

SALT LAKE CITY ORDINANCE
No. 64 of 2000
(Alarm systems amendments)

AN ORDINANCE AMENDING CHAPTER 5.08, *SALT LAKE CITY CODE*,
RELATING TO BURGLARY AND ROBBERY ALARM SYSTEMS.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 5.08, *Salt Lake City Code*, relating to Burglary and
Robbery Alarm Systems be, and the same hereby is, amended to read as follows:

Chapter 5.08

BURGLARY AND ROBBERY ALARM SYSTEMS

Sections:

- 5.08.020 Definitions.
- 5.08.030 Applicability of provisions.
- 5.08.045 Registration required to operate an alarm business.
- 5.08.065 Alarm user permits.
- 5.08.070 Employees and installers-identification card.
- 5.08.075 Alarm information
- 5.08.085 User information.
- 5.08.095 False alarms.
- 5.08.100 Apartment building alarm systems.
- 5.08.105 Inter-agency communications.
- 5.08.115 Deliberate false alarms.

- 5.08.170 Police call records.
- 5.08.180 Administration and enforcement.
- 5.08.190 Operational defects to be remedied.
- 5.08.200 Automatic dialing and prerecorded message alarm systems unlawful.
- 5.08.210 City liability limitations.
- 5.08.220 Violation-Penalty.
- 5.08.230 Appeal Procedures.

5.08.020 Definitions.

A. "Alarm business" means any persons engaged in the business of selling, installing, planning the installation, assisting in planning the installation, servicing,

maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the city.

B. "Alarm administrator" means the individual designated by the chief of police to issue permits and enforce the provisions of this title.

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

D. "Alarm site" means a single premise or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

E. "Alarm system" means any mechanism, equipment, or device which is designated 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 the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

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

2. Devices which are not installed, operated or used for the purpose of reporting an emergency to the police department;

3. Alarm devices installed on a temporary basis by the police department.

F. "Alarm user" means the person, occupant, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

G. "Apartment building" means any building containing two or more rental units.

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

I. "Central station" means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of such messages by a live voice to the police department.

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

K. "Emergency" means the commission or attempted commission of a robbery, burglary or other criminal action.

L. "Employee" means any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the city.

M. "False alarm" means the activation of an alarm system, which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature such as tornadoes, floods and earthquakes.

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

O. "Intrusion alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.

P. "Local alarm" means any alarm device audible at the alarm site.

Q. "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. [e.g. normal code = 1234; One Plus duress code=1235]

R. "Panic alarm" means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

S. "Permittee" means the person to whom an alarm user permit is issued.

T. "Person" means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

U. "Private guard responder" means a private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime has occurred at an alarm site.

5.08.030 Applicability of provisions.

The provisions of this chapter shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which the ordinance codified in this chapter became effective, and subsequent thereto.

5.08.045 Registration required to operate an alarm business

It is 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 or other property within the city any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a current state license therefor, granted and subsisting in compliance with the provisions of the Utah Burglar Alarm Security and Licensing Act, Sections 58-55-102 et seq., Utah Code Annotated 1953, as amended, or its successor, and the name, address and license number or I.D. card number registered with the chief of police. Alarm users and/or alarm companies attempting alarm permit registration listing alarm or monitoring companies not currently licensed with the Utah State Division of Professional Licensing shall not be issued a permit number. There shall be no fee for city registration under this section.

5.08.065 Alarm user permits.

A. Every alarm user shall have in his/her possession an alarm user permit issued by the chief of police at no charge. Such permit shall be issued upon filing by the user with police department a completed alarm permit application as provided by Section 5.08.075 or its successor. A separate permit shall be required for each alarm site. The permit

application shall be submitted to the alarm administrator prior to operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm company. The alarm user shall be responsible for the maintenance and operation of the alarm system.

B. 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. An alarm business shall notify the alarm administrator of any alarm user who has canceled or otherwise terminated their alarm services with the alarm business. Alarm permits shall not be transferable.

5.08.070 Employees and installers-Identification card.

It is unlawful for any person to engage directly in the installing, servicing, maintaining, repairing, moving or removing, in or on any building or other property within the city, any intrusion, duress or other emergency alarm system, or monitoring and relaying calls for such system, unless such person has in his/her possession a valid individual license issued by the state pursuant to Section 58-65-308, Utah Code Annotated, or successor sections.

5.08.075 Alarm information.

A. An alarm permit application shall be completed by the user and submitted to the police department alarm administrator prior to the operation of the system.

B. This permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the person of licensed alarm system business installing, monitoring, maintaining or servicing the system.. The permit application shall further contain the names, addresses and telephone numbers of three individuals who may be contacted by peace officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit shall contain such additional information as the chief of police shall reasonably deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.

C. All alarm permit applications and permit information relating to specific alarm sites shall be private records as defined under Utah Code Section 63-2-302(2)(d), or its successor, and protected records under Utah Code Section 63-2-304(10), or its successor, and shall be held in strict confidence by the City and not disclosed except as required under the Utah Government Records Access and Management Act, Utah Code Sections 63-2-101 et seq., or their successors.

5.08.085 User instructions.

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and avoid false alarms. Written operating instructions

and the phone number of the monitoring station, shall be maintained at each alarm site. The alarm business shall notify the alarm user of the permit requirements and this alarm ordinance.

5.08.095 False alarms.

A. Except for alarms at a wholesale or retail firearms business, intrusion alarm response shall be dispatched by the police department only after a private guard responder has confirmed that an attempted or actual crime has occurred at the alarm site.

B. A one hundred fifty dollar (\$150.00) penalty per incident shall be charged to a central station or alarm company for each request for police response from a duress, panic or holdup alarm where no valid alarm user permit is provided to police dispatch by the central station. Police response to duress alarms shall be limited to alarms originating from a stationary building structure.

C. Any false information provided to the alarm administrator or to police dispatch by any alarm user, central station, alarm company, or private guard responder may be a crime under City Code Sections 11.04.090 or 11.04.100 and shall be dealt with accordingly.

D. Activation of a duress, panic, or holdup alarm which is determined to be false by the police department shall result in an assessment of a penalty of \$150 for the second, \$250 for the third, \$350 for the fourth, and \$450 for the fifth and \$100 for the first, each additional false alarm within each 365-day period. Each false intrusion alarm shall result in an assessment of a \$100 penalty. The alarm user shall be responsible for false alarms caused by any person having authorized access to the premises from the alarm user.

E. All penalties assessed under this Chapter shall be due and payable on the date written notice of any penalty due is issued. Any penalty, which is paid within 30 days of the due date, shall be reduced by fifty dollars. Any penalty, which is paid after 30 days and within 60 days of the due date, shall be reduced by twenty-five dollars. Any penalty paid after 60 days from the due date shall not be reduced. If any penalty is not paid within 90 days of the due date, the City may use such lawful means as are available to collect such penalties. In the event the City files an action in court to recover such penalties, the City shall be entitled to recovery of its costs and attorney's fees in addition to the penalties due and owing.

F. The alarms administrator may implement a false alarm prevention course. The course shall inform alarm users of the problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall be issued a certificate worth the dismissal of one false alarm penalty of up to \$100. No permittee shall be entitled to take such course and receive a penalty waiver more than once per year.

5.08.100 Apartment building alarm systems.

A. If an alarm system installed, or caused to be installed, by any tenant in an apartment building is monitored by an alarm business, the tenant shall provide to the alarm administrator the name of a representative of the apartment building owner or property manager who can grant access to the rental unit by police officers responding to

an alarm dispatch. Such tenant shall obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's rental unit.

B. A tenant who has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site.

5.08.105 Inter-agency communications.

All central stations or other answering services shall provide the police department's dispatch, at the time of filing the alarm report with the alarm user's permit number, with a toll-free telephone number for contacting the central station dispatchers and for obtaining the information required under Section 5.08.170, or its successor.

5.08.115 Deliberate false alarms.

No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact. Central stations shall not request law enforcement officers to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal.

5.08.170 Police call records.

Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, starting the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the chief of police or the chief's designated representative at any time during normal business hours.

5.08.180 Administration and enforcement.

A. The provisions of this chapter shall be administered and enforced by the chief of police. The chief of police, or his or her authorized representative, which may be the chief building inspector, is authorized to make inspections of burglar, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the city to undertake such inspections and to determine whether such systems are being used in conformity with the provisions of this chapter.

B. Subject to the approval of the mayor, the chief of police, or his or her authorized representative, shall have power to make such reasonable rules and regulations as may, in the discretion of the chief of police, be deemed necessary to implement the provisions of this chapter.

5.08.190 Operational defects to be remedied

A. All alarm users shall have the user's alarm system inspected by an alarm business annually.

B. All alarm systems shall have a sufficient backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company. Said power supply shall last a minimum of three (3) hours.

C. After September 1, 2000, no alarm business shall program alarm systems so they are capable of sending One Plus duress alarms. Alarm businesses may continue to report One Plus duress alarms received from alarm systems programmed with this feature prior to September 1, 2000. However, after September 1, 2000, when performing a takeover or conversion, an alarm business shall remove the One Plus duress alarm capability from the alarm system being taken over or converted. Violation of this section shall result in a civil penalty of one hundred fifty dollars (\$150.00) per incident.

D. After September 1, 2000, alarm companies shall not install a device for activating a duress alarm, which has a single action, non-recessed button. Violation of this section shall cause a civil penalty of one hundred fifty dollars (\$150.00) per incident.

E. It is the responsibility of the alarm business and technician to prevent false alarms during installation, system repairs, or system service. Proper notification shall be made to the monitoring company that the system is in a test mode to avoid dispatching of law enforcement. Violation of this section shall result in a civil penalty of one hundred fifty dollars (\$150.00) per incident against the company employing the technician.

F. Vision obscuring device. 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. Use of this device shall result in no police response.

5.08.200 Automatic dialing and prerecorded message alarm systems unlawful.

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

5.08.210 City liability limitations.

The city shall not be liable for any defects in operation of intrusion or duress alarm systems, for any failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person 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. In the event the city finds it necessary to order the system disconnected, the city shall inure no liability for such action.

5.08.220 Violation--Penalty.

A. Notwithstanding any other provision in this chapter, failure of any person to comply with the requirements of this chapter shall constitute a misdemeanor and shall be punishable by law, as set forth in section 1.12.050 of this code, or its successor section.

5.08.230 Appeal Procedures.

A. The mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to violations of this chapter.

B. Any alarm user shall have ten business (10) days from the date of the city's written notice of a penalty assessment under this chapter to request in writing an appeal hearing before such hearing officer. The filing of an appeal with the alarm administrator shall stay the assessment of additional penalties for that violation until the hearing officer makes a final decision. The burden to prove any matter shall be upon the person raising such matter. It shall not be a defense to any penalty assessment that: (1) the false alarms were the result of faulty or malfunctioning equipment; (2) the false alarms were caused by electrical surges, or (3) the false alarms were caused by the fault of another person during non-criminal incidents. The hearing officer shall render a decision within 10 days after the appeal hearing is concluded. Following issuance of such decision, additional penalty assessments shall accrue until paid, as provided in this chapter.

C. If the hearing officer 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 hearing officer may dismiss the penalty and release the alarm user from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the fee;

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

3. The police dispatch office was notified by the permit holder or the alarm company that the alarm was false prior to the arrival of a peace officer to the subject premises in response to the false alarm; or

4. Such other mitigating circumstances as may be approved by the city law department.

D. If the hearing officer finds that a false alarm did occur and no applicable defense exists, the alarms administrator may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the applicable fees and penalties.

SECTION 2. This ordinance shall take effect on December 1, 2000 or upon publication, whichever is later.

Passed by the City Council of Salt Lake City, Utah this 12th day of
September, 2000



[Signature]
CHAIRPERSON

ATTEST:

[Signature]
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on September 19, 2000.

Mayor's Action: Approved. Vetoed.

[Signature]
MAYOR

ATTEST:

[Signature]
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 9/18/2000
By [Signature]

(SEAL)

Bill No. 64 of 2000.
Published: September 26, 2000.
ATTEST: _____

