

ORDINANCE NO. 08- 129

AN ORDINANCE REPEALING AND REORDAINING PART 4 (ALARM LICENSES AND REGISTRATION) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSES, LIQUOR REGULATION AND TAXATION), AND AMENDING SECTION 102 (FALSE ALARM SERVICE CHARGE) OF ARTICLE 5 (POLICE AND FIRE ALARM SYSTEMS) OF CHAPTER 8 (PUBLIC SAFETY) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ALARM LICENSES AND REGISTRATION

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That Part 4 (Alarm Licenses and Registration) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licenses, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is hereby repealed and reordained to read as follows:

2.3.401: LEGISLATIVE DECLARATION:

The City Council hereby declares it to be in the public interest of the citizens of the City and a proper exercise of the police power of the City to require the licensing of alarm companies.

2.3.402: DEFINITIONS:

As used in this part, unless the context otherwise requires:

ALARM ADMINISTRATOR: The Chief of Police, or the person designated by the Chief of Police to be responsible for the administration of this part as it pertains to registration, false alarms and the police department's response to activated alarms.

ALARM COMPANY: The business conducted by an individual, partnership, corporation or other entity, of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system within the City limits.

ALARM RESPONSE MANAGER or ARM: A person designated by an alarm company to handle alarm issues for the company and act as the primary point of contact for the Alarm Administrator.

ALARM SITE: A single premises or location served by an alarm system. In a multi-tenant building or complex, each tenancy shall be considered a separate alarm site if individually controlled.

ALARM SYSTEM: An electronic or mechanical device or series of devices installed at an alarm site, designed to discourage crime by emitting or transmitting a remote or local audible, visual or electronic signal indicating there has been a burglary, robbery or other crime as used in this part only. An alarm system does not include:

- A. An alarm installed on a vehicle unless the vehicle is permanently located at a site;
- B. An alarm designed to alert only the inhabitants of a premises that does not have a sounding device that can be heard on the exterior of the alarm site;
- C. Medical panic alarms or fire alarms;
- D. Proprietary alarm systems which are not monitored by a licensed alarm company, and which result in the notification of only private, on-site personnel when activated.

ALARM USER: Any person, firm, partnership, company, association, corporation, owner, tenant or lessee or an authorized agent or representative, having possession of an alarm site.

BURGLARY ALARM: A device designed to trigger automatically without any direct intervention on the part of the alarm user. A burglary alarm is intended for the protection of property by detecting and signaling the occurrence of one of the following:

- A. An unauthorized presence on-premises;
- B. An unauthorized entry onto premises;
- C. An unauthorized tampering with property;
- D. An unauthorized taking of property.

ENHANCED CALL VERIFICATION (ECV) PROTOCOL: A monitoring procedure requiring the alarm company to make a minimum of two (2) calls to two different alarm user contact numbers, by telephone or other electronic means, to verify the validity of the alarm condition prior to making a dispatch request to the police department. ECV protocol is satisfied with one (1) call if that call is to the alarm site and the person contacted confirms that a criminal act has occurred or is occurring and that a police response is warranted.

FALSE ALARM: The accidental, unintended, inadvertent or erroneous activation of an alarm indicating that there is a crime in progress at an alarm site, or the unintended activation of an alarm through equipment malfunction, when no crime or other physical emergency has actually occurred. A false alarm response means that a police officer was actually dispatched to the

scene. Cancellation of the request for response prior to dispatching a police officer shall not be considered a false alarm response.

MONITORING: The process by which an alarm company receives signals from an alarm system and relays an alarm dispatch request for the purpose of summoning assistance to the alarm site.

PRINCIPAL: With respect to an alarm company, an individual who is actively engaged in the management or operation of an agency or company.

RECORDS: Information regarding alarm systems, alarm sites, alarm users, alarm user contact numbers and alternate contact numbers maintained by the alarm company including, but not limited to: type of alarm system, location and classification of alarm site, name, address and phone number of alarm user and alternate contact. Records kept pursuant to this part and given to the City are proprietary in nature, shall be kept confidential and shall not become "Public Records" as defined by the Colorado Open Records Act.

ROBBERY ALARM: A device that is directly triggered by a person with the intent of summoning help. It may also be triggered by the taking of property directly from the presence of the protected person. A robbery alarm is intended for the protection of persons against actual or threatened robbery, assault or other serious crime.

2.3.403: LICENSE REQUIRED; EXEMPTIONS:

- A. It shall be unlawful to operate an alarm company within the City without first obtaining a license.
- B. The provisions of this section shall not apply to any individual, partnership, corporation or other entity providing airport predeparture screening services regulated by the FAA.
- C. The provisions of this section shall not apply to law enforcement agencies.
- D. Each alarm company license shall specify the name under which the licensee is to operate, the address of the principal place of business, the expiration date, the number of the license, and any other information the Deputy Licensing Officer deems necessary.

2.3.404: APPLICATION REQUIREMENTS:

- A. Every application for a new or renewal alarm company license shall be subject to article 1 of this chapter.
- B. An application for an original or renewal license shall be accompanied by the fees authorized by article 1, part 5 of this chapter.

2.3.405: INSURANCE REQUIREMENTS:

The following shall be required of each licensed alarm company:

- A. Workers' compensation and employers' liability as required by statute. Employers' liability coverage is to be carried for a minimum limit of one hundred thousand dollars (\$100,000.00).
- B. Automobile liability for limits not less than five hundred thousand dollars (\$500,000.00) combined single limit for bodily injury and property damage for each occurrence. Coverage shall include owned, nonowned and hired automobiles.
- C. Commercial general liability for limits not less than one million dollars (\$1,000,000.00) combined single limit for bodily injury and property damage for each occurrence. Coverage shall include blanket contractual, broad form property damage, products and completed operations endorsements.
- D. Certificates of insurance must be submitted before the license is issued or renewed.
- E. Each policy of insurance shall contain an endorsement requiring the insurance carrier to notify the City at least thirty (30) days in advance of the effective date of any reduction or cancellation or change of the policy. All policies shall be kept in force and effect for the period of the license.
- F. The licensee shall be responsible for any and all damage to property or injury to persons arising out of the exercise of the license. The licensee shall indemnify and save harmless the City and its officers, agents and employees from all suits, actions or claims of injuries received or sustained by any person or persons or property on account of any act or omission of the licensee, its agents or employees, or due to the failure of the licensee to observe the provisions of this part.
- G. The cancellation or reduction of insurance shall be cause for automatic suspension of the license until the coverage shall be reinstated. All policies shall be kept in force and effect for the period of the license.

2.3.406: DUTIES AND REQUIREMENTS OF LICENSED ALARM COMPANY:

Every licensee shall:

- A. Install alarm systems in good working order.
- B. Instruct each alarm user in the proper use and operation of the alarm system, including how to turn the alarm system on and off and how to avoid false alarms.
- C. Provide each alarm user with a copy of this part and any information relating to alarm user duties, false alarm response fees and registration fees.

- D. Maintain records of the alarm site, type of alarm system and the name and telephone number of the alarm user and an alternate to be notified whenever the alarm is activated, and make these records available to the City when reasonably requested.
- E. Collect a registration fee for all alarm systems installed and/or monitored by the alarm company and remit those fees to the City. The payment of registration fees does not otherwise create a legal obligation to respond to an alarm by the City or any of its agents.
- F. Notify the Alarm Administrator within five (5) working days of the addition or deletion of an alarm site or alarm system from the alarm company's monitoring system and remit a new alarm site registration application and fee for additions to the alarm company's monitoring system. If the addition to the alarm company's monitoring system is an existing alarm site, the alarm company shall notify the Alarm Administrator of the addition of the existing alarm site to the alarm company's monitoring, maintenance, service or repair system.
- G. Attempt to verify whether an activated alarm is false by contacting the alarm user by using ECV protocol. Failure to attempt to verify whether an activated alarm is false may result, at the police department's sole discretion, in suspension of police response.
- H. Notify alarm users that a response has been summoned to a false alarm received from their alarm site.
- I. Comply with the alarm system installation and monitoring regulations promulgated by the Deputy Licensing Officer.
- J. No alarm company shall request a police response to an alarm at any alarm site that has had three (3) or more false alarms within any alarm registration period, unless there is actual evidence that a crime is being or has been committed. An alarm company shall have thirty (30) days within which to submit written documentation to the Alarm Administrator that the alarm company has provided the alarm user training in the operation of the alarm system, has identified the cause of the false alarms and, if a mechanical problem, has taken corrective action. Failure to provide the required documentation within this thirty (30) day period may, at the police department's sole discretion, result in suspension of police response.
- K. An alarm company may accept responsibility for false alarms due to equipment malfunction when no crime or other physical emergency has actually occurred so long as that company remits any false alarm fee assessed against the alarm site experiencing the equipment malfunction. Regardless of the alarm company's acceptance of responsibility for a false alarm, the false alarm shall count as a "false alarm" for purposes of subsection J, above.
- L. Records. Alarm companies shall maintain records relating to alarm dispatch requests. These records shall include, but not be limited to: the address of the alarm site; the name, address and telephone number of the alarm user; the date and time the alarm condition was activated; the alarm system zone(s) activated; ECV protocol and activity. These records shall be searchable by alarm site address and alarm user name. The alarm company shall provide

the Alarm Administrator copies of any requested records within five (5) business days of the Alarm Administrator's notice.

M. All alarm systems installed on or after one (1) year from the effective date of this ordinance shall meet or exceed the ANSI (American National Standard Institute) approved SIA (Security Industry Association) Control Panel Standard CP-01, as updated or amended, for false alarm reduction.

N. All alarm companies must identify an ARM and provide written notice to the Alarm Administrator of the ARM's name and contact information. This information shall be updated every time an alarm company appoints a new ARM, and at least once each calendar year.

2.3.407: DENIAL, SUSPENSION OR REVOCATION OF LICENSE:

In addition to the grounds set forth in article 1 of this chapter, a new or renewal alarm company license may be denied, suspended, or revoked if the applicant or a principal of the applicant:

A. Has been convicted of a felony in this State or any other state, or of a crime in any other state that, if committed in this State, would be a felony;

B. Has been convicted of three (3) or more criminal misdemeanor violations within a five (5) year period;

C. Has made a willful misrepresentation in applying for and obtaining a license;

D. Has been previously denied a license under this part or has had a license issued under this part suspended or revoked;

E. Was a principal of an alarm company whose license was revoked or suspended, unless the Licensing Officer determines that the principal was not responsible for the misconduct underlying the revocation or suspension;

F. Has been convicted of operating without a license.

G. Has failed to remit alarm site annual registration fees in accord with § 2.3.409.

H. Has violated any provision of this part 4.

2.3.408: UNLAWFUL ACTS:

A. It shall be unlawful to fail to notify the City within five (5) working days of an addition or deletion of an alarm site or alarm system from an alarm company's monitoring system.

B. It shall be unlawful to fail to remit registration fees to the City when due. In addition to any other remedy available, the police department shall have the discretion to deny response to any alarm condition received from an alarm site, system or user which has failed to remit

false alarm fees assessed pursuant to section 8.5.102 of this Code, or from an alarm company which has failed to remit alarm registration fees.

C. It shall be unlawful for any licensee to fail to report to the police department or other public law enforcement agency any criminal activity as soon as possible.

D. It shall be unlawful for any licensee to fail to cooperate with the police department or other public law enforcement agency in the investigation of any report of criminal activity.

E. It shall be unlawful for any alarm user to permit an audible alarm to be activated for more than ten (10) minutes per alarm event or condition.

2.3.409: REGISTRATION REQUIREMENTS FOR ALARM SITES:

Alarm users within the City must register their alarm systems and alarm sites with the City through the alarm company responsible for monitoring the alarm system. Exterior audible alarms that are not monitored shall be registered by the installing company with the City. Exterior audible alarms that are not monitored by an alarm company which are installed by a homeowner shall be registered by the homeowner with the City.

A. No alarm system may be registered as both a burglary and robbery alarm unless the alarm system generates a distinctive signal for each mode of operation and permits immediate determination of the method of activation.

B. Alarm site registration shall be valid for one (1) year from the date of acceptance by the Alarm Administrator and must be renewed annually. No registration may be transferred to another alarm user or to another alarm site. If ownership or operation of a registered alarm site is transferred from one person to another, the alarm company shall submit a new alarm site registration application to the Alarm Administrator to identifying the new alarm site owner or operator. Alarm site renewal registration applications shall be accompanied by the applicable renewal fee and shall be submitted to the Alarm Administrator. Alarm site renewal registration shall comply with the provisions of City Code § 2.1.605.

For alarm sites existing on the effective date of this ordinance (Ord. 08-___), annual registration will be due on the anniversary date of the site's original registration (per Ord. 97-228; Ord. 01-42) and the police department will provide the alarm company or alarm user notice of the renewal date. All new alarm systems installed after the effective date of this ordinance (Ord. 08-___) shall submit the annual alarm registration to the Alarm Administrator within five (5) days of installation.

C. Federal, State and local governments shall be exempt from payment of the alarm registration fee.

D. A registration fee authorized pursuant to article 1, part 5 of this chapter will be collected and remitted to the City by the alarm company when a new alarm system is installed or when an alarm user contracts with an alarm company to begin monitoring an existing alarm system.

Federal, State and local governments shall be exempt from payment of the alarm registration fee.

E. When registering an alarm site or system, the user shall provide information to the alarm company including the name and telephone number of the alarm user, the address of the alarm site, and the name and telephone number of at least one (1) alternate person to be contacted if the alarm user is unavailable.

F. If an alarm user fails to register an alarm site or system, the police department shall have the discretion to deny response to an alarm condition unless there is actual evidence that a crime is being or has been committed.

G. The alarm user shall maintain the alarm system in good working order and shall take reasonable measures to prevent the occurrence of false alarms.

H. If an alarm user intentionally activates an alarm indicating that there is a crime in progress, or other physical emergency, when the alarm user knows that no crime or emergency exists, it shall be a violation of Colorado Revised Statutes section 18-8-111, false reporting to authorities and City Code § 9.3.104.

2.3.410: FALSE ALARMS GENERALLY:

A. The alarm user must remit a false alarm service charge to the City for each false alarm response by the police department when required by section 8.5.102 of this Code.

B. The alarm user shall have thirty (30) days to remit the false alarm service charge to the City.

C. If an alarm user fails to remit a false alarm service charge, the police department shall have the discretion to deny response to any alarm condition received from the alarm company, site or system.

D. The decision to respond to any alarm condition, regardless of the number of false alarms recorded at the alarm site previously, if any, shall be made in the sole discretion of the police department. A decision to respond to an alarm condition at an alarm site shall not impose upon the police department a duty to respond to any future alarm conditions at that site.

Section 2. That Section 102 (False Alarm Service Charge) of Article 5 (Police and Fire Alarm Systems) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

8.5.102: FALSE ALARM SERVICE CHARGE:

* * *

B. Definitions: For purposes of this article, the terms and phrases used shall be defined as follows:

ALARM ADMINISTRATOR: The Chief of Police, or the person designated by the Chief of Police to be responsible for the administration of this part as it pertains to registration, false alarms and the police department's response to activated alarms.

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C. Service Charge:

1. A service charge of thirty dollars (\$30.00) shall be assessed upon an alarm user for each police response to a second false alarm by the alarm user within any alarm registration period.

2. A service charge of seventy-five dollars (\$75.00) and one hundred dollars (\$100.00) shall be assessed upon an alarm user for police response to the third and fourth false alarms within the alarm registration period. After the fourth false alarm within the alarm registration period, the police department shall have the discretion to suspend police response to any alarm site that has requested a police response to four (4) false alarms.

3. Should the police department, in its sole discretion, choose to respond to subsequent alarm condition at an alarm site that has had more than four (4) false alarms within the alarm registration period and determine that the subsequent alarm condition was false, the alarm user shall be assessed a service charge of two hundred dollars (\$200.00).

4. The decision to respond to any alarm condition, regardless of the number of false alarms recorded at the alarm site previously, if any, shall be made in the sole discretion of the police department. A decision to respond to an alarm condition at an alarm site shall not impose upon the police department a duty to respond to any future alarm conditions at that site.

D. Alarm Site Response Reinstatement. At the Alarm Administrator's discretion, the police department may reinstate response to an alarm site that has had four (4) or more false alarms within the alarm registration period. An alarm user's written request to the Alarm Administrator shall be accompanied by a non-refundable reinstatement fee of one hundred dollars (\$100.00).

The Alarm Administrator shall consider the type of residence or commercial activity conducted at the alarm site, the number of persons residing or employees located at the alarm site, the volume of pedestrian or vehicular traffic visiting the alarm site, the type of equipment used at the alarm site, telephone or electric service disruption history, the number of previous false alarms, prior requests for response reinstatement and any other information relevant to the alarm, the alarm site or the alarm user. The Alarm Administrator, in the Administrator's sole discretion, may require alarm inspection or alarm user training prior to approving reinstatement, and may reduce or waive false alarm fees, as appropriate. The Alarm Administrator's decision to approve or deny reinstatement, or to reduce or waive fees, shall be made to further the efficient use of police department resources and in the interests of the public health, safety and welfare. Reinstatement of response to the alarm site authorizes the alarm site to be eligible for police response to an alarm condition, but shall not impose upon the police department a duty to respond to any future alarm conditions at that site.

E. Appeals. An alarm user may appeal the Alarm Administrator's determination of the number of false alarms or the denial of response reinstatement. The alarm user shall file a written notice of appeal with the Chief of Police, or the Chief's designee, within ten (10) days of the Alarm Administrator's notice of determination to the alarm user and pay an appeal fee of twenty-five dollars (\$25.00). The Chief of Police shall conduct a hearing to determine whether there is substantial evidence to support the Alarm Administrator's decision, and shall have discretion to modify or refund any false alarm fees collected. The Chief of Police, or the Chief's designee, is further authorized, with the advice of the City Attorney's Office, to promulgate rules and regulations for the conduct of hearings. Hearing rules and regulations shall be provided to any alarm user filing a written notice of appeal and shall also be available to the public by request.