

ORDINANCE NO. 997

BE IT ORDAINED by the Maplewood City Council that Chapter 4, Alarm and Alarm Systems is hereby amended to read as follows:

Chapter 4 - ALARMS AND ALARM SYSTEMS

Sec. 4-1. - Purpose.

The purpose of this chapter is to establish reasonable expectations of alarm users; to incent owners of alarm systems to have properly working systems to effectively perform as intended; to reduce the number of false alarms which results in city services being used to respond to unnecessary alarms; and provide added benefit to property owners by maintaining up-to-date information relating to alarm systems.

Sec. 4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm administrator means a person or persons designated by the city to administer, control and review false alarm reduction efforts and administers the provisions of this chapter.

Alarm company means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with state laws.

Alarm permit means a permit issued by the City of Maplewood allowing the operation of an alarm system within the City of Maplewood.

Alarm signal means any signal audible, visual, or electronically transmitted to a monitoring facility, generated by an alarm system, to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Maplewood Police Department a recorded message or code signal indicating a need for law enforcement response.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Maplewood Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of establishing a penalty fee, and no penalty fee will be assessed.

City means the City of Maplewood or its agent.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Maplewood Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed

or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Maplewood Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Sec. 4-3. - Alarm permit.

- (a) *Permit required; term.* No alarm system shall be used without first obtaining a permit for such alarm system from the city. A fee may be required for the initial application and annual renewals. It is the responsibility of the alarm user to obtain and renew the required permit through whichever methods or processes are required by the City of Maplewood. The permits shall renew annually on December 31. Renewals more than 30 days past due may be charged a late fee.
- (b) *Exemption.* An alarm system user which is a political subdivision of the federal or state government, including city and county and school districts, shall not be subject to the provisions of this chapter. Single-family structures or individual dwelling units shall not be subject to provisions of section 4-3.
- (c) *Application.* The permit shall be requested on an application form or through web access as may be provided by the city. An alarm user has the duty to obtain an application from the city. The following information may be required upon initial application and renewal:
 - (1) Physical address and location name where the alarm system is installed and maintained.
 - (2) Contact information of the alarm system user.
 - (3) Name and phone number of the alarm company monitoring the system.
 - (4) A declaration that the alarm system does not utilize an automatic dialing device.
- (d) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Sec. 4-4. - Duties of the alarm user.

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

- (b) Must respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the Maplewood Police Department to deactivate a malfunctioning alarm system.
- (c) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

Sec. 4-5. - Duties of the alarm company.

- (a) Any person engaged in the alarm business in the city/county, shall comply with the following:
 - (1) Obtain and maintain the required technology system contractors license, issued by the State of Minnesota.
 - (2) Be able to provide the most current contact information for the alarm user.
- (b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.
- (c) An alarm company performing monitoring services shall:
 - (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery in progress alarm, or in cases where a crime in progress has been verified by video and/or audible means.
 - (2) Communicate any available information about the alarm.
 - (3) Communicate a cancellation to the Maplewood Police Department through the communications center as soon as possible following a determination that response is unnecessary.

Sec. 4-6. - Prohibited acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 20 minutes.
- (c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Maplewood Police Department.
- (d) It shall be unlawful for an alarm system user to operate an alarm system without a current alarm permit issued for the alarm system under this section. When the police department responds to an alarm or signal from an alarm system at a location for which there is no current permit issued, the police department may issue a citation to the alarm system user for violation of this section.

Sec. 4-7. - Enforcement of provisions.

- (a) *Excessive false alarms.* It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Penalty fees for false alarms within a permit year may be assessed against an alarm user as provided and published in city-established fee schedule
- (b) *Payment of penalty fees.* Penalty fees shall be paid within 30 days from the date of the invoice.
- (c) *Certification of fee.* Any fees not paid within 30 days after a notice of delinquency is sent to the alarm system user may be certified, including penalty, to the county auditor to be collected together with property taxes levied against the property owner.

- (d) *Violation as penal offense.* Any person or responsible party who violates any provision of this chapter may be subject to the penalty as provided under section 1-15 of the City Code.

Sec. 4-8. - Vehicle alarms.

- (a) It is a violation of this chapter for the owner, renter, or lessee of any vehicle equipped with an audible alarm or alarm system to operate such alarm or alarm system upon any street or in any public place in the city in such condition or at such a degree of sensitivity that the alarm is readily triggered by normal, innocuous events and activities, such as passing vehicles or pedestrians.
- (b) When the public peace is disturbed by a nuisance alarm on a vehicle parked in any public place within the city, a peace officer responding to the scene may, if the vehicle operator cannot be found, direct a towing or lock service, summoned for this purpose, to open the vehicle, silence the alarm, and relock the vehicle. The peace officer may issue a citation to the vehicle owner for a violation of this section.
- (c) When three or more false alarms within seven days are reported to the department of public safety for an audible alarm in a vehicle regularly parked or operated within the city, officers of the department may, upon determining that the alarms are due to malfunction or excessive sensitivity of the alarm system, issue a notice of equipment violation, under this section, requiring the owner of the vehicle to have the system repaired or deactivated.
- (d) Failure to respond to the notice of equipment violation, as set forth therein, shall constitute a petty misdemeanor, punishable as provided in section 1-15.

Sec. 4-9. - Appeals.

- (a) *Appeals process.* Assessments of penalty fees and related false alarm determinations made under this ordinance may be appealed by filing a written notice of appeal with the Maplewood Police Department within ten days after the date of notification of the assessment of fees. The police chief is authorized to determine a waiver of the penalty fee when upon review and consideration it is reasonably determined that the false alarm penalty resulted from:
 - (1) An electrical storm, tornado, or other act of God when there is evidence of damage to or disruption of alarm system operations.
 - (2) Intermittent disruption of telephone service and/or circuits beyond the control of the alarm system owner.
 - (3) Caused by electrical power disruption or failure in excess of two hours beyond the control of the alarm system owner.
 - (4) The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty fees. Appeals shall be heard through an administrative process established by the city. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.
- (b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of penalty fees or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of penalty fees, the hearing officer shall have the discretion to dismiss or reduce penalty fee.

Sec. 4-10. -Data Practices Advisory.

All data collected in compliance with this chapter will be handled in accordance with Minnesota Government Data Practices Act.

Sec. 4-11. - Government immunity.

An alarm system permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response by law enforcement or emergency service. Any and all liability and

consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm system permit, the alarm user acknowledges that the Maplewood Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

This ordinance shall be effective following its adoption and publication.

Approved by the city council of the city of Maplewood this 10th day of December, 2018



Nora Slawik, Mayor

Attest:



Andrea Sindt, City Clerk