

ORDINANCE No. 2326

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 8.04 OF THE SALISBURY MUNICIPAL CODE TO REQUIRE ENHANCED CALL VERIFICATION (ECV) FOR ALARM DISPATCH NOTIFICATION SYSTEMS.

WHEREAS, through the creation of section 8.04 the City has established standards and regulations pertaining to alarm systems; and

WHEREAS, from time to time it is prudent to review and amend the code; and

WHEREAS, it has been shown that countless alarm notifications prove to be unintentional; and

WHEREAS, responses to these unintentional alarms can be expensive and consume valuable city resources; and

WHEREAS, requiring participation in an Enhanced Call Verification (ECV) system will significantly reduce the number of inadvertent calls.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 8.04 be modified 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 departments.

8.04.050 False alarms—Violations and penalties.

8.04.060 Appeals

8.04.070 Weather-related activation of alarms.

8.04.080 Holdup alarms.

8.04.090 Audible alarm systems.

8.04.100 Auto dialer.

8.04.1210 Operating without a license—Penalties.

8.04.1320 Alarm system operating instructions.

8.04.1430 Alarm system operation and maintenance.

8.04.140 Enhanced Call Verification

8.04.010 Purpose and definitions.

The purpose of this chapter is to provide standards and regulations applicable to alarms such as burglar (intrusion), holdup (robbery) alarms, 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 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 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 system.

"Alarm company" means any person who engages in the business of altering, maintaining, selling at retail, servicing or responding to 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.

"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 burglar 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 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 any office, station, or telephone answering service where trained employees monitor and/or receive emergency signals from alarm systems, and relay messages from such signals by live voice to the City of Salisbury Police and Fire Department telecommunications and dispatch center.

"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.

"Enhanced Call Verification" means that all central monitoring stations that handle residential or commercial intrusion and/or burglar alarm activations shall make two (2) phone calls in an attempt to verify the validity of any monitored alarm activation.

"False alarm" means an alarm dispatch request to the Police or Fire Department, which results in the responding officer(s) finding no evidence of a criminal offense, attempted criminal offense, or an actual fire or medical emergency, after completing an investigation of the alarm site.

"Fire Chief" means the Chief of the Fire Department of the City of Salisbury, Maryland, or his/her designee.

"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 to the control panel..

"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.

“Opt Out” means the process by which a verified alarm user notifies the alarm company or alarm agent that the alarm user has chosen to waive the Enhanced Call Verification (ECV) required by this Chapter.

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

"Police Chief" means the Chief of the Police Department of Salisbury, Maryland or his/her designee.

"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.

"Twelve-month period" means any 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 to conduct business within the City of Salisbury without first having obtained a license from the Director of Internal Services.
- 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 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 Director of Internal Services shall notify the applicant in writing of the approval and shall issue a license on a form established by the Director of Internal Services. In the case of denial, the Police Department shall notify the applicant in writing of the denial and the basis for the denial. The notice of denial shall inform the applicant that he may appeal. A procedure for appealing the denial of a license shall be established by the Police Department.

8.04.030 Application for license—Fees.

Applications shall be made on forms furnished by the Director of Internal Services. 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

conducting business in the city shall re-register and update information before July 1st of each year.

8.04.040 Alarm companies to provide list of users to Police and Fire Department.

All licensed alarm companies shall provide the Police and Fire Department 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 location of the customers' alarm systems; and
3. All other information requested on a form provided by the Police Department.

(Ord. 1955 (part), 2005)

8.04.050 False alarms—Violations and penalties.

A. If, within a calendar year, the Fire and/or Police Departments respond to more than two (2) false alarms at the same location, response fees will be charged to the property owner, as defined by separate ordinance, ~~Section~~ in accordance with the fee schedule in effect at the time of the response. The Council of the City of Salisbury shall set the fee schedule from time to time as the Council deems appropriate. Prior to January 31st of each year, for the purpose of setting a fee schedule, the Police Department and Fire Department shall provide the Council with up-to-date response fees from each department. ~~Each billable false alarm response shall incur a separate twenty-five (\$25.00) administrative processing fee in addition to the false alarm response fee.~~

Failure to pay said fees within ninety (90) days of the date on the notification of the violation will result in a lien against the real property until the fees are satisfied and shall be collectible in the same manner as real estate taxes and accrue interest and penalties, if applicable, as allowed for unpaid real estate taxes as well.

~~False Alarm Fee Schedule~~

False Alarm Occurrence	Administrative Processing Fee	False Alarm Response Fee	
		Police	Fire
1st	-0.00	-0.00	0.00
2nd	-0.00	-0.00	0.00
3 rd and each subsequent false alarm in a calendar year	-25.00	-246.40 <u>120.00</u>	272.09 <u>135.00</u>

B Newly installed and newly transferred 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 or transferring a system shall notify the Police and Fire Departments in writing of the new installation or transfer, including the effective date, within 10 days of the effective date.

- C. The Director of Internal Services will maintain accurate records of false alarms and will bill for payment thereof by mailing said bill to the property owner of record of the subject location, the designated agent, if any, and the occupant of the property if known to the Director of Internal Services.
- D. If the false alarm bill remains unpaid for more than ninety (90) days, the Director of Internal Services shall place a lien against the subject real 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 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 or by posting the written notice in a conspicuous place in or about the structure or property affected by such notice.
- E. Municipal Infraction

For any violation occurring after the fifth false alarm response by the same responding department within the same calendar year, the person owning and/or in control of the subject real property shall be guilty of a municipal infraction and shall be subject to a fine *not to exceed* ~~of up to a maximum of~~ five hundred dollars (\$500.00) for each offense as established in the table listed below. Each false alarm response thereafter within the same calendar year shall constitute a separate offense. Notice and service of a citation shall be as directed under Local Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as amended, concerning municipal infractions. The Chief of Police and Fire Chief are designated by the Council to direct the designated persons within their departments to act as enforcement officers for the purpose of preparing and carrying out the requirements for issuing and serving municipal infractions.

The amount of a fine shall be in accordance with the table below:

<u>FALSE ALARM OCCURRENCE / FINE</u>	<u>POLICE</u>	<u>FIRE</u>
<u>6th</u>	<u>100.00</u>	<u>100.00</u>
<u>7th</u>	<u>200.00</u>	<u>200.00</u>
<u>8th</u>	<u>300.00</u>	<u>300.00</u>
<u>9th</u>	<u>400.00</u>	<u>400.00</u>
<u>10th</u>	<u>500.00</u>	<u>500.00</u>

8.04.060 Appeals

Any alarm user who is assessed a false alarm fee by the City of Salisbury may appeal the fee in writing to the City Administrator or designee within ten (10) days of the date of the notification of the violation. Within twenty-one (21) days after receipt of the appeal, the City Administrator or designee shall review the file and if requested by the alarm user, arrange a hearing. Following the hearing and/or review, the City Administrator must render a written decision affirming, reversing, or modifying the violation issued by the Police and/or Fire Department. Failure to file a timely appeal shall constitute acceptance of the violation and related fees.

8.04.070 Weather-related activation of alarms.

- 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 an officer may visually check the building. If, because of other calls or because of an excessive amount of alarms, the Police Department is unable to respond to the alarm site within a reasonable time, the central monitoring station will be notified of the problem, and it will be the alarm company's responsibility to notify a representative of the alarm site of the situation.
- 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. If the Fire Department is unable to respond to the alarm site within a reasonable amount of time due to the increased volume of alarm system activations, the Fire Department dispatch center shall be notified. It will be the alarm company's responsibility to notify a representative of the alarm site of the situation. Unless verification indicates that the Fire Department's services are required at the alarm site, 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.

8.04.080 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 theft, or for disorderly or intoxicated subjects is prohibited and shall be charged as a false alarm.

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.

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, to a number used by the Police or Fire Departments. The Police and Fire Chief are authorized to grant exceptions in writing for handicapped persons.

8.04.1210 Operating without a license—Penalties.

- A. An alarm company may not 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 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 conducting business while its license application is being processed. An alarm company not previously conducting business in the limits of the city on the effective date of this chapter shall not commence 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 not to exceed one hundred dollars (\$100.00).

8.04.1320 Alarm system operating instructions.

The alarm company shall provide and 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 Police and/or Fire Department upon request.

8.04.1430 Alarm system operation and maintenance.

The alarm user shall:

- A. Maintain the premises and the alarm system in such a manner that will minimize or eliminate false alarms.
- B. Cause a representative to respond to the alarm system's location within thirty (30) minutes (or less) when requested by the Police or Fire Department.
- C. 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.

D. Alarm companies have the right to repair dysfunctional alarm systems which unintentionally notify the Police and Fire Department of false alarms. So long as steps are being taken to correct any problems, alarm users with confirmed and verifiable defective alarm systems will not incur any false alarm fees or municipal infractions associated with an unintentional false alarm which occurs within 24-hours after notifying the alarm company of the alarm system malfunction.

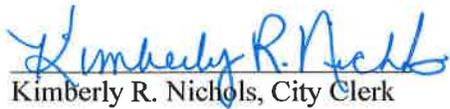
8.04.140 Enhanced Call Verification

- A. All central monitoring stations that handle residential or commercial intrusion and/or burglar alarm activations shall make two (2) phone calls in an attempt to verify the validity of any monitored alarm activation prior to calling the Salisbury Police Department to request a dispatch.
- B. Alarm users have the option to opt out of the Enhanced Call Verification (ECV) Program. If an alarm company or alarm agent has received a written request from a verified alarm user to Opt Out of ECV, the alarm company or alarm agent is not required by this Chapter to provide ECV to any such alarm user.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

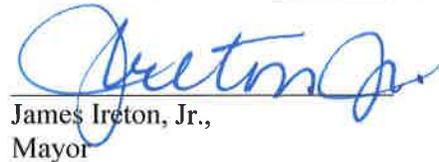
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 13 day of April, 2015 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 27 day of April, 2015.

ATTEST:


Kimberly R. Nichols, City Clerk


Jacob R. Day, City Council President

Approved by me, this 6th day of May, 2015.


James Ireton, Jr.,
Mayor

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: City Council
From: Tom Stevenson
Subject: Enhanced Call Verification (ECV)
Date: April 8, 2015

Attached please find an ordinance that will have the effect of amending Chapter 8.04 Alarms. The amendment requires that all central monitoring stations that handle residential or commercial intrusion and/or burglar alarm activations to make two (2) phone calls in an attempt to verify the validity of any monitored alarm activation.