The occurrence of false alarms in the city causes significant unwarranted expense through responses to false alarms. The purpose of this chapter is to protect the emergency services of the city from misuse.

B. This chapter governs intrusion and duress alarm systems; requires permits, licensure and registration; establishes a system of administration; and provides for the punishment of violations.

5.22.020 Definitions.

A. “Alarm coordinator” means the individual designated by the city to issue permits and enforce the provisions of this chapter.

B. “Alarm provider” means the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, removing, moving, installing, planning the installation or assisting in the installation of any alarm service.

C. “Alarm site” means the building, or portion of a building, served by an alarm system or where an alarm system is located, including a single family residence, each dwelling unit in a multi-family dwelling, or each business premises in a commercial or retail building.

D. “Alarm system” means any mechanism, equipment or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress and to signal such occurrences by a local or audible alarm or by a silent or remote alarm. The following shall not constitute alarm systems for purposes of this chapter:

1. Devices which do not register alarms that are audible, visible or perceptible outside the protected premises; and

2. Devices which are not installed, operated or used for the purpose of reporting an emergency to the city’s emergency responders.

E. “Alarm user” means the person, firm, partnership, association, corporation, company, or organization thereof of any kind in control of any building, structure or facility wherein an alarm system is maintained, including the homeowner for alarm systems in single family residences and the tenant for alarm systems in single family residences and the tenant, for alarm systems in an apartment building.

F. “Apartment building” means any building containing two or more residential units.

G. “Automatic dialing device” means a device which is interconnected to a telephone

line and is programmed to select a predetermined telephone number and transmit by voice message or code signal any emergency message indicating a need for emergency response.

H. "City" means the city of Cottonwood Heights.

I. "Duress alarm" means an alarm system signaling a robbery or other physical endangerment.

J. "Emergency responder" means the police department and/or the fire department or any other emergency service agency for the city, as applicable.

K. "Enhanced call verification" means that an alarm provider will make a second call to a responding party in an attempt to verify a business intrusion alarm drop prior to requesting a police department response.

L. "False alarm" means an alarm signal eliciting a response by one or both of the emergency responders when a situation requiring a response by them or other emergency response unit in fact does not exist. It includes an alarm signal caused by conditions of nature which are normal for that area and subject to control by the alarm provider or alarm user. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature not reasonably subject to control.

M. "Fire department" means the Unified Fire Authority or other fire and emergency services providers for the city.

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

O. "Interconnect" means to connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

P. "Intrusion alarm system" means an alarm system signaling an entry or attempted

entry into the area protected by the system.

Q. "Local alarm" means any noise-making alarm device.

R. "One-plus duress alarm" means the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code. (For example, normal code = 1234; one-plus code = 12345).

S. "Panic alarm" means an alarm signal generated by the manual activation of a device intended to signal a life threatening or emergency situation.

T. "Police department" means the Cottonwood Heights Police Department or other law enforcement services providers for the city.

U. "Primary trunk line" means a telephone line serving the Valley 911 system or sheriff dispatch that is designated to receive emergency calls.

V. "Responsible party" means any of the three persons designated by the residential alarm user to respond in place of the alarm user if an alarm is generated at the alarm user's residential alarm site, or in the case of a business, the name of the owner or designated person(s) to respond to the business in the event an alarm is generated at the business alarm user's site.

W. "Valley 911" and "sheriff dispatch" are the governmental facilities used to receive emergency and general information from the public to be dispatched to the emergency responders.

5.22.030 Alarm provider authorization and licensure.

It shall be unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, moved or removed in or on any

building, residence or other property within the city any device known as an intrusion alarm, a duress alarm, or an automatic dialing device connected to an answering service without (a) a current state license under the Utah Burglar Alarm Security and Licensing Act (UTAH CODE ANN. § 58-55-305), as amended, and (b) a current license from the Utah State Division of Occupational and Professional Licensing.

5.22.040 Alarm user permit.

A. It shall be unlawful for any alarm provider to report to an emergency responder any alarm system on any premises for which the alarm user has not obtained an alarm user permit.

B. Every alarm user shall have on its premises or in its possession an alarm user permit issued by the city. Such permit shall be issued upon filing with the city a completed alarm user permit application as provided in this chapter. The permit application shall be submitted to the city prior to the operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm provider.

C. A separate permit shall be required for each alarm site.

D. An alarm user permit shall be acquired from the city prior to the alarm system being activated. An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. Alarm user permits are not transferrable.

E. An alarm provider shall notify the alarm coordinator of any alarm user who has cancelled or otherwise terminated its alarm services with such alarm provider.

F. Homeowners are required to possess an alarm user permit for alarm systems installed in single family residences.

5.22.050 Alarm user application information.

A. An alarm user permit application shall include the following information and shall be completed by the alarm user and submitted to the city prior to the operation of the system.

1. The full name, address and telephone number of both the alarm user and the responsible alarm provider for that system.

2. Such additional information as the city shall reasonably deem necessary to properly identify and locate the alarm user, the alarm provider, and the responsible parties for that system.

B. All alarm user permit applications and permit information relating to specific alarm sites shall be private records as defined under the Governmental Records Access and Management Act, UTAH CODE ANN. § 63-2-101, *et seq.*, as amended.

5.22.060 Records of police department calls.

Alarm providers which request an emergency responder's response to alarm signals shall maintain a record of all police department calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. Alarm providers shall maintain these records for at least one year. The records shall indicate the cause of the alarm, if known. This record shall be kept current and shall be made available to the emergency responders at any time during normal business hours.

5.22.070 User instructions.

Every alarm provider selling, leasing or furnishing to any alarm user an alarm system which is installed on premises located in the city shall furnish the alarm user with written instructions that provide information to enable the user to operate the alarm system properly. These written operating instructions and the phone number of the alarm provider monitoring station shall be maintained at each

alarm site. The alarm provider shall notify the alarm user of the alarm user permit requirements and the other requirements of this chapter

5.22.080 Apartment buildings.

A. A tenant in an apartment building shall obtain an alarm user permit from the city before operating or causing the operation of an alarm system in the tenant's rental unit and must have either (1) three responsible parties listed on the permit application who can respond to the tenant's rental unit if the tenant is not available to respond, or (2) contact information for the apartment complex manager who can provide immediate access to the apartment.

B. A tenant in an apartment building who has contracted with an alarm provider to monitor an alarm system at the tenant's alarm site shall be responsible for any false alarms or fines arising from the alarm system at such alarm site.

5.22.090 Alarm system requirements and prohibitions.

A. All audible or visual alarm systems shall be equipped with an automatic cutoff device which will terminate the alarm signal within ten minutes from inception.

B. No alarm provider shall install or program alarm systems so they are capable of sending one-plus duress alarms after the effective date of this ordinance.

C. It is the responsibility of the alarm provider to prevent false alarms during installation, system repairs, or system service.

D. It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision.

E. No person shall activate any intrusion or duress alarm knowing the same to be false.

F. An alarm provider shall not request an emergency responder to respond to an alarm when monitoring equipment indicates an

alarm system malfunction.

G. Alarm providers shall make a second attempt to verify a business intrusion alarm through enhanced call verification prior to contacting an emergency responder for a response.

H. Alarm providers shall verify a residential alarm user or responsible party is responding to an intrusion alarm prior to contacting an emergency responder for a response.

I. It is unlawful to maintain, operate, connect, or allow to be maintained, operated or connected, any automatic dialing device which automatically dials an emergency responder and then relays any prerecorded message to report any robbery, burglary or other emergency.

5.22.100 False alarms and fines.

A. The city is authorized to assess a fine against an alarm user for the activation of an intrusion, duress, panic, or holdup alarm which the emergency responder determines to be false. The fines shall be assessed as specified in the consolidated fee schedule.

B. The alarm user shall be responsible for false alarms caused by any person having authorized access to the alarm site from the alarm user.

5.22.110 Defenses to false alarm violation.

It shall be an affirmative defense to a false alarm violation under this chapter that:

A. The false alarm for which the fine has been assessed did not originate at the premises of the alarm user who has been assessed the fine;

B. The alarm for which the fine has been assessed was, in fact, not false, but was the result of actual or attempted burglary, robbery or other emergency; or

C. Emergency responder dispatch was notified by the alarm user or the alarm provider that the alarm was cancelled prior to the emergency responder's arrival to the

subject premises in response to the false alarm.

5.22.120 Inter-agency communications.

A central station or other alarm dispatch center must provide to police department dispatch a toll-free telephone number for the conducting of business and contacting the central station dispatchers at the time of filing the alarm report.

5.22.130 Penalties.

A. Any person who violates any provision of these provisions shall be guilty of a Class B misdemeanor.

B. All fees, fines and charges assessed under this chapter are due and payable within 30 days after written notice of any amount due is issued by the city. A penalty of ten percent of the amount due shall be assessed upon any person who fails to pay the fee within thirty days after its due date. Thereafter, all delinquent sums shall accrue interest at the rate of 18% per annum.

C. Failure to timely pay any service fees, fines or other charges imposed in this chapter may result in an action to revoke the provider permit of the subject provider or the alarm user permit of the subject user. Permits so revoked may not be re-issued without full payment of the delinquent sums.

D. Failure to comply with this chapter also may result in an order by the alarm coordinator to disconnect the subject alarm system.

5.22.140 Appeal procedure.

A. Any alarm provider or user shall have ten business days from the date of the city's written notice of a fine assessment under this chapter to request in writing an appeal hearing before the alarm coordinator.

B. Any period between the filing of a written appeal as specified in this section, and the time when a final decision by the alarm coordinator or designee is made, shall not

count for the assessment of late fees for that violation.

C. The alarm coordinator or designee shall schedule and conduct the appeal hearing before the alarm coordinator or designer within 14 days after the written request and shall render a written decision within seven days after the appeal hearing is concluded. Following issuance of the decision, late fees shall continue to accrue until paid as provided in this chapter.

D. The alarm coordinator or designee shall attempt to mediate and negotiate an agreement with the appellant and is authorized to reduce or dismiss fines for good cause shown, such as excusable user error. Fines may also be reduced or dismissed if an appellant attends a class or other training on the use of an alarm system.

E. If the alarm coordinator or designee finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the fine shall be dismissed and the alarm user shall be released from liability.

F. If the alarm coordinator or designee finds that a false alarm did occur and no applicable defense exists, the alarm coordinator may, in the interest of justice and on behalf of the city, enter into an agreement for the timely periodic payment of the applicable fine and late fees.

G. If an appellant is dissatisfied with the decision rendered by the alarm coordinator or designee, an appeal may be filed in writing, within ten days of the alarm coordinator's decision with the police department's assistant chief. Any such hearing shall occur within 14 days after the written request, and a written decision shall be issued within seven days after the hearing.

H. If an appellant is dissatisfied with the decision of the police department's assistant chief, an appeal may be filed with the Third District Court within 30 days after such decision.

5.22.150 Authority of the chief of police to implement provisions of chapter

The city's chief of police shall have the authority to adopt policies implementing the provisions of this chapter and shall establish response priorities to any alarm.

5.22.160 Policies.

The city council may from time to time adopt or modify by ordinance written policies governing the allocation of the city's law enforcement resources and other emergency services to alarm systems. Such policies may, without limitation, prohibit response by the city's emergency responders to alarms of specific types, specify the conditions under which the city's emergency responders will respond to alarms of specific types, or in any other manner control and protect from misuse the city's emergency services or law enforcement resources.

5.22.170 City liability limitation.

A. The city shall not be liable for any defects in the operation of any alarm systems, for any alleged failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person or business registered or issued a permit pursuant to this chapter in connection with the installation, operation or maintenance of the equipment necessary to or incident to the operation of such system.

B. If the city orders an alarm system disconnected based on repeated or uncontrolled false alarms or any other reason provided in this chapter or other applicable law, the city shall incur no liability for such actions.