

CITY OF BLAINE

ORDINANCE NO. 04-2015

AMENDING

**ARTICLE XI. ALARM SYSTEMS OF THE
ZONING ORDINANCE OF THE CITY OF BLAINE**

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike).

ARTICLE XI. ALARM SYSTEMS

Sec. 6-200. Statement of purpose.

Purpose and Findings. The purpose of this ordinance is to encourage alarm users and alarm companies to maintain the operational effectiveness and reliability of alarm systems and to foster the proper use of these systems in order to reduce or eliminate unnecessary responses by the Blaine Police and Fire Departments to false alarms. Nothing herein stated should be construed as imposing or implying any duty upon the Blaine Police or Fire Departments to respond to alarm dispatch requests, as limiting the discretion of the police chief or fire chief in establishing response policies, or as waiving otherwise applicable governmental immunities. The number of false alarms to which the Blaine Police and Fire Departments now respond had reached a level which places a significant burden upon the time and resources of the City. The City Council of the City of Blaine makes the following findings regarding the need to regulate alarm systems operating within the City:

- (1) False alarm responses, by unduly diverting safety services personnel, wasting limited resources and potentially threatening the safety of police officers, fire fighters, and the public;
- (2) To promote the general safety and welfare of the citizens of Blaine;
- (3) To minimize the hazards associated with emergency response to City and Fire Department employees and other persons using the roadways in Blaine during the time an alarm is activated;
- (4) To control the loss of time and financial resources resulting from the response of emergency personnel to false alarms;
- (5) To promote the installation and use of alarms and alarm systems in Blaine which are of such quality and workmanship that false alarm signals, due to inferior product design, installation and/or maintenance, are eliminated;
- (6) To promote training by alarm owners of their employees and subcontractors in the proper use of and care for their alarms so that false alarms, due to human error, are eliminated; and
- (7) To establish penalties for negligent installation of, use of, or maintenance of alarms and alarm systems.

Sec. 6-201. Definitions.

For the purposes of this ordinance, the following terms are defined as indicated:

Act of nature: An alarm or alarm system activated by a utility line mishap, tornado, severe wind or electrical storm or other climatic condition shall not, for the purpose of this article, be considered a false alarm.

Alarm or alarm system: A single device or assembly of devices operating mechanically, electrically or by means of radio frequency method such as cellular or private radio signal indicating a need for a response by emergency personnel or services. Such signals emitted may be audible or may be transmitted to some receiving site for the purpose of notification of the need for an emergency response.

Alarm Administrator. A person or persons designated by the Safety Services Manager to administer and review the City's false alarm tracking and reduction efforts.

Alarm User permit means a permit issued by the City to any owner or other person in control of a residential dwelling, building structure, property or any part thereof, located in the City who has leased, purchased or otherwise possesses an alarm system for use on any premises.

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

Automotive alarms: Alarms or alarm systems installed in motor vehicles, including boats, snowmobiles, and similar conveyance devices are exempt from the provisions of this article.

Alarm verification process: an independent method by which an alarm company makes a reasonable attempt to verify the legitimacy of an alarm with the alarm user or responsible party that a signal from an alarm system requires an immediate dispatch of police or fire-fighting personnel.

Calendar year: January 1 through December 31 of each year.

Alarm company: The business of any individual, partnership, corporation, or other entity involving the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring or installing any alarm system at an alarm site located within the City or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building structure, facility or other alarm site located within the City. Specifically included in this definition and the provisions of this division are individuals, partnerships, corporations, or other entities performing alarm system monitoring services.

False alarm: An alarm signal eliciting notification to and a response by police or fire personnel where the responding personnel, is unable to find any evidence that a fire, burglary or attempted burglar has occurred. Alarm or alarm system malfunction due to frequency failure, or human error on the part of an alarm user, or an employee or agent or subcontractor of the alarm user, shall be considered a false alarm.

Hold-up alarm: A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress to law enforcement personnel.

Panic alarm: An audible or silent alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring the dispatch of law enforcement personnel, including, but not limited to: duress and ambush alarms.

Alarm site: A single 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 system, shall be considered a separate alarm site.

improper installation or maintenance, mechanical, electrical or radio

Sec 6-202. Duties of alarm user.

Alarm users whose alarm site is located within the City shall:

1. Maintain the premises and alarm systems in a manner that will minimize or eliminate false alarms, including but not limited to having their security alarm system inspected by a properly licensed alarm company technician at least once every two (2) years. Fire alarm systems shall be inspected and tested at least once every year by qualified technicians;
2. Maintain a current key holder list with their alarm company, monitoring station and safety services division. Failure to notify the safety services division/alarm administrator of any key holder information will be considered a violation of this ordinance.
3. Key holders shall respond to alarm calls.
4. Notify the alarm company 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 to immediately dispatch law enforcement or fire personnel to an emergency situation;
6. Remove any non-required components from the alarm system which have created ongoing false alarms;
7. Take immediate steps to repair equipment creating false alarms; and
8. Every alarm user shall be required to register each alarm system on the alarm user's premises on a form provided by the City. The form shall contain all information the City deems necessary to administer this system. In commercial or multi-housing situations, it shall also include key holder information.
9. The registration fee for existing residential alarm systems owners shall be waived until such system produces a false alarm; at which time the resident shall pay the alarm system registration fee
10. The registration fee for existing commercial alarm system owners, shall be waived for one year from the effective date of this ordinance provided registration occurs within this year period.

11. New commercial and residential alarm owners shall pay the registration fee at the time of installation.
12. Registration fee shall be established by council resolution.
13. Alarm user registrations are not transferable from one person to another or from one location to another.
14. Exemptions: The provisions of the Section are not applicable to audible alarms affixed to automobiles.

Sec. 6-203. Duties of alarm company.

Alarm companies shall:

- (1) Not install any burglary control panel, after the effective date of this ordinance, which fails to meet Security Industry Association Standards with false alarm prevention features programmed to the factory default;
- (2) Not install an alarm system ,after the effective date of this ordinance, which does not meet the requirements of this ordinance, applicable NFPA standards, manufactures specifications and other nationally recognized standards;
- (3) Complete an alarm verification process, as defined in Section 6-201, for all single-family residential alarm signals prior to requesting a response by emergency personnel;
- (4) Complete an alarm verification process, as defined in Section 6-201, for all multi family and commercial burglary alarm signals prior to requesting a response by the emergency personnel;
- (5) Maintain a current record, available for review by the Alarm Administrator upon request on an individual case by case basis during regular business hours, of alarm users and sites serviced by the company that includes: the names of the alarm user serviced by the company, the address of the protected evidence of the company's attempt to verify the alarm and it's explanation of the cause of the false alarm ;
- (6) Provide each of its alarm users with: Written operating instructions for their alarm system, including an explanation of the company's alarm verification process; a telephone number to call for assistance in operating the system; and a summary of the provision of this Ordinance relating to penalties for false alarms;
- (7) Work cooperatively with the alarm system user and the Alarm Administrator to determine the cause of any false alarm recurrences;
- (8) 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
- (9) Every alarm company performing work within the City of Blaine shall be required to register with the city annually on a form provided by the City. The form shall contain all information the City

deems necessary to administer this ordinance. The alarm registration must be accompanied by a copy of the Board of Electricity Technology Systems Contractors license, bond and insurance certificate . properties, the type of alarm system, the original installation date and the subsequent modifications, if any for each protected property, a record of the date and the time of alarm dispatch requests to each protected property , record if the false alarms at each property with

Sec. 6-204. [Alarm Regulations.

Alarm system installations within the City of Blaine shall comply with the following requirements:

- (1) Annunciator Panels. When installed burglary and fire alarm annunciator panels in other than single family residences, shall be located at the main entrance unless otherwise approved by the authority having jurisdiction.
- (2) Audible Security Alarms. Audible security alarms shall emit a sound distinguishable from that of a police, fire or ambulance siren. No audible security alarm shall emit an alarm sound for a continuous period of time in excess of fifteen (15) minutes. However, once having signaled an alarm, an audible alarm or audible alarm system may, by means of a reset device, once again be armed to signal an alarm upon subsequent good cause.
- (3) When multiple calls are received at the same location within a (48) forty eight hour period and a key holder does not respond or resolve the cause of the false alarms, the Police and Fire Departments may stop further response to the site until the false alarm problem is resolved.
- (4) Alarm Equipment Specifications. Except as otherwise provided herein, no alarm equipment shall be installed which is not listed in the appropriate Under Writers Laboratory (UL) Directory. All equipment shall be installed according to UL and NFPA standards or other nationally recognized standards.
- (5) No alarm or alarm system user shall use or cause to be used any devise which automatically telephones directly to a public safety agency for the purpose of summoning a response from emergency personnel.
- (6) No person shall willfully and intentionally creates a false alarm, by any means.
- (7) No device shall be installed that activates a hold-up alarm by the depression of a single-action non-recessed button at alarm sites within the City and all existing non-recessed button alarms shall be removed on or before January 1, 2005;
- (8) No panic or hold-up alarm system shall be installed in residential sites that activates a silent alarm signal by alteration of the last digit of the normal arm/disarm code at alarm sites within the City and shall deactivate such systems currently in existence on or before January 1, 2005;
- (9) No silent burglary alarm system shall be installed at alarm sites within the City and shall convert existing systems into an interior audible system on or before January 1, 2005;

Sec. 6-205. New alarm and alarm system installations.

Upon the installation of a new alarm or alarm system, the alarm user may be granted a grace period of thirty (30) days for the purpose of training necessary persons in the use of the system, and to eliminate any deficiencies or malfunctions from the system, provided the responsible party is taking immediate steps to remedy the deficiencies.

Sec. 6-206. Certain entities exempt.

The United States Government, the State of Minnesota, the County of Anoka, and the City of Blaine are hereby exempted from the penalty provisions of this article, as set forth in section 6-219. Alarm systems to monitor temperature, carbon dioxide, humidity, medical emergencies or any other condition not related to the detection of fire, a criminal intrusion into an alarm site or an attempted robbery at an alarm site are specifically excluded from the provisions of this ordinance. Alarm systems on a person are also excluded.

Sec. 6-207. Suspension of police response.

(1) **Notice of Suspension of Police Response.** Upon the occurrence of the fourth false burglary alarm from a residential alarm site or the sixth false burglary alarm from a commercial alarm site within a calendar year, or where the alarm user is more than 120 days overdue in their payment of alarm fines, the City's Alarm Administrator shall serve, in-person or by U.S. certified mail, the alarm user's designated contact person with written notification that effective fourteen (14) days from the date of the notice, the Police Department will not be responding to burglary 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 an immediate police response.

(2) **Written Appeal of Suspension Notice.**

- (a) Within seven (7) days from the date of the Suspension Notice the alarm user may file with the City's Alarm Administrator 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 Alarm Administrator's proposed suspension of police response.
- (b) Within five (5) days of the Alarm Administrator's receipt of the written appeal and after reviewing the City's files for the alarm site, alarm user and alarm company and all of the submissions of the alarm user, the Alarm Administrator 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.

(3) **Suspension of Police Response.** Where an alarm user has failed to properly file a timely appeal of a Notice to Suspend or where the Alarm Administrator has issued a decision confirming a Notice to Suspend, the Police Department in determining whether to make an immediate police dispatch in response to notification of a signal from that alarm user's alarm system, may disregard that burglary alarm dispatch request when the alarm signal is the only basis for making the dispatch request. 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 response.

Sec. 6-208. Penalties for false alarms.

The following are established for repeat false alarms:

(1) *Fire alarms:*

- a. For the fourth false alarm in a calendar year, the penalty shall be established by council resolution.
- b. For each successive false fire alarm in addition to four (4) in a calendar year, the penalty shall be established by council resolution for each successive fire alarm.

(2) *Other alarms:*

- a. For the fourth, fifth, and sixth false alarm in a calendar year requiring police, the penalty shall be established by council resolution.
- b. For the seventh false alarm and each succeeding false alarm thereafter in a calendar year, the penalty shall be an additional amount established by council resolution per false alarm.
- c. For the second and subsequent false panic or hold up alarms the penalty shall be established by the City Council

- (3) False alarm penalties will be billed to the alarm user on a thirty (30) day billing schedule, and payment must be made to the city finance department within thirty (30) days of the billing date. Penalties not paid to the city within thirty (30) days of the billing date will be considered delinquent, and subject to a ten percent (10%) late payment fee. Penalties and late fees not paid to the city finance department within ninety (90) days of the billing date may be certified to the city clerk of Anoka County for collection in the same manner that audible alarm taxes are collected relating to the subject property.

Sec. 6-209. Liability to the city.

The regulation of alarms and alarm systems, along with the attendant response to alarm signals emitted shall not constitute acceptance by the city of liability to maintain equipment, to answer alarms, or to respond to alarms in any particular manner.

Sec. 6-210. Violations declared misdemeanor.

Any violation of any provision of this article shall be a misdemeanor.

Ordinance No. 04-2015

INTRODUCED AND READ this ____ day of _____, 2004.

PASSED by the City of Blaine this ____ day of _____, 2004.

Tom Ryan, Mayor

ATTEST:

Jane M. Hall, CMC, City Clerk

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