

**Sec. 8-34. - Private alarm systems.**

- (a) *Purpose.* The purpose of this section is to promote and maintain the operational effectiveness and reliability of private alarm systems, reduce or eliminate false alarms and prevent unnecessary responses by the New Hope Police and the West Metro Fire-Rescue District unduly diverting them from other law enforcement and fire protection activities. Nothing herein shall be construed to impose any duty on the New Hope Police Department or the West Metro Fire-Rescue District to respond to alarm dispatch requests, limit the discretion of the police department or fire district to establish response policies, or waive any applicable governmental immunities. The city council hereby makes the following findings to regulate alarm systems within the city:
- (1) The police department and fire district's response to false alarms has placed an intolerable burden upon the time and resources of both departments.
  - (2) The police department's response to false alarms unduly diverts law enforcement resources from legitimate crime prevention and law enforcement activities. The fire district's response to false alarms unduly diverts fire enforcement from legitimate fire protection and prevention activities. This threatens the health, safety and welfare of the city and its citizens.
- (b) *Scope.* Section 8-34 et al. governs alarm systems intended to summon fire protection and law enforcement response and thereby requires alarm system registration, establishes fees, provides for penalties and fees for violations, establishes a system of administration, and sets conditions for suspension of police response and fire response.
- (c) *Definitions.* The following definitions are specific to this subsection and are not applicable to any other sections of this Code:

*Alarm administrator.* The director of police, or designee, is responsible for the administration, control, and review of the city's false police alarm reduction efforts. The fire chief of the West Metro Fire-Rescue District, or designee, is responsible for the administration, control and review of the city's false fire alarm reduction efforts.

*Alarm company* means 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, placed, 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 section and the provisions of it are individuals, partnerships, corporations, or other entities performing alarm system monitoring services.

*Alarm dispatch request* means notification to a law enforcement agency or fire department that an alarm, either manual or automatic, has been activated at a particular alarm site.

*Alarm site* means a single fixed premises, 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.

*Alarm system* means an assembly of equipment devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signal, arranged to emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition to which police or fire personnel are expected to respond including, but not limited to, fire, burglary, holdup, and panic alarm systems. Alarm systems to monitor temperature, carbon monoxide, humidity, medical emergencies, or any other condition not related to the detection of a fire or criminal intrusion into an alarm site or an attempted robbery at an alarm site are specifically excluded from the provisions of this Code. Alarm systems installed on a vehicle or person are also excluded unless the alarm is permanently affixed to a specific location.

*Alarm user* means the person, 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.

*Alarm verification process* means an independent method by which an alarm company attempts to verify with the alarm user or responsible party that a signal from an alarm system requires an immediate dispatch of police personnel.

*Automatic voice dialer* means an electrical, electronic, mechanical, or other device capable of being programmed to automatically send a pre-recorded message when activated over a telephone line, radio, or other communication system to a law enforcement agency.

*Burglary alarm* means any system, device, or mechanism for the detection and reporting of criminal intrusion, or attempted intrusion, upon an alarm site to a remote receiving station for the purpose of dispatching law enforcement personnel.

*False fire alarm* means the activation of any fire alarm system which results in a dispatch of the fire district caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other response for which the fire district personnel are unable to determine the apparent cause of the alarm activation, or which is caused by the negligence or intentional misuse of the fire alarm system by the owner, its employees, agents or any other activation of a fire alarm system not caused by heat, smoke or fire. False fire alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner.

*False police alarm* means an alarm signal eliciting notification to and a response by police personnel where the responding police officer, having completed a timely investigation of the alarm site, is unable to find any evidence of a crime or attempted crime and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or the inadvertence of the owner or lessee of an alarm system, or of such owner or lessee's employees or agents, or by service technicians. False police alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer, or owner.

*Fire watch* means a fire district-approved person or persons assigned to a premises for the purpose of protecting the occupants from fire or similar emergencies. A fire watch may involve special action beyond normal staffing such as assigning an additional security guard(s) to walk the premises, specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire district, in sounding the fire alarm system located on the premises and in understanding the particular fire safety situation. A fire watch shall maintain an activity log on site for inspection by fire district personnel upon request.

*Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress to law enforcement personnel.

*Local alarm system* means any alarm system that enunciates an alarm only by an interior and/or exterior audible sounding device and is not monitored by an alarm company.

*Panic alarm* means 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.

(d) *Registration required, application, fees, transferability, false statements.*

(1) Form of registration. Every alarm user shall be required to register each alarm system on the alarm user's premises on a form provided by the city. Each alarm registration form must include the following information which the city has deemed necessary to administer the alarm ordinance:

- a. The name, complete address (including apartment/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees required by this section of this Code.
- b. The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) commercial or multiple dwelling units.

- c. For each alarm system located at the alarm site, the classification of the alarm system; i.e., fire, burglary, holdup, panic, or other, and for each purpose whether audible or silent.
  - d. Mailing address if different from the alarm site.
  - e. Names and telephone numbers of at least two individuals who are able and have agreed to receive notification of an alarm activation at any time, respond to the alarm site within 30 minutes, and upon request can access the alarm site and deactivate the alarm system if necessary.
  - f. An acknowledgment that law enforcement and fire district response shall be based on factors such as availability of police and fire district units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.
  - g. Any false statement of a material fact made by an applicant shall constitute a violation of this subsection (d).
- (2) Fees nonrefundable. The fee for initial registration and annual renewal for an alarm site are as set forth in the city's fee schedule. The fees shall reflect the administrative cost to the city to monitor and respond to alarm systems as provided herein. Registration and annual renewal fees are nonrefundable. The initial registration fee must be submitted to the alarm administrator within seven days after the alarm installation or alarm takeover.
- (3) Failure to register. Failure to register alarm systems at an alarm site shall constitute a violation of this subsection (d). An alarm user that fails to register as required herein shall be subject to a civil penalty of \$100.00 for each false alarm occurrence while the alarm system remains unregistered. The fine for the first violation of this section will be waived if the alarm user registers within seven days from the false alarm occurrence.
- (4) Transferability. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any information listed on the registration application within seven days from the date of said change.
- (5) Registration, duration, and renewal. The initial registration for a single residence is valid for the time period the registrant is the alarm user. If the alarm user has a false alarm requiring the payment of a false alarm fee, the alarm administrator may require the alarm user to file a registration renewal at no cost. The initial registration shall expire December 31 for all other alarm sites and must be renewed annually per section 8-2 of this Code by submitting an updated application and a registration renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. Failure to renew will constitute a violation of this section. A \$25.00 late fee shall be assessed if the renewal application is submitted more than 30 days after the receipt of the above-described notice from the alarm administrator.
- (e) *Duties of alarm users.* An alarm user shall:
- (1) Maintenance. Maintain the premises and alarm system in a manner that will minimize or eliminate false alarms;
  - (2) Alarm response. Make every reasonable effort to respond or cause a representative to respond to the alarm system's location within 30 minutes, when notified by the city or fire district, to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises;
  - (3) Alarm activation. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
  - (4) Alarm adjustment. Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal on the exterior of an alarm site will sound for no longer than ten minutes after being activated (or 15 minutes for systems operating under Underwriter Laboratories, Inc. Standard 365 or 609). Fire alarm systems shall be exempt from this section;

- (5) Key-holder list. Maintain a current key-holder list with their alarm company;
  - (6) False alarm notification. Notify the alarm company of a false alarm activation as soon as the user is aware of the false alarm;
  - (7) Operating instructions. Maintain, at each alarm site, a set of written operating instructions for each alarm system; and
  - (8) Automatic dialing. Prevent any permitted automatic dialing device from dialing 911 or any other office of the City of New Hope or the West Metro Fire-Rescue District.
- (f) *Required access to site.* The New Hope Police Department will only respond to a burglary alarm site once within a 24-hour period unless the alarm company is able to locate a key-holder who will provide police officers access to the site.
- (g) *Duties of the alarm company.*
- (1) Alarm companies installing systems shall:
    - a. Not install a device that activates a holdup alarm by the depression of a single-action nonrecessed button at alarm sites within the city;
    - b. Not install any panic or holdup alarm system 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;
    - c. Not install or use any burglary control panel failing to meet Security Industry Association standards that has a false alarm prevention feature programmed to the factory default;
    - d. Maintain a current record accessible to the alarm administrator at all times that includes the names of the alarm users serviced by the company, the addresses of the protected properties, the type of alarm system, the original installation date and subsequent modifications, if any, for each protected property, a record of the date and time of alarm dispatch requests to each protected property, a record of the false alarms at each property with evidence of the company's attempt to verify the alarm and an explanation of the cause of the false alarm;
    - e. Provide each of its alarm system users with operating instructions for their alarm system, including an explanation of the company's verification process, a telephone number to call for assistance in operating the system, and a summary of the provisions of this section relating to penalties for false alarms and the possibility of no police response to alarm systems experiencing excessive false alarms; and
    - f. Establish a training period during the first seven days following the installation of any burglary alarm system during which the alarm user will be trained on the proper use of the system and during which no requests for an immediate dispatch of police personnel will be made by the alarm company without independent factual support.
  - (2) Alarm companies performing monitoring services shall:
    - a. Report alarm signals by using telephone numbers connecting them with the designated dispatch center for the New Hope Police Department and West Metro Fire-Rescue District;
    - b. Attempt to verify every alarm signal except a duress, holdup or fire alarm activation before requesting law enforcement response to an alarm system signal;
    - c. Communicate verified cancellations of alarm dispatch requests to the designated dispatch center in a prompt fashion;
    - d. Communicate all available information about the type and location of the alarm;
    - e. Endeavor to contact the alarm system user when an alarm dispatch request is made;
    - f. Work cooperatively with the alarm system user and alarm administrator to determine the cause of any false alarm and to prevent recurrences.

- (3) An alarm company violating any of the duties of this section will be subject to a civil penalty of \$100.00 for each separate violation. Each day of noncompliance shall constitute a separate offense.

(h) *False alarms.*

- (1) False alarm fee—Alarm user. A false alarm fee shall be paid by the single residence alarm user to the city for each false alarm in excess of three within a 12-month period beginning each year on the anniversary date this section became effective based on the following schedule. A false alarm fee shall be paid by all other alarm users to the city for each false alarm in excess of three within a 12-month period from the date of registration or renewal based upon the following schedule:

Alarms	False Police Alarm Fee	False Fire Alarm Fee
1—3	\$0	\$0
4	\$50	\$100
5	\$100	\$200
6 or more	\$200 each alarm and possible suspension of police response service.	\$400 each alarm and possible imposition of fire watch.

- (2) False alarm fee—Alarm company. Where the responding police officer or fire district representative determines that a false alarm was caused by the on-site actions of an employee of the alarm company, a penalty of \$100.00 shall be assessed against the alarm company with no corresponding false alarm fee being assessed against the alarm user.
- (3) Exceptions. No false alarm fee shall be due and no alarm shall be deemed as a false alarm if it is shown that the false alarm was the result of damage to utility lines, tornadoes, lightning, earthquakes, or other such severe weather conditions.
- (4) Payment of fees. Payment of fees provided for herein shall be paid to the city within 30 days from the date of notice by the city to the alarm user. Failure to pay the fee within 30 days of notice will cause the alarm user to be considered delinquent and subject to a late payment penalty equal to ten percent of the false alarm fee.
- (5) Outstanding balances. If an alarm user has an outstanding balance due the city that is 60 days past due, all delinquent charges will be certified by the city clerk to the county assessor who shall prepare an assessment roll each year. Each delinquent account will be charged an additional assessment fee as set forth in the city's fee schedule for approval by the city council, the second Monday of October each calendar year. Any alarm user who has an outstanding balance at the time of renewal will not have their false alarm count reset to zero and will not be eligible for no fee false alarms for the following year unless the outstanding alarm balance is being formally appealed. If the appeal is denied, the outstanding balance and any other fees must be paid at the time of renewal in order to have the false alarm ordinance count reset to zero.

(i) *Right to notice and appeal.*

- (1) Notice. Written notice shall be provided to all alarm users notifying them of all false alarm responses to the premises and their status as a chargeable fee. The alarm user has the right to request an informal hearing before the director of police, fire chief or their designee to appeal the false alarm fee. The request must be in writing and filed with the director of police or fire chief within ten days of the false alarm notice.
  - (2) Appeal. Anyone aggrieved by the decision of the director of police, fire chief or their designee to affirm the false alarm fee may appeal that decision to the city manager by filing a written request for an appeal within ten days of the date of that decision. The city manager's decision will be final.
- (j) *Penalties.* Any alarm user who fails to register an alarm system, after being given notice and ample opportunity, or any person who fails to pay any fees levied after given an opportunity to appeal is guilty of a petty misdemeanor.
- (k) *Suspension of police response.*
- (1) Notice of suspension of police response. Upon the occurrence of the sixth false burglary alarm from an alarm site within the alarm registration calendar year, or where the alarm user is more than 120 days overdue in their payment of false alarm fees, the alarm administrator shall serve in person, or by U.S. mail, the alarm user's designated contact person with written notification that effective 14 days from the date of the notice, the New Hope Police Department will not respond to a burglary alarm dispatch request from that site for the remainder of the alarm registration 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. The notification will include the reasons for suspension of police response and requirements for reinstatement.
  - (2) Written appeal of suspension notice. Within seven days from the date of the suspension notice, the alarm user may file with the 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. Within five 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 New Hope Police Department, in determining whether to make an immediate police dispatch and 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 showing 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.
- (l) *Reinstatement of police response.* An alarm user whose police alarm response has been suspended may have police alarm response reinstated by the alarm administrator if they have complied with the alarm administrator's requirements including one or more of the following:
- (1) Submits an updated application and the registration fee;
  - (2) Pays, or otherwise resolves, all citations and fees;
  - (3) Submits a certification from an alarm company stating that the alarm system has been inspected and repaired, if necessary, by the alarm company;

- (4) Submits proof that an employee of the alarm company caused the false alarm;
  - (5) Files certification demonstrating that the alarm user has corrected operator errors causing the false alarm.
- (m) *Fire watch.* The fire chief or the chief's designee has the authority to require a fire watch after six false fire alarms within the alarm registration calendar year until corrective action is taken to eliminate the cause of the false fire alarm. A fire watch shall be established as follows:
- (1) Written notice to establish a fire watch and to disconnect or deactivate the fire alarm system shall be mailed by certified mail, return receipt requested, to the alarm user's designated contact person. The notice shall specify the date on which the alarm user shall be required to disconnect or deactivate the fire alarm system. The date shall be at least 15 days after the notice is mailed to the alarm user. The alarm user may appeal the order pursuant to subsection (i) of this section.
  - (2) Each building affected because the signal from the fire alarm system has been disconnected or deactivated shall be required to establish a fire watch until the fire alarm system has been returned to service. Duties of the fire watch shall include notifying the fire department and building occupants of an emergency, preventing a fire from occurring or extinguishing small fires.
  - (3) The alarm user is responsible for paying all costs associated with establishing a fire watch.
  - (4) The fire chief or the chief's designee shall have the authority to direct the alarm user of the premises to silence an activated fire alarm system, have corrective action taken and thereafter order the alarm system reset.
- (n) *Reconnection of fire alarm system.* A fire alarm system may be reactivated upon a finding by the fire chief that the alarm user of the premises has taken corrective action to remedy the cause of the false fire alarms at the premises. The findings shall be based on compliance with the following conditions:
- (1) In making a request for such reactivation, the alarm user shall have the burden of proving the corrective action was taken.
  - (2) The fire chief, or the chief's designee, shall inspect the fire alarm system and test it prior to approving a new order to reconnect or reactivate the fire alarm system.
  - (3) A \$50.00 inspection fee may be assessed to the owner before any reconnection of a fire alarm system may be made.
  - (4) The fire chief shall not approve a new order to reconnect or reactivate if the alarm user has failed to pay any fee pursuant to this Code.
  - (5) The fire chief shall have the authority to require that a fire alarm system be brought into compliance with all current codes and standards prior to the fire alarm system reactivation or reconnection.
- (o) *Enforcement and penalties.* Enforcement of this section may be by civil action and/or by criminal prosecution.
- (p) *Confidentiality.* Information contained in the registration application and applications for appeal is classified as security information as designated under the Minnesota Data Privacy Act, Section 13.37 and shall be handled accordingly by all employees or representatives of the City of New Hope or the West Metro Fire-Rescue District and by any third party administrator or employees of a third party administrator with access to such information.

(Ord. No. 15-01, §§ 1, 2, 2-9-2015; Ord. No. 17-07, §§ 1, 20, 7-24-2017)

**Editor's note**— Ord. No. 17-07, §§ 1, 20, adopted July 24, 2017, changed the title of § 8-34 from "Registration of private alarm systems" to read as herein set out.