CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2012-13

AN ORDINANCE

AMENDING SECTION 18-1.4 SFCC 1987 REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987 REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 18-1.4 SFCC 1987 (being Ord. #1981-64, §4, as amended) is amended to read:

18-1.4 License Application; Information Required.

A. Applicants for licenses under this section shall file with the city a sworn application in writing, on a form to be furnished by the city, which shall include, but is not limited to the following:

(1) Name;

(2) Address;

(3) Current state revenue division taxpayer identification number or evidence of application for a current state revenue division taxpayer identification number;

(4) A brief description of the nature of the business;

(5) Proof of insurance coverage, when applicable; and

(6) Proof of bond, when applicable.

B. In addition to the information required in paragraph A, the following businesses shall also include the following information with their applications:

(1) Carnival operators shall submit a copy of their special use permit, as required by subsection 18-7.2 SFCC 1987;

(2) Circus operators shall submit a copy of their special use permit, as required by subsection 18-7.2 SFCC 1987;

(3) Itinerant vendors seeking to conduct sales as defined under subsection 18-5.1 SFCC 1987 shall submit a copy of their petition as approved by the governing body, as required in subsection 18-5.1 SFCC 1987;

(4) Jewelry auction operators, as defined in subsections 18-5.1 through 18-5.23 SFCC 1987, shall provide information required by subsections 18-5.12 and 18-5.14 SFCC 1987, including a notarization of the application;

(5) Mobile home park operators shall submit a copy of their certificate of occupancy;

(6) Private day-care nurseries, facilities and kindergarten operators, when approval is required by the board of adjustment, as per the provisions of Table 14-6.1-1 SFCC 1987, shall include a sworn affidavit stating that they have received such approval; and

(7) Septic tank cleaners shall submit a sworn affidavit stating that they have conformed to the requirements set forth in subsection 22-4.9 SFCC 1987.

(8) Flea market operators shall submit:

(a) A copy of a current certificate of occupancy. The certificate of occupancy shall be reissued annually; and

(b) A sworn affidavit stating that they have conformed to the

requirements set forth in subsection 14-6.2(C) SFCC 1987.

(9) Alarm installation companies and monitoring companies, as defined in Section 20-5.4 SFCC 1987, shall submit the following documents as required by Section 20-5.8 SFCC 1987:

(a) A copy of a valid license issued by the construction industries division of the regulation and licensing department of the state of New Mexico; and

(b) Proof of bonding.

Editor's Note: Santa Fe City Code References in Paragraph B(6) and B(8)(b) are corrected to conform with Ordinance 2011-37.

Section 2. Section 20-5.5 SFCC 1987 (being Ord. #2009-33, §7) is amended to read:

20-5.5 Registration Required; Application; Fee; Transferability; False Statements.

A. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration. A separate alarm registration is required for each alarm site. The fine for a non-registered alarm site as set forth in Section 20-5.14 SFCC 1987 shall be assessed for each alarm occurrence.

B. The non-refundable fee for an alarm registration or an alarm registration renewal is set forth in Section 20-5.14 SFCC 1987 and shall be paid by the alarm user. The initial alarm registration fee shall be submitted to the alarm administrator within thirty (30) days after the alarm system installation or alarm system takeover.

C. The alarm registration application shall include the following information:

(1) The name, complete address (including apartment/suite number), mailing address, if different from the address of the alarm site; and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance

and operation of the alarm system and the payment of fees assessed under this article.

(2) The classification of the alarm site as either residential or commercial.

(3) The classification of the alarm system (burglary, holdup, duress, panic or other) and for each classification whether such alarm is audible or silent.

(4) Detailed information regarding any dangerous or special conditions present at the alarm site.

(5) The names and telephone numbers of at least two individuals who are able and have agreed to:

(a) Receive notification of an alarm system activation at any time;

(b) Respond to the alarm site within thirty (30) minutes at any time; and

(c) Upon request is able to grant access to the alarm site and deactivate the alarm system if necessary.

One of the two individuals may be the alarm response manager.

(6) If alarm site is commercial, the type of business conducted.

(7) The date of installation, conversion or takeover of the alarm system.

(8) The name, address, telephone number and city of Santa Fe business license number of the alarm installation company or companies performing the alarm system installation, conversion or takeover; and the name, address, telephone number and city of Santa Fe business license number of the alarm installation company responsible for providing service to the alarm system.

(9) The name, address, telephone number and city of Santa Fe business license number of the monitoring company if different from the alarm installation company;

(10) An acknowledgement from the alarm user that the alarm user has received from the alarm installation company:

(a) The current city of Santa Fe Alarm System Ordinance or the web-site address where the Ordinance is accessible;

(b) Training in the proper use of the alarm system and written guidelines on how to avoid false alarms; and

(c) A signed statement from the alarm installation company that verifies the training.

(11) Acknowledgement that law enforcement response may be influenced by factors including, but not limited to, the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.

D. Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the alarm user, unless the applicant has:

(1) Failed to pay a fine assessed under Section 20-5.14 SFCC 1987; or

(2) Had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

E. Any false statement of a material fact made by an alarm user for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

F. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within thirty (30) days of such change.

G. All fines and fees owed by an alarm user shall be paid before an alarm registration may be issued or renewed.

H. Governmental entities, including federal, state, county, public schools and other political subdivisions of the state of New Mexico shall obtain an alarm registration, for tracking purposes only. Registration fees, services fees and fines shall not be required of such entities.

Section 3. Section 20-5.6 SFCC 1987 (being Ord. #2009-33. §8) is amended to

read:

20-5.6 Alarm Registration; Duration and Renewal.

An alarm registration shall expire one (1) year from the date of issuance, and shall be renewed annually by submitting an updated application and a registration renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew their registration within sixty (60) days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application for renewal prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system. For each alarm occurrence, the fine for a non-registered alarm site, as set forth in Section 20-5.14 SFCC 1987, shall be assessed without waiver. A late fee may be assessed if the renewal is more than thirty (30) days late.

Section 4. Section 20-5.7 SFCC 1987 (being Ord. #2009-33, §9) is amended to read:

20-5.7 Duties of the Alarm User.

A. An alarm user shall:

(1) Obtain an alarm registration for the alarm system as required in Section 20-5.5 SFCC 1987.

(2) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms.

(3) Make every reasonable effort to have a responder to the alarm site within thirty (30) minutes when requested by the city in order to deactivate an alarm system, provide access to the alarm site; and if necessary, provide alternative security for the alarm site.

(4) 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 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 five (5) minutes after being activated.

C. After an alarm site has three (3) false alarms within a one (1) year period, the alarm administrator shall notify the alarm user and the alarm installation company named on the alarm registration application that the alarm user is required to attend the on-line alarm school. The alarm administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system.

D. After an alarm site has five (5) false alarms within a one (1) year period, the alarm administrator shall notify the alarm user and the alarm installation company named on the alarm registration application that mandatory inspection of the alarm system shall be made and additional user training shall be provided by the alarm installation company. Proof of the inspection and additional training shall be provided to the alarm administrator.

E. An alarm user shall not use an automatic voice dialer.

F. An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

G. An alarm user who has contracted with an alarm monitoring company shall be aware of the "acclimation period" described in Section 20-5.10 SFCC 1987.

Section 5. Section 20-5.9 SFCC 1987 (being Ord. #2009-33, §11) is amended to read:

20-5.9 Duties of Alarm Installation Company.

A. Upon the effective date of this Ordinance, alarm installation companies shall establish an outreach program for their customers. Such outreach shall include written notification that the Alarm System Ordinance has been adopted; and a summary of the Ordinance, including the responsibilities and duties of alarm users.

B. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of each alarm system(s). Such instructions shall specifically include all instructions necessary to turn the alarm system on and off and how to avoid false alarms.

C. Alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.

D. An alarm installation company shall not:

(1) Install or activate automatic voice dialers;

(2) Program an alarm system so that the alarm system is capable of sending one plus duress alarms. The alarm installation company shall remove the one plus duress alarm feature from alarm systems whenever an alarm technician is at the alarm site or otherwise accessing the panel for reprogramming purposes; or

(3) Program an alarm system to activate a holdup alarm, which is a single action, non-recessed button.

E. After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user the false alarm prevention checklist which shall be provided by the alarm installation company. The alarm installation company shall provide a copy of the checklist to the alarm administrator for review and approval and if the checklist is amended ensure that the alarm administrator has the current version for review and approval.

F. An alarm installation company that purchases alarm system accounts from another alarm installation company shall notify the alarm users that the alarm users need to notify the alarm administrator that the alarm registration needs to be updated with the name of the new alarm installation company.

G. Each alarm installation company shall designate one individual as the alarm

response manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the alarm administrator. The ARM shall be knowledgeable of the general provisions of the Ordinance, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the alarm administrator. The name, phone number, and email address of the designated ARM shall be provided to the alarm administrator.

H. Alarm installation companies shall comply with the following requirements:

(1) Upon the effective date of this Ordinance, alarm installation companies shall provide the alarm administrator with an existing customer list in a format acceptable to the alarm administrator to assist the alarm administrator with creating tracking data.

(2) Alarm installation companies shall provide a monthly report to the alarm administrator by the twenty-fifth day of the month listing all new alarm systems, which the alarm installation company contracted to install during the previous month. The monthly report shall also include a listing of any cancelled or inactive alarm user accounts. Each report shall include at the minimum the name, address and phone number of the alarm user and the address of the alarm site. Nothing in this Ordinance shall prohibit the use of such information for legitimate public safety purposes. A fine in accordance with Section 20-5.14 SFCC 1987 for each monthly report that is overdue shall be assessed to any alarm installation company that fails to provide this report by this deadline.

(3) Alarm installation companies shall assist the alarm administrator by providing the initial alarm registration application to the alarm user and submit such registrations to the alarm administrator within thirty (30) days of the activation of an alarm system.

I. If an alarm installation company repairs an alarm system within thirty (30) days after a false alarm, the alarm installation company may transmit the repair invoice or other written

record of the repair to the alarm administrator, in which instance the alarm administrator shall delete the false alarm from the alarm user's record. There shall be no more than two repair deletions allowed per alarm user registration per year.

J. All alarm system installation company personnel responding to alarms, or repairing or installing alarm systems shall wear a picture identification card issued by the alarm installation company on their company uniform, which identifies the individual and the alarm installation company. The alarm system installation company personnel includes, without limitation, any person or entity that derives any pecuniary benefit from any contract for the installation of any alarm system, including any person or entity that sells a contract for the installation or monitoring of an alarm system. This identification card shall be in a standard form approved by the alarm administrator. The identification card shall be issued by the alarm installation company after a background investigation has been conducted on that individual. No identification card shall be issued if the applicant has been convicted of a felony. Each alarm installation company shall pay a fine in accordance with Section 20-5.14 SFCC 1987 for each and every installation conducted in whole or in part by an employee who lacks the required background investigation or identification card.

Section 6. Section 20-5.11 SFCC 1987 (being Ord. #2009-33, §12) is amended to read:

20-5.11 Duties and Authority of the Alarm Administrator.

A. The alarm administrator shall obtain reports from the regional emergency communications center that include:

(1) Alarm dispatch requests;

(2) Cancellations of alarm dispatch requests; and

(3) Verification that the monitoring company used enhanced call verification when the alarm dispatch request was made.

B. The alarm administrator shall establish a procedure to record alarm dispatch requests for the purpose of maintaining records, which shall include, without limitation the following information:

(1) Identification of the registration number for the alarm site;

(2) Address of the alarm site;

(3) Date and time alarm dispatch request was received;

(4) The time that an alarm dispatch request was cancelled to ensure that the alarm user will not be fined for a false alarm occurrence if cancellation occurred prior to law enforcement arrival at the alarm site;

(5) Name of the monitoring company and the monitoring operator's name or number;

(6) Date and time of law enforcement officer arrival at the alarm site and verification that law enforcement officer left his business card at the site;

(7) Zone and zone description, if available;

(8) Weather conditions, mass power failures or surges, or mass telephone line interruptions;

(9) Name of alarm user /or alarm user's representatives that were contacted by the monitoring company prior to the alarm dispatch request;

(10) Name of alarm user or representative that was available at the alarm site when law enforcement was present;

(11) Identification of the responsible alarm installation company or monitoring company;

(12) Whether law enforcement officer was unable to locate the address of the alarm site; and

(13) Cause of alarm signal, if known.

C. The alarm administrator shall determine whether the alarm signal was a false alarm based upon the information collected in paragraph B. above. Alarms caused by acts of nature such as severe weather conditions that cause mass activations which are beyond the control of the alarm user, or signal activations caused by documented mass power failure or surges which are beyond the control of the alarm user, or mass telephone line interruptions which are beyond the control of the alarm user shall not be counted as a false alarm.

D. The alarm administrator shall establish a procedure to notify the alarm user, in writing, of a false alarm. The notice shall include the following information:

(1) The date and time of law enforcement arrival at the false alarm address;

(2) The identification number of the responding law enforcement officer;

(3) 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 fines;

(4) The amount of the fine, in accordance with Section 20-5.14 SFCC 1987;

(5) A statement that city response to a false alarm shall be suspended after the tenth (10th) false alarm (excluding duress, holdup and panic alarms) in a twelve (12) month period; and

(6) A description of the appeals procedure available to the alarm user.

E. The alarm administrator may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm. For these purposes, the alarm installation company shall have contact information for the alarm response manager for each alarm site on record with the alarm administrator.

F. The alarm administrator may create and implement an alarm user awareness class. The alarm administrator may request the assistance of associations, alarm companies and

law enforcement agencies in 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 generating false alarms.

G. The alarm administrator may require an alarm user to remove a holdup alarm device that is a single action, non-recessed button, or have it replaced with an acceptable dual-action or recessed device after the occurrence of a false holdup alarm.

H. The alarm administrator may require an alarm user to remove the duress or panic alarm capability from the alarm user's alarm system after the occurrence of a false duress or panic alarm.

I. The alarm administrator shall make available to the alarm user this Ordinance and/or an Ordinance summary sheet.

J. If the alarm administrator identifies an alarm installation company that is operating within the municipal boundaries of the city of Santa Fe without a license from the construction industries division of the New Mexico regulation and licensing department or without a valid city of Santa Fe business license, the alarm administrator shall report that business to the city business license administrator.

K. The alarm administrator and all employees or representatives of the city of Santa Fe shall, in the interest of public safety, hold in confidence:

(1) all information contained in and gathered through the alarm registration applications;

(2) records relating to alarm dispatch requests;

(3) applications for appeals;

(4) customer lists obtained from alarm installation companies; and

(5) customer lists obtained from monitoring companies.

Section 7. Section 20-5.12 SFCC 1987 (being Ord. #2009-33, §14) is amended to

read:

20-5.12 Suspension of Response.

A. The alarm administrator may suspend law enforcement response to an alarm site by revoking the alarm registration if it is determined that:

(1) The alarm user has eleven (11) or more false alarms in a twelve (12) month period;

(2) There is a statement of a material fact known to be false in the application for a registration;

(3) The alarm user has failed to make timely payment of a fee or fine assessed under Section 20-5.14 SFCC 1987; or

(4) The alarm user has failed to submit a written certification from an alarm installation company, that complies with the requirements of this Ordinance, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company.

B. The alarm administrator shall notify the alarm installation company and the alarm monitoring company listed on the alarm registration application of the determination to revoke an alarm registration and suspend response to alarm site.

C. A person commits an offense if the person operates an alarm system during the period in which the alarm registration is revoked and is subject to enforcement and penalties set in Sections 20-5.14 SFCC 1987.

D. A monitoring company commits an offense if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 20-5.14 SFCC 1987.

E. Unless there is separate indication that there is a crime in progress, the city police department shall refuse response to an alarm dispatch request at an alarm site for which the alarm

registration is revoked.

F. If the alarm registration is reinstated pursuant to Section 20-5.13 SFCC 1987, the alarm administrator may again suspend law enforcement response to the alarm site by again revoking the alarm registration if it is determined that two false alarms have occurred within one year period after the reinstatement date.

Section 8. Section 20-5.14 SFCC 1987 (being Ord. #2009-33, §15) is amended to read:

20-5.14 Fees and Fines.

The following fees and fines shall be assessed, as applicable, to alarm users, alarm installation companies and monitoring companies:

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	Santa Fe City Code Section	Alarm User	Alarm Installation Company	Alarm Monitoring Company
Fee – registration of alarm system	20-5.5(B)	$25.00		
Fee – renewal of registration	20-5.5(B)	$25.00		
Fee – late registration	20-5.6	$10.00		
Fee – reinstatement	20-5.13(A)(1)	$50.00		
Fee – appeal *	20-5.16(D)	$50.00		
Fine – first false alarm	20-5.11(D)(4)	$0.00		
Fine – second false alarm	20-5.11(D)(4)	$0.00		
Fine – third false alarm	20-5.11(D)(4)	$150.00		
Fine – fourth false alarm	20-5.11(D)(4)	$150.00		
Fine – fifth false alarm	20-5.11(D)(4)	$150.00		
Fine – sixth or more false alarm(s)	20-5.11(D)(4)	$300.00		
Penalty – for 11 or more false alarms in a 12 month period	20-5.12(A)	Suspend response and revoke registration		
Fine – Operating an alarm system during period of revocation	20-5.12(C)	$100.00		
Fine – non-registered alarm system, per alarm occurrence	20-5.5 (A) 20-5.6	$100.00		
Fee – license	18-8.10(A)(3)		$75.00	$75.00
Fine – no employee background check	20-5.9(I)		$300.00	

* Paid only if appeal is decided in favor of the city

Fine – Late report (names and addresses of users)	20-5.9(G)(2) 20-5.10(E)		$10.00 per day after five day grace period	 $10.00 per day after five day grace period
Fine – failure to establish procedures for accepting cancellations of alarms and conveying cancellations of alarms	20-5.10(F)			$ 50.00
Fine – Continuation of alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked	20-5.12(C)			$ 50.00
Fine – failure to use enhanced call verification	20-5.10(B)(2)			$300.00

Section 9. Section 20-5.16 SFCC 1987 (being Ord. #2009-33) is amended to read:

20-5.16 Appeals.

A. Any alarm user, unregistered alarm user, alarm installation company or monitoring company that receives a notice of a false alarm or a notice of fees or fines due under this Ordinance may file an appeal with the alarm administrator setting forth the reasons for the appeal within thirty (30) days from the date the notice was mailed by the alarm administrator.

B. A hearing officer appointed by the city manager shall conduct a formal hearing within thirty (30) days of the receipt of the appeal by the alarm administrator. The alarm administrator shall give written notice by certified mail to the appellant at least ten (10) days prior to the hearing.

C. The hearing officer shall make a decision on the basis of the preponderance of evidence presented at the hearing. The hearing officer shall affirm or reverse the decision of the

alarm administrator. The hearing officer shall render a decision within thirty (30) days after the date of the hearing and shall forward the decision to the alarm administrator and the appellant.

D. A filing fee in accordance with Section 20-5.14 shall be paid if the hearing officer does not find in favor of the appellant.

E. The failure of an appellant to appear at the appeal hearing shall extinguish the appeal.

PASSED, APPROVED AND ADOPTED this 29th day of February, 2012.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/melissa/2012 bills/2012-13 Alarm Systems