

## CHAPTER 57. ALARM SYSTEMS

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### 57. ALARM SYSTEMS

57.01. Purpose. The purpose of this ordinance is to encourage Alarm Users and Alarm Businesses to maintain the operational reliability and to properly use Alarm Systems and to reduce or eliminate False Alarm Dispatch Requests. This ordinance governs systems intended to summon police response, provides for penalties for violations, and establishes a system of administration.

57.02. Definitions. The following terms shall be defined as follows: Subd. 1. "Act of God" means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature which cannot be prevented by reasonable human care, skill or foresight.

Subd. 2. "Alarm Business" means any business in which the owners or employees engage in the activity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an Alarm System in an Alarm Site.

Subd. 3. "Alarm Dispatch Request" means a notification to the police by the Alarm Business that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

Subd. 4. "Alarm Site" means a single premises or location serviced by an Alarm System or systems. Each tenancy, if served by a separate Alarm System, in a multi-tenant building or complex shall be considered a separate Alarm Site.

Subd. 5. "Alarm System" means a device or series of devices, including, but not limited to systems interconnected with radio frequency signals, which are designed to discourage crime, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition and to which police are expected to respond. Alarm System does not include:

- a. ) an alarm installed on a vehicle unless the vehicle is permanently located at a site; or
- b.) an alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the Alarm Site.

Subd. 6. "Alarm User" means any person, firm, partnership, corporation or other entity which uses an Alarm System at its Alarm Site.

Subd. 7. "Conversion" means the transaction or process by which one Alarm Business begins Monitoring of an Alarm System previously monitored by another Alarm Business.

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Subd. 8. "False Alarm Dispatch" means an Alarm Dispatch Request to the police department when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request which is canceled by the Alarm Business or the Alarm User prior to the time the responding officer reaches the Alarm Site shall not be considered a False Alarm Dispatch.

Subd. 9. "Holdup Alarm" means a silent Alarm Signal generated by the manual activation of a device intended to signal a robbery in progress.

Subd. 10. "Keypad" means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.

Subd. 11. "Monitoring" means the process by which an Alarm Business receives signals from Alarm Systems and relays an Alarm Dispatch Request to the city for the purpose of summoning police response to the Alarm Site.

Subd. 12. "One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234 One Plus Duress Code = 1235).

Subd. 13. "Person" means an individual, corporation, partnership, association, organization or similar entity.

Subd. 14. "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.

Subd. 15. "Verify" means an attempt, by the Alarm Business, or its representative to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch in an attempt to avoid an unnecessary Alarm Dispatch Request.

57.03. Registration Required. No person shall engage in, conduct or carry on an alarm business within the city without first registering such business with the Chief of Police. The Chief shall require such information on the registration form as is required to implement the purpose of this chapter.

57.04. Proper Alarm Systems Operation and Maintenance. Subd. 1. An Alarm User shall:

- a.) maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarm Dispatches, and

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- b.) make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within thirty minutes when notified by the city to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide security for the premises, and
- c.) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

Subd. 2. An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc., standards 365 or 609).

57.05. Monitoring Procedures. An alarm business performing monitoring services shall:

- a.) communicate Alarm Dispatch Requests to the city in a manner and form determined by the Police Department (after consulting with alarm industry representatives).
- b.) attempt to verify every alarm signal, except a duress or hold up alarm activation before requesting a police response to an alarm signal.
- c.) communicate verified cancellations of Alarm Dispatch Requests to the city in a manner and form determined by the Police Department (after consulting with alarm industry representatives).
- d.) use of a central station listed by Underwriters Laboratories or Factory Mutual.

57.06. Alarm Systems in Apartment Complexes. Subd. 1. If an Alarm System installed by an individual tenant in an apartment complex unit is Monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the Alarm Business which is providing the Monitoring service.

Subd. 2. For purposes of enforcing this article against an individual residential unit, the tenant is responsible for False Alarm Dispatches emitted from the Alarm System in the tenant's residential unit.

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Subd. 3. If the owner or property manager of an apartment complex provides Alarm Systems in a residential unit as an amenity, then the owner or property manager of the apartment complex shall be responsible for payment of assessments for False Alarm Dispatches.

Subd. 4. For purposes of assessing fines and enforcing this article, the Alarm Systems in each residential unit will be counted separately when calculating False Alarm Dispatches.

57.07. Duties of Alarm Business. Subd. 1. As of January 1, 1998, Alarm Businesses shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Businesses may continue to report One Plus Duress Alarms received from Alarm Systems programmed with this feature prior to 1998. As of January 1, 1999, when performing a Conversion, an Alarm Business must remove the One Plus Duress Alarm Capability from the Alarm System being taken over or converted.

Subd. 2. As of January 1, 1998, Alarm Businesses shall not install devices for activating a hold-up alarm which is a single action non-recessed button.

Subd. 3. Alarm Businesses shall comply with all federal, state and local laws and ordinances.

57.08. Alarm System Operating Instructions. An Alarm User shall maintain at each Alarm Site a set of written operating instructions for each Alarm System.

57.09. Prohibition of Automatic Dialer. No person shall use or cause to be used any Automatic Dialer system that automatically selects or dials a published emergency telephone number or any City of Rochester telephone number and then reproduces any prerecorded message or signal; provided that this section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located within medical facilities.

57.10. Alarm Dispatch Request Records. Subd. 1. The officer responding to an Alarm Dispatch Request shall record such information as necessary to permit the Police Department to maintain the appropriate records on each False Alarm Dispatch.

Subd. 2. Alarm Businesses which perform Monitoring services must maintain records relating to the dispatch for a period of at least one year following request for police dispatch to an Alarm Site. Records must include the name, address and phone number of the Alarm User, the Alarm System zone(s) or point(s) activated, the time of request for police dispatch and evidence that an attempt to Verify was made to the Alarm Site prior to the request for police dispatch. The Alarm Businesses must provide copies of such records to the Police Department upon request.

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57.11. System Performance Reviews. The Police Department may require a conference with an Alarm User and the Alarm business responsible for the repair of the Alarm System to review the circumstances of each false alarm if there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms.

57.12. Assessments. Subd. 1. An Alarm User shall be subject to assessments depending on the number of False Alarm Dispatches generated by an Alarm System within a consecutive 365-day period based upon a schedule determined by City Council resolution.

Subd. 2. Alarm Dispatch Requests caused by actual criminal offenses or with evidence of a criminal attempt or Act of God shall not be counted as a False Alarm Dispatch.

57.13. Appeal from Assessments. Subd. 1. An Alarm User may appeal an assessment to the Chief of Police or his designee by filing a written request for consideration including the reasons for the appeal within ten days after receipt of the assessment notice. The filing of any appeal under this section stays the assessment until the Chief of Police or his designee, or the Common Council, makes a final determination.

Subd. 2. The Chief of Police or his designee shall consider the evidence offered in the request for consideration submitted within the listed time frame by the Alarm User. The Chief of Police or his designee shall make its decision on the basis of the preponderance of evidence presented. The Chief of Police or his designee may affirm, reverse or modify the assessment.

Subd. 3. An Alarm User may appeal the Chief of Police's decision to the Common Council by filing a written request including the reasons for the appeal within ten days of the receipt of the Chief of Police's decision. The Council shall hear such appeal as an quasi-judicial public hearing.

57.14. Failure to Pay Assessments. If an Alarm User refuses or fails to pay an assessment in the required time frame the Chief of Police may reduce the priority of the police response to an Alarm Dispatch Request at their Alarm Site until such payment has been made.

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