

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SPARKS MUNICIPAL CODE BY REVISING PROVISIONS RELATING TO ALARM SYSTEMS; REGULATING ALARM INSTALLATION AND MONITORING COMPANIES; REQUIRING REGISTRATION OF ALARM SYSTEMS; SETTING SERVICE FEES TO BE CHARGED FOR FALSE ALARMS; SUSPENDING POLICE RESPONSE TO BURGLARY ALARMS AFTER AN EXCESSIVE NUMBER OF FALSE ALARMS; PROVIDING FOR REINSTATEMENT OF POLICE RESPONSE; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the city has experienced a rapid increase in the number of false alarms on emergency alarm systems installed throughout the city; and

WHEREAS, false alarms make police manpower and equipment unavailable for responses to true emergencies and thereby endanger the community; and

WHEREAS, an urgent need exists to revise the procedures involved in reporting alarms and correct the deficiencies which allow alarm users to have repeated false alarms;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. A new Section 9.06.015 is hereby added to read as follows

9.06.015 Purpose and intent.

- A. *The purpose of the Chapter is to provide for and promote the health, safety and welfare of the general public, not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially benefited by the terms of this Chapter. The Chapter does not impose or create duties on the part of the City or any of its departments, and the obligation of complying with the requirements of this Chapter, and any liability for failing to do so, is placed solely upon the parties who own or are responsible for operating, monitoring, installing or maintaining security alarm systems.*
- B. *The intent of this Chapter is to encourage alarm businesses and alarm users to assure the proper operation of security alarm systems and to significantly reduce or eliminate false alarm dispatch requests made to the Police Department.*

Section 2. A new Section 9.06.025 is hereby added to read as follows

9.06.025 Definitions.

As used in this chapter, the following words and terms have the following meanings:

- A. *"Alarm Administrator" means the person designated by the Chief of Police to administer, control and review false alarm reduction efforts and administer the provisions of this Ordinance.*

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- B. *"Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.*
- C. *"Alarm dispatch request" means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular alarm site.*
- D. *"Alarm permit" means a permit issued by the Alarm Administrator to an alarm user which authorizes the operation of an alarm system.*
- E. *"Alarm site" means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system.*
- F. *"Alarm system" means a device or series of devices which emit or transmit an audible or remote visual or electronic alarm signal which is intended to summon law enforcement response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems, but does not include an alarm installed in a motor vehicle or on one's person.*
- G. *"Alarm user" means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.*
- H. *"Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.*
- I. *"Arming station" means a device that controls an alarm system.*
- J. *"Automatic voice dialer" means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a police dispatch to an alarm site.*
- K. *"Business license" means a business license issued by the City's business license division to an alarm installation company or monitoring company to sell, install, monitor, repair, or replace alarm systems. The term does not include a security alarm license issued by the Police Department or a license issued by the State Fire Marshal for fire alarm systems.*
- L. *"Cancellation" means the termination of a police response to an alarm site before an officer arrives at the scene.*
- M. *"Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.*

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- N. *"Duress Alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires an officer's response.*
- O. *"False alarm" means an alarm dispatch request to the Police Department which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.*
- P. *"Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.*
- Q. *"Local alarm system" means an unmonitored alarm system that annunciates an alarm only at the alarm site.*
- R. *"Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Police Department.*
- S. *"Monitoring company" means a person in the business of providing monitoring services.*
- T. *"One plus duress alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235)*
- U. *"Panic alarm" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring a officer's response.*
- V. *"Person" means an individual, corporation, limited liability company, partnership, association, organization or similar entity.*
- W. *"Police" or "Police Department" means the Police Department of the City of Sparks.*
- X. *"Protective or reactive alarm system" means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.*
- Y. *"Responsible Party" means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.*
- Z. *"Robbery alarm" means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that a person is in need of immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "holdup alarm."*
- AA. *"Security alarm license" means the license issued by the Police Department to an alarm installation company or monitoring company to sell, install, monitor, repair or replace alarm systems. The term does not include a business license issued by the City's business license division or a license issued by the State Fire Marshal for fire alarm systems.*

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- BB. *"SIA Control Panel Standard CP-01" means the ANSI – American National Standard Institute-approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."*
- CC. *"Takeover" means the transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.*
- DD. *"Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user, or both, by telephone or other electronic means to determine whether an alarm signal is valid before making an alarm dispatch request, in an attempt to avoid an unnecessary alarm dispatch request and consequent false alarm.*
- EE. *"Zones" means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.*

Section 3. A new Section 9.06.035 is hereby added to read as follows

9.06.035 Administration; Funding; Increases in fees; Annual Evaluation.

- A. *Responsibility for administration of this Chapter is vested with the Chief of Police.*
- B. *The Chief of Police shall designate an Alarm Administrator to carry out the duties and functions described in this Chapter.*
- C. *Monies generated by false alarm service fees and registration fees assessed pursuant to this Chapter shall be dedicated for use by the Police Department.*
- D. *The fees set forth in this Chapter may only be increased by a duly-adopted Resolution of the City Council. For purposes of this subsection, "fees" include any type or class of fee and includes late fees.*
- E. *The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this Chapter and identify and implement system improvements as warranted.*

Section 4. A new Section 9.06.045 is hereby added to read as follows

9.06.045 Alarm sites must be registered; Registration Fees; Permits.

- A. *An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm registration. A separate alarm registration is required for each alarm site having a distinct address. The initial alarm permit fee must be paid by the alarm user to the Alarm Administrator within ten (10) days after any alarm system installation or alarm system takeover.*
- B. *Alarm Fees. The fees for an alarm registration or an alarm registration renewal are as follows:*

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1. *Registration Fee* – \$25.00 (residential) \$25 (commercial)
 2. *Renewal Fee* – \$25.00 (residential) \$25 (commercial)
 3. *Senior Rate (60 or older) (residential only)*
 - (a) *Registration Fee* \$10.00
 - (b) *Renewal Fee* \$10.00
- C. *Late fee. Late fee for non-payment within 30 days after notification to alarm users of an initial alarm registration or renewal fee is \$25.00.*
- D. *Refunds. No refund of a registration or registration renewal fee will be made.*
- E. *Existing alarm systems. Any alarm system which was installed before the effective date of this ordinance must be registered by the alarm user within ninety (90) days after that date. An alarm installation company or monitoring company, shall, within thirty (30) days after being notified in writing from the Alarm Administer, provide a list of existing Alarm Users in the City to the Alarm Administrator.*
- F. *New alarm systems. Any alarm installation company that installs an alarm system on premises located within the City after the effective date of this ordinance must notify the Alarm Administrator within ten (10) days after the date of installation that an alarm system has been installed and provide the name and address of the alarm user and a copy of the Customer False Alarm Prevention Checklist. Failure of an alarm installation company to notify the Alarm Administrator of a new alarm system installation within ten (10) days after it installs the alarm system shall result in a \$100 administrative penalty against the alarm installation company.*
- G. *Upon receipt of a completed alarm registration application form and the alarm registration fee, the Alarm Administrator shall register the applicant unless:*
- (1) *The applicant has failed to pay a false alarm fee or fine assessed under SMC 9.06.115; or*
 - (2) *An alarm registration for the alarm site has been suspended, and the violation causing the suspension has not been corrected.*
- H. *Upon registration of an alarm system, the alarm administrator shall issue a permit to the alarm user which is valid for a one-year period. Upon renewal of the permit, a renewal permit shall be issued and is valid for a one-year period.*
- I. *The City must register all alarm systems on property under its control, but is exempt from payment of registration and renewal fees.*

Section 5. A new Section 9.06.055 is hereby added to read as follows

9.06.055 Application; Contents.

An application for alarm registration must be on a form provided by the Police Department and must contain the following information:

- A. *The name, complete address (including apartment or suite number), and telephone numbers of the person who will be the holder of the registration and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;*

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- B. *The physical address and classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;*
- C. *For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarm or other) and, for each classification, whether such alarm is audible or silent;*
- D. *The applicant's mailing address, if different from the address of the alarm site;*
- E. *Any dangerous or special conditions present at the alarm site such as dogs or other animals or any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable one's vision;*
- F. *The names and telephone numbers of at least two individuals who are able and have agreed to:*
 - (1) Receive notification of an alarm system activation at any time;*
 - (2) Respond to the alarm site at any time; and*
 - (3) Grant access to the alarm site and deactivate the alarm system, if necessary.*
- G. *The type of business conducted at a commercial alarm site;*
- H. *A written certification from the alarm user setting forth the following:*
 - (1) The date of installation, conversion or takeover of the alarm system, whichever is applicable;*
 - (2) The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system;*
 - (3) The name, address, and telephone number of the monitoring company if different from the alarm installation company;*
 - (4) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and*
 - (5) That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.*
- I. *An acknowledgement that the police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.*

Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration is sufficient cause for refusal to issue a registration.

Section 6. A new Section 9.06.065 is hereby added to read as follows

9.06.065 Term of alarm registration and permit; transfer of registration prohibited.

A. *An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator of any change to the information listed on the alarm registration application within five (5) business days after such change.*

B. *An alarm registration and permit shall expire 1 year after the date of issuance, and must be renewed annually by submitting a renewal application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit a renewal application prior to the expiration date. A \$25 late fee shall be assessed if the renewal is more than thirty (30) days late.*

Section 7. A new Section 9.06.075 is hereby added to read as follows

9.06.075 Duties of alarm users.

A. *An alarm user shall:*

- (1) *Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;*
- (2) *Make every reasonable effort to arrive at the alarm system's location within 30 minutes after being requested by the monitoring company or law enforcement agency in order to:*
 - (a) *Deactivate an alarm system;*
 - (b) *Provide access to the alarm site; and/or*
 - (c) *Provide alternative security for the alarm site.*
- (3) *Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.*

B. *An alarm user shall not use automatic voice dialers for any type of alarm system.*

C. *An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.*

D. *All alarm users shall agree with their alarm installation company or monitoring company to go through an "acclimation period" for the first seven (7) days after installation of a burglar alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to, nor will it respond to, or any alarm signal from the alarm site or make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event. Exceptions to the "acclimation period" of nonresponse can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.*

Section 8. A new Section 9.06.079 is hereby added to read as follows

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9.06.079 Audible Alarms; Restrictions.

After the effective date of this ordinance it is unlawful for any person to operate an alarm system in the City of Sparks that has a siren, bell or other signal audible from any property adjacent to the alarm site that sounds for longer than ten (10) consecutive minutes after the alarm is activated, or that repeats the ten-(10) minute alarm cycle more than three consecutive times without resetting.

Section 9. A new Section 9.06.085 is hereby added to read as follows

9.06.085 Duties of alarm installation companies and monitoring companies.

- A. *Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:*
- (1) The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm permit;*
 - (2) How to prevent false alarms; and*
 - (3) How to operate the alarm system.*
- B. *Ninety days after the effective date of this ordinance, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms installed prior to the effective date of this ordinance.*
- C. *After the effective date of this ordinance, alarm installation companies shall install a device to activate a holdup alarm which is either a dual action button or a button with time-delayed activation.*
- D. *Ninety days after the effective date of this ordinance, an alarm installation company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction.*
- E. *An alarm company shall not use an automatic voice dialer for any alarm system.*
- F. *After completion of the installation of an alarm system, an employee of the alarm installation company shall review with the alarm user the customer false alarm prevention checklist or an equivalent checklist approved by the Alarm Administrator.*
- G. *A monitoring company shall not make an alarm dispatch request to a burglar alarm signal during the first seven-day "acclimation period" after a burglar alarm system installation. Exceptions to the "acclimation period" of nonresponse can be made by the Police Department in special circumstances, including but not limited to, domestic violence and stalking.*
- H. *A monitoring Company shall:*
- (1) Report alarm signals by using telephone numbers designated by the Alarm Administrator;*
 - (2) Employ Enhanced Call Verification by attempting to verify by telephone the validity of every alarm signal, except a duress or holdup alarm activation, before requesting an officer's response to an alarm system signal. Verification before requesting officer dispatch also requires that a second telephone call be made to a different phone number*

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if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid. Names and telephone numbers of those persons contacted or attempted to be contacted must be provided to the Alarm Administrator or Police Department upon request;

- (3) Communicate alarm dispatch requests to the Police Department in a manner and form determined by the Alarm Administrator;*
- (4) Communicate cancellations to the Police Department in a manner and form determined by the Alarm Administrator;*
- (5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm.*
- (6) Communicate any available information (north, south, front, back, floor, etc.) about the location of an alarm signal as part of an alarm dispatch request;*
- (7) Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.*
- (8) Notify the Police Department Communications Station (Dispatch) of any alarm site that it knows, or reasonably should know, is fitted with a protective-reactive device. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device. In all cases where a protective-reactive device is present at an alarm site, the police dispatch request shall include a warning for officers not to enter the alarm site until the responsible party is present and has disarmed the device.*
- (9) Prior to making an alarm dispatch request, attempt to notify the alarm user to send a responsible party to the alarm site, in order to:
 - (a) Deactivate an alarm system;*
 - (b) Provide access to the alarm site; and/or*
 - (c) Provide alternative security for the alarm site.**
- (10) After an alarm dispatch request, promptly advise the Police Department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site;*
- (11) Each monitoring company must maintain for a period of at least one year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual alarm user. If the request is made within 60 days after an alarm dispatch request, the monitoring company shall furnish requested records within three business days after receiving the request. If the records are requested between 60 days and 1 year*

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after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days after receiving the request.

- (12) *Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.*
- I. *Existing Accounts. On or before the first day of January of each year, an alarm installation company or monitoring company shall provide the Alarm Administrator with a complete list of active customers, to assist the alarm administrator with creating and maintaining tracking data. The customer information must be provided in a format the alarm company is capable of producing and must include the following:*
1. *Customer name;*
 2. *Alarm site address; and*
 3. *Alarm company license number.*
- J. *Purchased Accounts. An alarm installation company or monitoring company that purchases any alarm system account from another person shall notify the Alarm Administrator of such purchase and shall provide to the Alarm Administrator a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:*
1. *Customer name;*
 2. *Alarm site address; and*
 3. *Alarm company license number.*
- K. *The customer lists described in subsections I and J of this section are proprietary and confidential information and are protected from disclosure pursuant to SMC 9.06.165.*

Section 10. A new Section 9.06.095 is hereby added to read as follows

9.06.095 Special licensing of alarm installation and monitoring companies.

- A. *Every alarm installation company and every alarm monitoring company shall obtain a City of Sparks security alarm license from the Police Department and pay an annual registration fee of \$100 to the City of Sparks. Failure to pay the annual registration fee within 30 days after notice requires the payment of a late fee of \$25.*
- B. *The security alarm license required by this section must be obtained prior to the issuance or renewal of a business license for the period of time covered by the security alarm license.*
- C. *The Police Department will not respond to any alarm dispatch request from any alarm installation company or monitoring company that does not possess a current, valid security alarm license issued pursuant to this section and a current, valid business license.*
- D. *The Alarm Administrator shall notify all known alarm users subscribing to an unlicensed alarm installation company or an unlicensed alarm monitoring company that the company is unlicensed and that the Police Department will no longer respond to the user's alarms.*

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- E. *The fee imposed by this section is in addition to the business license fee and all other fees levied by the City.*

Section 11. A new Section 9.06.105 is hereby added to read as follows

9.06.105 Duties and authority of the Alarm Administrator.

- A. *The Alarm Administrator shall:*
1. *Designate the manner and form of alarm dispatch requests and the telephone numbers to be used for such requests; and*
 2. *Establish a procedure to accept cancellation of alarm dispatch requests.*
- B. *The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests including the following information:*
1. *Identification of the alarm site;*
 2. *The date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name or number;*
 3. *Date and time of an officer's arrival at the alarm site;*
 4. *The alarm zone and zone description, if available;*
 5. *Weather conditions;*
 6. *Name of alarm user's personal representative present at the alarm site, if any;*
 7. *Whether a officer was unable to locate the address of the alarm site; and*
 8. *The cause of the alarm signal, if known.*
- C. *The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:*
1. *The date and time of a officer's response to the false alarm; and*
 2. *A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting service fees.*
 3. *The service fees incurred.*
- D. *The Alarm Administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm.*
- E. *The Alarm Administrator may establish an alarm user awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in*

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developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid creating false alarms.

- F. If a false holdup alarm has occurred, the Alarm Administrator may require an alarm user to remove a holdup alarm that is a single action, non-recessed button.*
- G. The Alarm Administrator will make a copy of this ordinance and/or an ordinance summary sheet available to each alarm user.*

Section 12. A new Section 9.06.115 is hereby added to read as follows

9.06.115 False alarm service fees.

- A. False Alarm Service Fees. An alarm user shall pay the following service fees to the Alarm Administrator for police services in responding to any false alarm, except a robbery alarm:
 - 1. General False Alarm Fee: \$75 for each false alarm except a robbery false alarm.*
 - 2. A late fee for each general false alarm invoice which is not paid within 30 days after the invoice is mailed to the alarm user is hereby imposed in the amount of \$25.00.**
- B. Robbery False Alarm Service Fees. Activation of a robbery alarm is deemed an intentional act, and a service fee in the amount of \$200 is hereby imposed for each robbery false alarm.*
- C. Service Fees for False Alarms by Unregistered Alarm Systems. In addition to any criminal penalties and the service fees set forth in subsections A and B, a supplemental service fee is hereby imposed upon any person operating an unregistered alarm system in the amount of \$100 for each false alarm. The Alarm Administrator may waive this additional fee for an unregistered system if the alarm user submits an application for alarm registration within ten (10) business days after receiving notice of such violation.*
- D. If cancellation of police response occurs prior to the police officer arriving at the scene, the response is not considered a false alarm for the purpose of fees, and no service fee will be assessed.*
- E. The Alarm Administrator may waive a false alarm service fee due to a history of false alarms that is identified as chronic equipment failure.*
- F. The alarm installation company shall be assessed a service fee of \$75 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.*
- G. A service fee of \$100 is hereby imposed against any monitoring company that fails to verify alarm system signals as required in subsection H of SMC. 9.06.085.*
- H. A service fee in the amount of \$200 is hereby imposed against an alarm installation company if the Alarm Administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.*

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- I. *Notice of the right of appeal under this ordinance will be included with notice of any service fee.*

Section 13. A new Section 9.06.125 is hereby added to read as follows

9.06.125 Notice to alarm users of false alarms and suspension of police response.

- A. *The Alarm Administrator shall notify the alarm user in writing after each false alarm. The notice shall include the amount of the service fee for the false alarm, the fact that response will be suspended after the third false alarm in a one-year period, (excluding duress, holdup and panic alarms) and a description of the appeals procedure available to the alarm user.*
- B. *The Alarm Administrator shall notify the alarm user and the alarm installation company or monitoring company in writing thirty (30) days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the fine for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.*

Section 14. A new Section 9.06.135 is hereby added to read as follows

9.06.135 Suspension of police response to burglar alarm sites; Unlawful to operate burglar alarm system or to make alarm dispatch request for suspended burglar alarm site.

- A. *The Alarm Administrator shall notify the Police Department of each alarm user whose burglar alarm permit qualifies for suspension under this section. The Alarm Administrator shall suspend a burglar alarm permit if it is determined that:*
- 1. The alarm user has had three or more false burglary alarms within one year after the date of issuance of their annual permit, except that the Alarm Administrator may waive a suspension of a permit upon receipt of documented work orders showing numerous attempts to repair the alarm system;*
 - 2. There is a false statement of a material fact in the application for registration; or*
 - 3. The alarm user fails or refuses to pay a false alarm service fee or late fee assessed under this Chapter.*
- B. *It is unlawful for a person to operate a burglar alarm system during the period in which the alarm permit is suspended. It is unlawful for a monitoring company to make an alarm dispatch request to a burglar alarm site after the company has been notified by the Alarm Administrator that the permit for that alarm site has been suspended. In addition to criminal penalties, the monitoring company must pay a \$50 service fee to the Alarm Administrator for each such dispatch to an alarm site. If the penalty is not paid to the Alarm Administrator within 30 days, a late fee of \$25 is hereby imposed on the monitoring company.*
- C. *Unless there is a separate indication that there is a crime in progress, the Police Department shall not dispatch an officer to a burglar alarm site for which an alarm permit is suspended.*
- D. *If a burglar alarm permit is reinstated, the Police Department may again suspend the burglar alarm permit if it is determined that two false alarms have occurred within 180 days after the reinstatement date. The exception set forth in paragraph 1 of subsection A applies to any such suspension.*

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- E. *This section applies only to burglar alarm systems. Holdup alarms, robbery alarms and panic alarms are not subject to suspension under this section or this Chapter.*

Section 15. A new Section 9.06.145 is hereby added to read as follows

9.06.145 Appeals of determinations regarding alarm registrations, alarm permits and fees.

- A. *If the Alarm Administrator assesses a service fee, suspends an alarm permit or denies the issuance, renewal or reinstatement of an alarm registration or permit, the Alarm Administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant or alarm user and the alarm installation company or monitoring company.*
- B. *The alarm user, alarm installation company or alarm monitoring company may appeal any action described in subsection A to the Chief of Police by setting forth in writing the reasons for the appeal and delivering the appeal to the Chief of Police within 20 business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.*
- C. *The procedure for an appeal to the Chief of Police is as follows:*
1. *The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee of \$25 to the Police Department and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." Appeal fees will be returned to the appealing party if the appeal is upheld.*
 2. *The Chief of Police or his designee shall conduct a recorded hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Chief of Police or his designee must base his decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.*
- D. *Any person aggrieved by the decision of the Chief of Police or his designee may appeal that decision to the City Manager by delivering a written document entitled "Notice of Appeal" to the Office of the City Manager within 15 days after receiving the decision of the Chief of Police. The City manager or his designee may consider the record of the prior appeal to the Chief of Police and may take additional testimony. The City Manager or his designee shall render a decision within 30 days after receiving the appeal. The decision shall affirm or reverse the decision of the Chief of Police. Appeal fees will be returned to the appealing party if the appeal is upheld.*
- E. *A person aggrieved by the decision of the City Manager is entitled to pursue judicial review of his appeal.*
- F. *Filing of an appeal stays any action by the Alarm Administrator to suspend an alarm permit or require the payment of a fee or penalty until the Chief of Police or City Manager, or their designee, has completed his review and rendered a decision.*

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- G. *The Alarm Administrator, Chief of Police or City Manager, or their designee, may adjust the count of false alarms based on:*
1. *Evidence that a false alarm was caused by an act of Nature;*
 2. *Evidence that a false alarm was caused by action of the telephone company;*
 3. *Evidence that a false alarm was caused by a power outage;*
 4. *Evidence that an alarm dispatch request was not a false alarm; or*
 5. *Multiple alarms occurring in a 24 hour period may be considered as one false alarm to allow the alarm user time to take corrective action, unless the false alarms are directly caused by the alarm user.*
- H. *On review of fees or penalties by an alarm installation company or monitoring company, the Alarm Administrator, or, if appealed, Chief of Police or City Manager or their designee, may consider whether the alarm company had engaged in a consistent pattern of violations.*

Section 16. A new Section 9.06.155 is hereby added to read as follows

9.06.155 Reinstatement of suspended alarm permits.

- A. *On the first suspension of a permit, a person whose alarm permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person:*
1. *Submits a new application and pays a \$50 reinstatement fee;*
 2. *Pays, or otherwise resolves, all outstanding citations and fees; and*
 3. *Submits a certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company.*
- B. *On the second and every subsequent suspension of a permit, reinstatement may be obtained by compliance with subsection A and compliance with any of the following conditions that the Alarm Administrator may require:*
1. *Proof that an employee of the alarm installation company or monitoring company caused the false alarm.*
 2. *Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.*
 3. *A written statement from an independent inspector designated by the Chief of Police or his designee that the alarm system has been inspected and is in good working order;*
 4. *Confirmation that all motion detectors are "dual technology" type.*
 5. *Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;*
 6. *Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company;*

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7. *Certification that the monitoring company will not make an alarm dispatch request unless the need for an officer is confirmed by a listen-in device. This condition does not apply to residential property.*
 8. *Certification that the monitoring company will not make an alarm dispatch request unless the need for an officer is confirmed by a camera device. This condition does not apply to residential property.*
 9. *Certification that the Monitoring Company will not make an alarm dispatch request unless the need for an officer is confirmed by a person at the alarm site.*
 10. *The alarm user successfully completes an on-line alarm awareness class and test.*
- C. *The Police Department shall reinstate its response to a burglar alarm site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator.*

Section 17. A new Section 9.06.163 is hereby added to read as follows

9.06.163 Revocation of alarm permit.

- A. *The Chief of Police may revoke an alarm permit if he determines that:*
1. *There is a violation of this chapter by the alarm user;*
 2. *There is a false statement of a material fact in the application for a permit;*
 3. *The permitted alarm system has generated more than 12 false alarms during any 12 month period; or*
 4. *The alarm user has failed to pay an alarm permit fee or late fee assessed under SMC 9.06.045, a late renewal fee assessed under SMC 9.06.065 or any service fee assessed under SMC 9.06.115, more than 30 days after the fee is due.*
- B. *A revocation made pursuant to this section is not subject to administrative review.*
- C. *The Chief of Police may, for good cause shown, reinstate a permit that has been revoked pursuant to this section.*

Section 18. A new Section 9.06.165 is hereby added to read as follows

9.06.165 Confidentiality of alarm information.

All information contained in documents gathered through alarm registrations, the submission of customer lists and in the alarm appeal process must be held in confidence by all employees of the Alarm Administrator and the City of Sparks. Such information is proprietary and is hereby declared confidential and not a public record. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency or the applicable alarm user, alarm installation company or alarm monitoring company except pursuant to court order.

Section 19. A new Section 9.06.175 is hereby added to read as follows

9.06.175 Scope of police duty; Immunities preserved.

Neither the registration of alarms or the issuance of alarm permits creates a contract between the Police Department or the City and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the

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Police Department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, weather conditions, traffic conditions, emergency condition and staffing levels.

Section 20. Section 9.06.010 is hereby repealed in its entirety

9.06.010 Purpose and intent.

The city council finds and declares that:

- A. ~~The city has experienced, in recent years, a very high percentage of false alarms on emergency alarm systems installed throughout the city.~~
- B. ~~Such false alarms take both manpower and equipment out of service, thereby endangering the community.~~
- C. ~~An urgent need exists for regulating the use of the equipment that is now being used to report emergencies to the city.~~
- D. ~~The provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public safety and welfare of persons in the city.~~

(Ord. 1323 § 1 (part), 1981; Ord. 795 § 2, 1970; 1962 Code § 27.010.)

Section 21. Section 9.06.020 is hereby repealed in its entirety

9.06.020 Definitions.

As used in this chapter, unless the context requires otherwise, the words and terms defined in this section shall have the meaning ascribed to them in this section:

- A. ~~"Alarm agent" means any person who is employed by an alarm business either directly or indirectly, whose duties include any of the following: selling, leasing, servicing, repairing, altering, replacing, monitoring or installing on or in any building, structure, or facility, any alarm system. Exemptions: The provisions of this section do not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.~~
- B. ~~"Alarm business" means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, monitored, or installed any alarm system in or on any building, structure or facility. Exemptions: The provisions of this section do not apply to a business in which no employee or owner performs the duties of an alarm agent.~~
- C. ~~"Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others to the commission of an unlawful act within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when actuated. Each alarm system may have one or more detection devices, but no more than one transmitting device.~~
- D. ~~"Appellant" means a person who perfects an appeal pursuant to this chapter.~~
- E. ~~"Applicant" means a person, firm or corporation who or which files an application for a new or renewal permit as provided in this chapter.~~
- F. ~~"Audible" alarm means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.~~
- G. ~~"Chief of police" means the chief of police of the city.~~
- H. ~~"Day" means a calendar day.~~
- I. ~~"False alarm" means an alarm signal activated through inadvertence, negligence or for reasons~~

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~~not of an emergency nature, or when activated due to malfunction of any segment of the alarm system and to which personnel of the Sparks police department respond.~~

- ~~J. "Finance department" means the finance department of the city.~~
- ~~K. "Permittee" means any person, firm, partnership, association or corporation who or which shall be granted a permit as provided herein or his or its agents and representatives.~~
- ~~L. "Proprietor alarm system" means any alarm system which is owned and maintained by the person, firm or corporation or other entity who exercises ownership, dominion or control over the property which is protected by such alarm system.~~
- ~~M. "Responsible for an alarm system" means an alarm business which leases, maintains or monitors an alarm system pursuant to an agreement supported by lawful consideration. If these services are divided between two or more alarm businesses, such businesses shall be jointly and severally liable to the city to perform any duty or pay any fee imposed in this chapter.~~
- ~~N. "Subscriber" means a person contracting with an alarm business for the leasing, servicing, maintaining or monitoring of an alarm system.~~

~~(Ord. 1323 § 1 (part), 1981; Ord. 795 § 3, 1970; 1962 Code § 27.020.)~~

Section 22. Section 9.06.030 is hereby repealed in its entirety

9.06.030 Alarm business permit

~~It is unlawful for any person to engage in, conduct, or carry on an alarm business without first applying for and receiving a permit therefore, in accordance with the provisions of this chapter.~~

~~(Ord. 1323 § 1 (part), 1981; Ord. 795 § 4, 1970; 1962 Code § 27.030.)~~

Section 23. Section 9.06.040 is hereby repealed in its entirety

9.06.040 Alarm agent permit required.

~~Every person employed as an alarm agent must obtain and possess a valid alarm agent work permit issued pursuant to Chapter 5.22 of the SMC.~~

~~(Ord. 1323 § 1 (part), 1981; Ord. 795 § 5, 1970; 1962 Code § 27.040.)~~

Section 24. Section 9.06.050 is hereby repealed in its entirety

9.06.050 Application investigation.

~~All applications for an alarm business permit shall require fingerprints and a photograph of the applicant. The chief of police shall conduct an investigation of the applicant to determine his character, reputation and integrity. -- An alarm business permit shall be denied if the character, reputation, or integrity of the applicant is determined to be detrimental to the safety or general welfare of the community or if the applicant falsifies any information in the permit application.~~

~~(Ord. 1323 § 1 (part), 1981; Ord. 795 § 6, 1970; 1962 Code § 27.050.)~~

Section 25. Section 9.06.060 is hereby repealed in its entirety

9.06.060 Alarm agent work permit must be in possession.

~~Every person directly engaged in the business of selling, maintaining, repairing, altering, replacing, monitoring, or installing any alarm system shall carry on his person, at all times while so engaged, a valid work permit and shall display such work permit to any police officer upon request. The work permit shall bear the name and address of the permittee and the name of the alarm business permittee.~~

~~(Ord. 1323 § 1 (part), 1981; Ord. 795 § 7, 1970; 1962 Code § 27.060.)~~

Section 26. Section 9.06.070 is hereby repealed in its entirety

9.06.070 Permit fees.

~~The fee for every permit to conduct an alarm business within the city, or for a renewal thereof, shall be fifty three dollars per year or any part thereof. Such permit and fee shall be in addition to any business license, or other permit or fee required by this code.
(Ord. 1628 § 9, 1988; Ord. 1361 § 12, 1982; Ord. 1323 § 1 (part), 1981.)~~

Section 27. Section 9.06.080 is hereby repealed in its entirety

9.06.080 Alarm system standards and regulations.

~~The chief of police may prescribe minimum standards and regulations for the construction and maintenance of all alarm systems installed within the city. The chief of police may require inspection and approval of all alarm systems installed within the city.
(Ord. 1323 § 1 (part), 1981.)~~

Section 28. Section 9.06.090 is hereby repealed in its entirety

9.06.090 Subscriber records.

~~It shall be the responsibility of any alarm business providing alarm systems services to maintain current records of its subscribers. Such records shall contain the current name of the business, if any, and the name, address and telephone number of the subscriber. The alarm business shall provide the Sparks police department with a copy of such records. Further, the alarm business shall provide to the police department, within ten days of installation, records pertaining to new subscribers.
(Ord. 1323 § 1 (part), 1981.)~~

Section 29. Section 9.06.100 is hereby repealed in its entirety

9.06.100 Response to alarms--Nuisance declaration.

- ~~A. During the thirty day period after initial installation of an alarm system, alarm businesses and alarm proprietors shall be immune from any false alarm fee, nuisance declaration or other penalty prescribed herein relating to the alarm system.~~
- ~~B. Upon expiration of the above described thirty day grace period, whenever three false alarms within a six month period have been received from a location, the chief of police may declare such location to be a nuisance. Upon declaring the location a nuisance, the chief of police shall notify the subscriber and the alarm business responsible for the alarm system or proprietor of a proprietor alarm system, in writing, and shall require such responsible party to conduct an immediate inspection of the alarm system. If the false alarms were the result of employee error, the chief of police shall direct the alarm business or proprietor to instruct the subscriber's or proprietor's employees in property alarm usage and procedures. Within seven days after receipt of notification by the alarm business that a nuisance exists, the alarm business shall provide written evidence to the chief of police that corrective action was taken. If written evidence is not received within seven days, the chief of police may direct that police department personnel shall not respond to the subscriber location upon receipt of an alarm until proof is received that corrective measures have been instituted.~~

~~(Ord. 1764, 1992; Ord. 1411 § 1, 1983; Ord. 1323 § 1 (part), 1981.)~~

Section 30. Section 9.06.110 is hereby repealed in its entirety

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9.06.110 False alarm fees.

A. ~~Upon expiration of the thirty-day grace period described above, the subscriber or the proprietor of a proprietor alarm system shall pay a fee for each false alarm responded to by the police department in excess of three within a six-month period in accordance with the following schedule:~~

Fourth false alarm	—\$ 75.00
Fifth false alarm	—100.00
Sixth or more	—200.00

B. ~~A false alarm fee is payable to the director of finance. Failure to pay said fee within thirty days of the date of billing shall be grounds for declaring the location a nuisance and the corresponding refusal of the police department to respond to alarms at the location until such fee is paid. The remedy of nuisance declaration shall be in addition to any other remedy provided by law for the collection of fees owed to the city.~~

C. ~~The chief of police may disallow and annul recognition of a false alarm if he finds that such false alarm was caused by an act of God, abnormal surges or fluctuations in the supply of electric power to the alarm location, or the repair or maintenance of utility lines or equipment by employees of a public utility company.~~

~~(Ord. 1808, 1993; Ord. 1764, 1992; Ord. 1411 § 2, 1983; Ord. 1323 § 1 (part), 1981.)~~

Section 31. Section 9.06.120 is hereby repealed in its entirety

9.06.120 Audible alarm.

A. ~~It is unlawful for any person to install or maintain any audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil defense warning system.~~

B. ~~Every person maintaining an audible alarm shall provide to the police department information containing the names and telephone numbers of the persons to be notified in order to render repairs or service and secure the premises during any hour of the day or night that the burglar alarm is actuated.~~

C. ~~Every audible alarm system shall have a timing device which automatically shuts off the alarm within thirty minutes after it has been activated.~~

~~(Ord. 1323 § 1 (part), 1981.)~~

Section 32. Section 9.06.130 is hereby repealed in its entirety

9.06.130 Intentional falsification prohibition.

~~It is unlawful for any person to activate an alarm system for the purpose of summoning police except in the event of what is reasonably believed to be an unauthorized entry on the premises for the purpose of carrying out a robbery or burglary therein.~~

~~(Ord. 1323 § 1 (part), 1981.)~~

Section 33. Section 9.06.140 is hereby repealed in its entirety

9.06.140 Duty to respond to alarm locations.

~~It is unlawful for a subscriber/proprietor or his representative to fail to respond to the alarm location within sixty minutes after being requested to do so by a representative of the police department. Such person responding to the alarm location shall take whatever action necessary to secure the property from further intrusion, or take whatever other action is necessary to render service to the alarm or to provide response by another person who is able to render the necessary action.~~

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(Ord. 1323 § 1 (part), 1981.)

Section 34. Section 9.06.150 is hereby repealed in its entirety

9.06.150 Automatic alarm prohibitions.

~~No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public primary telephone trunk line of the city and then reproduces any prerecorded message to report any burglary or other emergency.~~
(Ord. 1323 § 1 (part), 1981.)

Section 35. Section 9.06.160 is hereby repealed in its entirety

9.06.160 Appeals.

~~Any permittee may appeal the decision of the chief of police declaring a location to be a nuisance or refusing to disallow a false alarm by filing a written notice of appeal with the city clerk within five working days after the decision. Such appeal shall be heard by the city council within thirty days after the filing of the appeal and that body may affirm, amend or reverse the decision or take other action deemed appropriate. The city clerk shall give written notice of the time and place of the hearing to the appellant. In conducting the hearing, the city council shall not be limited by technical rules of evidence.~~
(Ord. 1323 § 1 (part), 1981.)

SECTION 36: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 37: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 38: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 39: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 40: The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

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ABSENT: _____

APPROVED this _____ **day of** _____, 2006, **by:**

GENO MARTINI, Mayor

ATTEST:

DEBORINE J. DOLAN, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney