

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ARTICLE 5 (POLICE AND FIRE ALARM SYSTEMS) OF CHAPTER 8 (PUBLIC SAFETY) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO POLICE AND FIRE ALARM SYSTEMS

WHEREAS, the purpose of this ordinance is to establish reasonable expectations of alarm users and alarm businesses, ensuring that alarm users and alarm businesses are held responsible, thus reducing false alarm dispatches to the Colorado Springs Police Department.

WHEREAS, the purpose of this ordinance finds that excessive false alarms unduly burden the Colorado Springs Police Department's limited law enforcement resources by consuming many hours of valuable law enforcement time and resources, increases the potential for delay in responding to actual emergency calls for services, and presents a significant health, safety, and welfare hazards to the citizens of Colorado Springs; and

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

Section 1. Section 102 (False Alarm Service Charge) of Article 5 (Police and Fire Alarm Systems) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, is repealed and replaced with the following:

8.5.102: DEFINITIONS:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them:

ADDRESS CONFIDENTIALITY PROGRAM: the State of Colorado program created under C.R.S. § 24-30-2101 et al. to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense, or stalking.

ALARM ADMINISTRATOR: a person, persons, or authorized agent designated by the Police Department to administer the provisions of this ordinance.

ALARM COMPANY: means a person or entity engaged in the business of selling, leasing, installing, servicing, replacing, altering, moving or monitoring alarm systems. Said person or entity will be registered with a company registration with the Police Department to be in compliance pursuant to this ordinance. This does not include persons doing installation or repair work where such work is performed without compensation of any kind.

ALARM USER PERMIT: a permit issued to an alarm user by the Police Department allowing the operation of an alarm system within the City which is valid for one (1) calendar year from the date of issue. Federal, State and local governments shall be exempt from payment of the alarm user permit fee.

ALARM SIGNAL: a detectable signal, audible or visual, generated by an alarm system to which law enforcement is requested to respond.

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

ALARM SYSTEM: any device or assembly of equipment, designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include:

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

ALARM USER: any person or entity who owns, leases, monitors, or operates an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

ALARM USER AWARENESS CLASS: a class for the alarm user for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

CANCELLATION: termination of response by the Police Department when the alarm company notifies the 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 dispatching a police officer, this is not a false alarm and no penalty will be assessed.

COMMUNICATIONS CENTER: means the Colorado Springs Public Safety Communications Center.

COMPLIANCE STANDARDS: means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

ENHANCED CALL CONFIRMATION (ECC): an attempt by the alarm company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. It is required that a second call, also known as Enhanced Call Confirmation (ECC), 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 case of a fire, panic, or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

CONVERSION: the transaction or process by which one alarm 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.

DUAL-ACTIVATION PANIC DEVICE: a device which requires that two buttons be depressed together to activate an alarm signal for a robbery in progress.

FALSE ALARM: the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner, user, custodian, or lessee of an alarm system, or owner's employees or agents, or through any other cause, whereby notification to an emergency agency indicates that an emergency situation exists requiring response by an emergency agency when, in fact, no such emergency situation exists. A false alarm also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. False alarm does not include alarms activated by violent conditions of nature, such as blizzards, tornadoes, earthquakes, or any other similar cause beyond the control of the user of an alarm system. A false alarm response means that a police officer was actually dispatched to the scene. Cancellation of the request for response prior to dispatching a police officer shall not be considered a false alarm response.

LOCAL ALARM: 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.

PANIC ALARM: a silent alarm signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation, requiring a police officer's response.

PERMIT YEAR: a one (1) calendar year period beginning on the day and month on which an alarm user permit is issued.

POLICE DEPARTMENT: the City of Colorado Springs Police Department.

RESPONSIBLE PARTY: a person accountable for appearing at the alarm location upon request, who has access to the alarm location and the code to the alarm system.

ROBBERY ALARM: a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

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

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.

Section 2. The remaining sections within Article 5 (Police and Fire Alarm Systems) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended, are created to read as follows:

8.5.103: ALARM USER PERMIT:

A. Permit required. No alarm user shall use an alarm system, without first obtaining an alarm user permit for such alarm system from the Police Department. A \$24.00 fee shall be required for the initial registration and annual renewals of the alarm user permit for either a commercial or residential alarm system. Senior citizens (age 65 and over) shall be required to pay a \$12.00 fee for the initial registration and annual renewals for the alarm user permit for a residential alarm system. Each alarm user permit shall be assigned a unique alarm permit number, and the alarm company shall provide the alarm permit number to facilitate law enforcement dispatch.

B. Application. An alarm user permit shall be obtained by completing an application provided by the Alarm Administrator available on the Police Department online portal

C. Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the new alarm user obtaining possession of the property shall file an application for an alarm user permit within thirty (30) days of obtaining possession of the property. Alarm user permits are not transferable.

D. Reporting updated information. Whenever the information provided on the alarm user permit application changes, the alarm company or alarm user shall provide correct information to the Alarm Administrator within thirty (30) days of the change. Failure to comply will constitute a violation and may result in the revocation of the alarm user permit.

E. Multiple alarm systems. If an alarm user has one or more alarm systems, a separate alarm user permit shall be required for each alarm system.

F. Refunds. No refund of an initial registration or registration renewal will be made.

8.5.104: DUTIES OF THE ALARM USER:

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

B. Provide the monitoring alarm company the alarm user permit number.

C. A responsible party must make a reasonable effort to respond to the alarm system's location within thirty (30) minutes when notified by the Police Department.

D. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

E. An alarm user must obtain a new alarm user permit if there is a change in address or ownership of a business or residence. This section shall not apply to an alarm user accepted into the Colorado Address Confidentiality Program. Participants in the program must contact Alarm Administrator regarding change in address procedures.

F. Each year after the issuance of the alarm user permit the alarm user or the alarm company monitoring the alarm system will receive from the Alarm Administrator a verification communication requesting updated information on their accounts and/or customers. The alarm user or the monitoring alarm

company shall complete and return this form to the Alarm Administrator whether or not any of the requested information has changed. Failure to comply will constitute a violation and may result in the revocation of the alarm user permit and/or a suspension or revocation of the alarm company's registration.

G. An alarm user must make all attempts necessary to prevent/stop runaway alarms. Multiple alarms caused by a single technical malfunction in a single alarm system may assess fines for each additional false alarm activation.

H. Upon the installation or monitoring of any new alarm system, alarm users and/or alarm companies shall submit an alarm user permit application for an alarm registration to the Alarm Administrator within ten (10) days of an alarm system installation or monitoring.

I. For only existing alarm user permits issued prior to the effective date of Ordinance 21-XXX, their annual permits renewals will be due on the anniversary date of the alarm users' original permit. The Alarm Administrator will provide the alarm company or alarm user notice of this renewal date only for a period of one (1) year after the effective date of Ordinance 21-XXX.

8.5.105: REGISTRATION PROCESS FOR ALARM COMPANIES:

A. No alarm company shall engage in selling, leasing, installing, servicing or monitoring alarm systems without first obtaining a registration from the Alarm Administrator.

B. Each alarm company will submit an application through the Alarm Administrator for an alarm company registration.

C. A \$110.00 fee shall be required for the initial registration which will be valid for one (1) calendar year from the date of issuance. A subsequent \$110.00 fee shall be required for an alarm company annual registration renewal.

D. Each alarm company shall be assigned a unique registration number, and the monitoring station operator will provide the registration number to facilitate law enforcement dispatch.

E. For all alarm companies with an existing business license issued prior to the effective date of Ordinance 21-XXX, the alarm companies' annual registration will be due on the anniversary date of the alarm company's original license. The Alarm Administrator will provide the alarm company notice of this renewal date only for a period of one (1) year after the effective date of Ordinance 21-XXX.

8.5.106: DUTIES OF THE ALARM COMPANY:

A. The alarm company shall be responsible for any and all damage to property or injury to persons arising out of the exercise of the alarm company's registration. The alarm company shall indemnify and hold harmless the City and its officers, agents and employees from all suits, actions or claims of injuries received or sustained by any person or persons or property on account of any act or omission of the alarm company, its agents or employees, or due to the failure of the alarm company to observe the provisions of this paragraph.

B. Registration Not Renewed: If the alarm company's registration is not renewed within thirty (30) days after the registration renewal date, a penalty will be assessed against the alarm company.

C. Existing alarm systems. Upon enactment of this ordinance, an alarm company shall ensure they have updated their customer information via the Police Department online portal. This customer information shall include existing business name (if applicable), customer name, customer date of birth, email address, physical address of the alarmed residence/business, and mailing address (if different than physical address). The updated customer information as described in this section must be completed by the alarm company within six (6) months after being notified in writing from the Alarm Administrator.

D. New alarm systems. Any alarm company that installs an alarm system on premises located within the City of Colorado Springs 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.

E. Purchased accounts. An alarm company that purchases any alarm system account from another alarm company or person shall notify the Alarm Administrator of such purchase, and shall provide the Alarm Administrator a complete list of the acquired customers in a format the alarm company is capable of producing. This information shall include the customer name, alarm site address, alarm user permit number, and alarm company registration number.

F. Registration and Responsible Party Requirements. Any alarm company engaged in the alarm business in the City of Colorado Springs shall comply with the following:

1. Obtain and maintain any required state license(s) or certificates.
2. Provide name, address, and telephone number of the alarm user or a designee who can be called in an emergency, 24 hours a day, together with a responsible party who will respond.

G. Dual-Activation Button Requirement. Upon enactment of this ordinance, alarm companies shall, on all new and upgraded installation, install only dual-activation button robbery/holdup devices for appropriate applications of commercial accounts.

H. Operation of system. 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, and how to prevent false alarms. In addition, provide alarm user written information of how to obtain service from the alarm company for the alarm system, how to contact the alarm company, and how to cancel an alarm request.

I. Notification of permitting and ordinance. Prior to installation of the alarm system, the alarm company must provide the alarm user with information on how to obtain an alarm user permit and how to gain online access to this ordinance.

J. Monitoring requirements. An alarm company performing monitoring services shall:

1. Follow the ECC requirements before requesting dispatch of the Police Department.
2. Provide the alarm user permit number to the Communications Center to facilitate dispatch and/or cancellations.
3. Communicate to the Communication Center any pertinent available information about the location of the alarm.
4. Communicate a cancellation to the Communications Center as soon as possible following a determination that response is unnecessary.

K. False statement prohibited. No alarm company or any employee of an alarm company shall make a false statement to the Alarm Administrator.

L. Installer/Service repair and testing. No alarm salesperson, alarm service person, or alarm installer shall activate an alarm signal that results in a false alarm. Alarm system testing must be reported in advance to the Communications Center.

M. No alarm company shall request a police response to an alarm at any alarm site that has had four (4) or more false alarms within any alarm registration period, unless there is actual evidence that a crime is being or has been committed. An alarm company shall have thirty (30) days from the date of the notification letter from the Alarm Administrator to submit written documentation to the Alarm Administrator that the alarm company has provided the alarm user

training in the operation of the alarm system, has identified the cause of the false alarms and, if a mechanical problem, has taken corrective action. Failure to provide the required documentation within this thirty (30) day period may, at the Police Department's sole discretion, result in suspension of police response.

8.5.107: DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION:

A new or renewal alarm company registration may be denied, suspended, or revoked if the applicant or a principal of the applicant:

- A. Fails to disclose any criminal conviction for a felony in this State or any other state, or of a crime in any other state that, if committed in this State, would be a felony.
- B. Fails to disclose any criminal convictions of three (3) or more misdemeanor violations within a five (5) year period.
- C. Has made a willful misrepresentation in applying for and obtaining a registration.
- D. Has been previously denied a registration under this part or has had a registration issued under this part suspended or revoked.
- E. Was a principal of an alarm company whose registration was revoked or suspended, unless the Alarm Administrator determines that the principal was not responsible for the misconduct underlying the revocation or suspension.

8.5.108: PROHIBITED ACTS:

- A. It shall be a violation 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 a violation to install, maintain, or use an audible alarm system which can sound continually for more than sixteen (16) minutes.
- C. It shall be a violation to make false statements on the alarm user permit application and may be grounds for denial of an alarm user permit.
- D. It shall be a violation to fail to report or cooperate with the Police Department during an investigation of criminal activity related to any type of alarm system defined in this ordinance.

8.5.109: REGISTRATION PENALTIES FOR ALARM COMPANIES:

A. Penalties for registration violations may be assessed against an alarm company as follows:

1. Failure for alarm companies to obtain an alarm user permit for newly installed alarms or monitored alarms, within 30 days - \$50.00
2. Failure for alarm companies to renew the alarm company registration annually within 30 days of registration expiration - \$165.00
3. Failure for alarm companies to renew the alarm company registration within sixty (60) days of registration expiration –must apply for a new registration.

8.5.110: ENFORCEMENT OF PROVISIONS FOR FALSE ALARMS:

A. False alarm penalties. Penalties for false alarms within each alarm permit year may be assessed against an alarm user permit holder as follows:

1. First false alarm - Free
2. Second false alarm - \$30.00
3. Third false alarm - \$75.00
4. Fourth false alarm - \$100.00
5. Fifth false alarm and above - \$200.00

B. Other Penalty(ies). Violations may be enforced through the assessment of penalty(ies) in the amount of \$100.00 per violation through the entirety of this ordinance.

C. Cancellations. If cancellation of police response occurs prior to dispatching an officer, the response is not considered a false alarm for the purpose of a penalty and no penalty will be assessed.

D. Non-criminal violation. A violation of any of the provisions of this ordinance shall constitute a violation only and shall not constitute a misdemeanor crime or infraction.

E. Payment of Penalty(ies). Penalty(ies) shall be paid within thirty (30) days from the date of the invoice or alarm permit may be suspended.

F. Notice to alarm users of false alarms and potential suspension. The Alarm Administrator shall notify the alarm user in writing after each false alarm. The notice shall include:

1. The amount of payment required for the penalty, if any.
2. The fact that the police response may be suspended after four (4) false alarms in an alarm permit year, the police will still respond to duress, holdup, robbery and panic alarms
3. A description of the appeals procedure available to the alarm user.

G. Suspension of Police Department response – Delinquent account. The failure of an alarm user to make payment of any penalty(ies) assessed under this ordinance within thirty (30) days from the date of the invoice may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.

The Alarm Administrator shall notify the alarm user and the alarm 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 penalty for each false alarm, and a description of the appeals procedure available to the alarm user and the alarm company.

H. Suspension of Police Department response – Excessive false alarms. After an alarm site has accumulated four (4) false alarm responses in a twelve (12) month alarm permit period, the Alarm Administrator shall notify the alarm user and the alarm company in writing thirty (30) days before an alarm response is to be discontinued. 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 penalty amount for each false alarm, and a description of the appeals procedure available to the alarm user and the alarm company.

I. Reinstatement of suspended sites for excessive false alarms. An alarm user whose alarm user permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the alarm user submits to the Alarm Administrator:

1. A \$100.00 non-refundable reinstatement fee.
2. Sufficient articulation in writing, addressing proactive measures to be implemented to prevent false alarms in the future.
3. If the alarm system is monitored by an alarm company a certification from the alarm company stating that the alarm has been inspected and/or repaired on cases where repetitive, obvious malfunctioning of the system occurred.

J. Reinstatement of response. The Police Department will reinstate its response to an alarm site as soon as practical, after receiving notice of reinstatement from the Alarm Administrator.

K. Additional suspension of service. If an alarm user permit is reinstated after suspension, the Police Department may again discontinue service if it is determined that two (2) false alarms have occurred within sixty (60) days after the reinstatement date.

L. Alarm Administrator discretion. In the Alarm Administrator's sole discretion, the Alarm Administrator may waive required alarm inspection certification or alarm user training prior to approving reinstatement, and may reduce or waive false alarm fees, as appropriate. The Alarm Administrator's decision to approve or deny reinstatement, or to reduce or waive fees, shall be made to further the efficient use of Police Department resources and in the interests of the public health, safety and welfare.

8.5.111: ALARM USER AWARENESS CLASS:

A. Alarm User Awareness Class. The Police Department may create and implement an Alarm User Awareness Class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The Police Department may grant the option of attending a class in lieu of paying one assessed fine for the first payable false alarm. The Alarm User Awareness Class must be taken within thirty (30) days from the date of the invoice, or the class will not qualify for the adjustment. An alarm user can only attend the Alarm User Awareness Class one (1) time and the credit can only be used in lieu of the invoice for the first payable false alarm. Confirmation of the Alarm User Awareness Class must be provided to the Alarm Administrator.

8.5.112: APPEALS:

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

B. Appeal standard. The hearing officer shall review an appeal from the assessment of penalty(ies) 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(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce penalty(ies) or reverse any other enforcement decision where warranted. The hearing officer will issue a decision and such decision shall serve as the final agency determination of the appeal.

Section 3. This ordinance shall be in full force and effect from and after September 1, 2021.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2021.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk