

Proposed ORDINANCE
By Ostrow
Intro & 1st Reading: 12/1/2006

**Amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to
Fire and Police Protection: Burglar and Holdup Alarm Systems.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That Section 176.10 of the above-entitled ordinance be amended to read as follows:

176.10. Definitions. The following terms when used in this chapter shall have the following meanings, respectively:

Alarm ~~company~~ business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved, or installed, any alarm system in or on any building, structure, or facility. This includes alarm system monitoring companies and alarm system operators that are located outside the city limits of Minneapolis which monitor alarms installed within the city limits of Minneapolis.

Alarm site. A single, fixed premise, building, structure, facility or location served by an alarm system. Each tenant's space within a multi-tenant building or complex, if served by a separate alarm system, shall be considered a separate alarm site.

Alarm system. Any instrument(s) or other device(s) which, as one of its purposes, is used to protect buildings, premises, or persons from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the emission or transmission of a sound or signal.

Alarm user. The person, employee, firm, partnership, association, corporation, company, or organization of any kind which uses or is in control of an alarm system at an alarm site, regardless of whether it owns or leases the system.

Calendar year. The period January first through December thirty-first of each year.

Department. The licenses and consumer services division of the department of regulatory services of the City of Minneapolis.

Director. The director of the licenses and consumer services division of the department of regulatory services of the City of Minneapolis, or his or her designee.

Enhanced Alarm Verification Process. An alarm business must make at least 2 calls to the call list to verify that there is a valid alarm before requesting dispatch from MECC.

False Alarm. Any activation of an alarm not caused by or as a result of a criminal act, an unauthorized entry, or an act of nature as determined by the responding Police officer.

MECC. The Minneapolis Emergency Communications Center. The public safety communication center for all emergency police, fire, and ambulance services for the City of Minneapolis.

Valid Alarm. An activation of an alarm caused by or as a result of a criminal act or unauthorized entry as determined by the responding Police officer.

Section 2. That Section 176.20 of the above-entitled ordinance be amended to read as follows:

176.20. Alarm user duties. The duties of the alarm user shall be as follows:

- (1) Maintain the premises and alarm system in a manner that will minimize or eliminate false alarms, including but not limited to having their alarm system inspected by a properly licensed alarm company technician at least once every two (2) years.
- (2) Instruct all persons with access to the alarm system in the appropriate method of operation, codes, and premises securement as required for the proper use of the system.
- (3) Maintain a current key-holder list with the alarm user's ~~company~~ alarm business.

- (4) Notify the alarm ~~company~~ business of a false alarm activation as soon as the user is aware of the false alarm.
- (5) Not manually activate an alarm except when in need of an immediate dispatch of law enforcement personnel to an emergency situation.
- ~~(6) Provide to the director, upon the occurrence of the system's third false alarm and, thereafter, on an ongoing basis, the following information:~~
 - ~~a. The names and addresses of the alarm users, alarm owners (if different than the alarm user) and the alarm company.~~
 - ~~b. The type of alarm system being used.~~
 - ~~c. The person designated by the alarm user as its contact person for purposes of alarm related matters.~~
 - ~~d. The person or entity designated to pay the alarm user penalties.~~
 - ~~e. Any additions or changes to the above information.~~
- (7) Failure to provide this information alarm registration fees will be considered relevant in any decision to suspend police response to alarm dispatch requests in accordance with section 176.50.
- (7) If the alarm user discovers an actual burglary, they must contact the Minneapolis Police Department within 5 days of the alarm activation and request an officer respond to the premises and make a police report.
- (8) Alarm Registration fee exemption. City and government sites shall be exempt from the alarm registration fee but not any other section of this chapter.

Section 3. That Section 176.30 of the above-entitled ordinance be amended to read as follows:

176.30. Alarm ~~company~~ duties Business Duties. The duties of the alarm ~~company~~ business shall be as follows:

- (1) Not install any burglary control panel failing to meet security industry association standards with false alarm prevention features programmed to the factory default.
- (2) Provide each of its alarm users with the following:
 - a. Operating instructions for their alarm system, including an explanation of the ~~company's~~ alarm verification process.
 - b. A telephone number to call for assistance in operating the system.
 - c. A copy of the provisions of Chapter 176 relating to penalties for false alarms and the possibility of no police response to alarm systems experiencing an excessive number of false alarms.
- (3) Complete an enhanced alarm verification process for all alarm signals prior to requesting a response by the police department.
- ~~(4) Maintain a current record, accessible to the director at all times, that includes the following:~~
 - ~~a. Names, phone number and billing address of alarm users serviced by the company.~~
 - ~~b. Addresses of the protected properties.~~
 - ~~c. Type of alarm system.~~
 - ~~d. Original installation date and subsequent modifications, if any, for each protected property and the name and phone number of the installer.~~
 - ~~e. A record of the date and time of alarm dispatch requests to each protected property.~~
 - ~~f. A record of the alarms at each property with evidence of the company's attempt to verify the alarm.~~
 - ~~g. The names and phone numbers for all key holders and responders.~~
 - ~~h. Provide 911 with the estimated time of arrival (ETA) for responders to alarm calls~~
 - ~~i. Any additions or changes to the above information.~~
- (5) 4 Work cooperatively with the alarm user and Director to determine the cause of any false alarm and to prevent recurrences.

- (6 5) Establish a training period during the first seven (7) days following the installation of any alarm system, during which the alarm user will be trained on the proper use of the system and no police dispatches will occur unless determined necessary by the director or the police department.
- (7 6) Violation of any of these duties will be subject to a civil penalty of one hundred dollars (\$100.00) for each separate violation. Each day of non-compliance shall constitute a separate offense.

Section 5. That Section 176.40 of the above-entitled ordinance be amended to read as follows:

176.40. False alarms; penalties. (a) The alarm user shall pay a penalty to the city for each false alarm in excess of two (2) per calendar year. The penalty shall be:

(1) First alarm. . .Registration Required

a. Registration fee. Upon the first false alarm a registration fee of \$30.00 shall be imposed.

b. Application Procedure. An alarm user must submit application materials as determined by the director.

c. Registration will be considered a lifetime registration if there are no false alarms in future years.

(2) Second alarm fine. . . \$100.00

(4 3) Third alarm fee fine . . . \$200.00

(2 4) Fourth alarm fee fine . . . \$300.00

(3 5) Fifth alarm fee fine. . . . \$400.00

The fee fine shall increase by the sum of one hundred dollars (\$100.00) for each succeeding false alarm thereafter.

(b) A penalty of two hundred dollars (\$200.00) shall be paid by the alarm ~~company~~ business to the city for each false alarm where the responding police officer determines that it was caused by the on-site actions of an employee of the alarm ~~company~~ business.

(c) Fines are due within 30 days of the date of the invoice.

Section 6. That Section 176.50 of the above-entitled ordinance be amended to read as follows:

176.50. Suspension of police response. (a) *Notice.* Upon the occurrence of the fifth (5th) false alarm within a calendar year, or where the alarm user is more than ~~ninety (90) days overdue~~ forty five (45) days overdue in their payment of alarm penalties, the director shall serve, in person or by U.S. mail, the alarm user or the alarm user's designated contact person with written notification that effective immediately ~~fourteen (14) days from the date of the notice,~~ the Minneapolis Police Department may ~~will~~ not respond to alarm dispatch requests from that site ~~for the remainder of the calendar year~~ unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for immediate police response. Police suspension shall remain in effect until full payment of alarm fines are paid.

(b) ~~Written appeal of suspension warning notice. Within seven (7) days from the date of the suspension warning notice, the alarm user may file with the director a written appeal of the proposed suspension of police response explaining the steps taken to correct the problem, any facts pertaining to the overdue payment of fines, the facts and circumstances of the false alarms from this alarm site and any other information relevant to the director's proposed suspension of police response. Within five (5) days of the director's receipt of the written appeal and after review of the files for the alarm site, alarm user, and alarm company, attendance in a certified false alarm prevention course, and all the submissions of the alarm user, The director shall issue a decision to confirm, suspend, or rescind the suspension notice and serve a written copy thereof on the alarm user's contact person by mail.~~

(c) ~~Appeal of director's decision. Within seven (7) days of the date of the letter informing the alarm user of the director's decision, the alarm user or alarm company may file a written appeal with the department. The appeal shall be conducted before a hearing officer in accordance with the administrative enforcement and hearing process of Title 1, Chapter 2.~~

~~(d b)~~ *Suspension of police response.* Upon the exhaustion of any departmental, administrative, and judicial appeal of a notice to suspend, the Minneapolis Police Department, in determining whether to make an immediate police response to notification of a signal from that alarm user's alarm system, may disregard that alarm dispatch request when the alarm signal is the only basis for making the dispatch request in accordance with section 176.50(a). Where there is, in addition to the alarm dispatch request, an in-person call, verification from a person at or near the premises or other independent evidence shows a need for police dispatch to the alarm site, police may consider the suspension of police response as an additional factor in the decision to order an immediate police response.

Section 7. That Section 176.60 of the above-entitled ordinance be and is hereby repealed:

~~**176.60. Nuisance.** (a) When an alarm user generates more than four (4) false alarms within a calendar year, the alarm user and alarm system may be declared a nuisance.~~

~~(b) When an alarm user is more than one hundred twenty (120) sixty (60) days overdue in their payment of alarm penalties, the user may be declared a nuisance and police response may be suspended.~~

Section 8. That Chapter 176 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 176.55 to read as follows:

176.55 Appeal. (a) Appeal letter. An alarm user or alarm business who wishes to appeal a false alarm, penalties or suspension of police response must file an appeal in writing to the director within 15 days of notification of a false alarm, issuance of any fines or penalties or notification of suspension of police response. Failure to file a timely appeal shall constitute a waiver of the alarm user's or alarm business's right to appeal provided however, that the director may, with discretion, waive the 15 day limit if good cause is shown. There shall be no rights to appeal the decision of the director to not waive the 15 day time limit for appeal. While the appeal is pending, the action proposed by the director shall not be implemented.

(b) Within five (5) days of the director's receipt of the written appeal and after review of the files for the alarm site, alarm user, and alarm business, and all the submissions of the alarm user, the director shall issue a decision to confirm, suspend, or rescind the suspension notice and serve a written copy thereof on the alarm user or the alarm user's contact person by mail.

(c) The decision of the director shall be final.

Section 9. That Section 176.80 of the above-entitled ordinance be and is hereby repealed:

~~**176.80. Implementation.** This ordinance shall be effective January 1, 2004.~~