CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2009-33

AN ORDINANCE

REPEALING ARTICLE 20-25 SFCC 1987 MAINTENANCE AND INSTALLATION OF ALARM DEVICES AND SYSTEMS AND CREATING A NEW ARTICLE 20-5 SFCC 1987 REGARDING ALARM SYSTEMS, 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. [REPEAL.] Article 20-25 SFCC 1987 (being Ord. No. 1988-31, §§1-15 as amended) is repealed.

Section 2. A new Article 20-5 SFCC 1987 is ordained to read:

20-5 [NEW MATERIAL.] ALARM SYSTEMS.

Section 3. A new Section 20-5.1 SFCC 1987 is ordained to read:

20-5.1 [NEW MATERIAL.] Legislative Findings.

The governing body of the city of Santa Fe finds that:

A. There is increasing use of private emergency alarm systems by citizens of the city of Santa Fe; and

B. Ninety-nine percent (99%) of alarms generated by alarm systems are listed as false alarms by the Santa Fe police department; and

C. The Santa Fe police department spends more than three thousand eight hundred (3,800) hours annually, equivalent to two full-time sworn officers or about one hundred sixteen thousand, four hundred eighty dollars ($116,480) per year responding to false alarms; and

D. Police and fire department responses to false alarms provide an extra public safety service that benefits only those individuals who own alarm systems; and

E. Alarm users and the general public are harmed by excessive numbers of false alarms because excessive false alarms divert public safety officers from other potentially critical duties and constitute a nuisance that must be abated; and

F. Fees to reimburse the city for the costs of responding to excessive false alarms are justified because these false alarms divert limited public safety resources; and

G. The fire department recognizes the value of fire and medical alarms and will respond accordingly to investigate, suppress fire propagation, address life safety issues, and provide medical treatment to fulfill the needs of the public; however, these services are not used effectively when fire personnel must respond to locations with excessive numbers of false alarms; and

H. Businesses with excessive false fire alarms are subject to reinspection of their fire suppression, fire alarm system and facilities by the fire marshal's office; and

I. Certain records are necessary to locate the persons in control of a property when the regional emergency communications center has been notified by an alarm of an actual burglary or other emergency and needs access to the property or when an audible alarm system is malfunctioning so as to cause a nuisance to the neighbors and other persons in the proximity of the alarm; and

J. Fees and fines may not be sufficient inducement for alarm installation companies and monitoring companies to comply with this Ordinance; therefore, alarm installation companies and monitoring companies that engage in a pattern of violations under this Ordinance should be subject to suspension and revocation of their business license.

Section 4. A new Section 20-5.2 SFCC 1987 is ordained to read:

20-5.2 [NEW MATERIAL.] Short Title. Article 20-5 SFCC 1987 may be cited as the "Alarm System Ordinance".

Section 5. A new Section 20-5.3 SFCC 1987 is ordained to read:

20-5.3 [NEW MATERIAL.] Purpose. The purpose of this Ordinance is to:

A. Require alarm users, alarm installation companies and monitoring companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms;

B. Establish a system of administration;

C. Govern alarm systems intended to summon law enforcement response;

D. Require alarm users to register alarm systems;

E. Establish fees and penalties for violations; and

F. Set conditions for suspension of police response or revocation of registration.

Section 6. A new Section 20-5.4 SFCC 1987 is ordained to read:

20-5.4 [NEW MATERIAL.] Definitions.

Alarm administrator means the city staff or agent for the city designated by the city of Santa Fe to administer the provisions of this Ordinance.

Alarm dispatch request means a notification by an alarm installation company or a monitoring company to the regional emergency communications center that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm installation company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (such as "do-it-yourselfers").

Alarm registration means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

Alarm response manager ("ARM") means a person designated by an alarm installation

company to handle alarm issues for the company and act as the primary point of contact for the alarm administrator.

Alarm site means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon police or fire response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person that has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or any person that owns or operates an alarm system which is not monitored, maintained or repaired under contract.

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.

ANSI/SIA control panels 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, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Arming station means a device from which the alarm system is turned on (armed) and off (disarmed).

Audio verification means the transfer of sounds from the protected premises to the monitoring company, as a result of activation of one or more devices, to confirm or deny the validity of the alarm signal.

Automatic voice dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to the regional emergency communications center.

Cancellation means the process where response is terminated when a monitoring company for the alarm site notifies the regional emergency communications center that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

Conversion means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

Dual technology means two separate technological methods of detection in one alarm system or device(s).

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 law enforcement response.

Enhanced call verification ("ECV") means a monitoring procedure requiring that a minimum of two calls be made prior to making an alarm dispatch request. The two calls shall be made to different phone numbers where a responsible party can typically be reached.

False alarm means the activation of any alarm system resulting in an alarm dispatch request, for which the responding public safety officer finds no evidence of criminal activity, fire, smoke, carbon monoxide, heat or other threat of emergency of the kind for which the alarm system was

designed to give notice.

Holdup/robbery alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Law enforcement authority means the chief of police, the fire chief or other authorized representative of a law enforcement agency.

License means a license issued by the city of Santa Fe to an alarm installation company and monitoring company to sell, install, monitor, repair, or replace alarm systems.

Local alarm system means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the regional emergency communications center for the purpose of summoning law enforcement to the alarm site.

Monitoring company means a person in the business of providing alarm system monitoring services.

One plus duress alarm means the manual activation of a silent alarm signal by entering a code at an arming station that adds one to the last digit of the normal arm/disarm code (for example, normal code = 1234, one plus duress code = 1235).

Other electronic means is the real-time audio/video surveillance of an alarm site by the monitoring company, by means of devices that permit the direct, live listening in or viewing of an alarm site or portions thereof.

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 law enforcement response.

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

Regional emergency communications center ("RECC") means the city/county entity that receives all police, fire, medical and animal control emergency 911 calls and non-emergency calls for the city of Santa Fe and Santa Fe county and dispatches the appropriate law enforcement personnel to the location as needed.

Responder means an individual capable of reaching and having access to the alarm site, the code to the alarm system, and the authority to approve repairs to the alarm system.

Suspension of response means the termination of police response to an alarm at a specified alarm site as a result of false alarms or other violation of the Alarm System Ordinance.

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.

Video verification means the transfer of video images to the monitoring company reflecting conditions existing at the protected premises at the time an alarm was activated through the use of video technology.

Zones means the capability of an alarm system to separate and report incidents or alarms by area. (Example: Zone 1 – Front Door Contact; Zone 2 – Front Entry Motion Detector)

Section 7. A new Section 20-5.5 SFCC 1987 is ordained to read:

20-5.5 [NEW MATERIAL.] 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.

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 five (5) 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, fire, 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) A signed affidavit from the alarm user which states as applicable:

(a) The date of installation, conversion or takeover of the alarm system, whichever is applicable;

(b) 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;

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

(d) That the alarm user has been trained by the alarm installation company in the proper use of the alarm system, including instructions on how to avoid false alarms;

(e) That the signed statement by the alarm installation company verifying the training is attached to the alarm registration application; and

(f) That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been left with the alarm user by the alarm installation company.

(8) 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 five (5) business 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 8. A new Section 20-5.6 SFCC 1987 is ordained to read:

20-5.6 [NEW MATERIAL.] 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 and a late fee, citations and penalties shall be assessed without waiver. A late fee may be assessed if the renewal is more than thirty (30) days late.

Section 9. A new Section 20-5.7 SFCC 1987 is ordained to read:

20-5.7 [NEW MATERIAL.] 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 that the alarm user shall contract with a licensed alarm installation company to inspect the alarm system. 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 that the alarm user shall contract with a licensed alarm installation company to modify the alarm system to be more false alarm resistant and provide additional user training as appropriate.

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 30-5.10 SFCC 1987.

Section 10. A new Section 20-5.8 SFCC 1987 is ordained to read:

20-5.8 [NEW MATERIAL.] Licensing of Alarm Installation Companies and Monitoring Companies.

A. All alarm installation companies and monitoring companies shall possess a current city of Santa Fe business license as provided for in Section 18-1.4 SFCC 1987. Business licenses shall be renewed on an annual basis.

B. All alarm installation companies and monitoring companies shall possess a valid

license issued by the construction industries division of the regulation and licensing department of the state of New Mexico. Said license and proof of bond shall be presented to the city at the time of licensing, renewal of the business license, or upon request by the city.

C. Whenever any information on the business license application changes, the license holder shall notify the alarm administrator within thirty (30) days of such change.

Section 11. A new Section 20-5.9 SFCC 1987 is ordained to read:

20-5.9 [NEW MATERIAL.] 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 administrator.

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. 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.

I. 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. 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.

J. 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 ten (10) days of the activation of an alarm system.

K. If an alarm installation company repairs an alarm system within ten (10) 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.

L. 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 12. A new Section 20-5.10 SFCC 1987 is ordained to read:

20-5.10 [NEW MATERIAL.] Duties of Monitoring Company.

A. Monitoring companies shall not make an alarm dispatch request of a law enforcement agency in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days ("acclimation period") following an alarm system installation. The alarm administrator may grant an alarm user's request for an exemption from this waiting period based upon

a determination that special circumstances substantiate the need for the exemption.

B. A monitoring company shall:

(1) Report alarm signals by using telephone numbers designated by the alarm administrator;

(2) Use enhanced call verification for every alarm signal, except for duress or holdup alarm activation, before initiating an alarm dispatch request;

(3) Communicate alarm dispatch requests to the regional emergency communications center in a manner and form determined by the alarm administrator;

(4) Communicate cancellations to the regional emergency communications center in a manner and form determined by the alarm administrator;

(5) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

(6) Communicate nature of alarm (for example: burglary, fire, robbery, panic, duress, silent, audible, interior or perimeter);

(7) Provide alarm user registration number when requesting law enforcement dispatch;

(8) After an alarm dispatch request, promptly advise the regional emergency communications center if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

(9) Contact the alarm user or responder within twenty-four (24) hours via mail, fax, telephone or other electronic means when an alarm dispatch request has been made; and

(10) Upon the effective date of this Ordinance, monitoring companies shall maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records shall include the name, registration number, address and telephone number of the alarm user, the alarm system zone(s) activated,

the time of alarm dispatch request and evidence of an attempt to verify. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

C. A monitoring company that purchases alarm system accounts from another person 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 and contact information of the new alarm installation company that is servicing the alarm site and the monitoring company.

D. Upon the effective date of this Ordinance, monitoring 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.

E. Monitoring 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 monitoring company contracted to monitor during the previous month. Such monthly report shall also include the cancelled alarm systems, if any. 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 monitoring company that fails to provide this report by this deadline.

F. A fine, in accordance with Section 20-5.14 SFCC 1987, shall be assessed to a monitoring company that fails to establish procedures for accepting cancellations from alarm users and for promptly conveying cancellation notification to the regional emergency communications

center or for failure to perform any of the duties in this section.

Section 13. A new Section 20-5.11 SFCC 1987 is ordained to read:

20-5.11 [NEW MATERIAL] 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) Name of the monitoring company and the monitoring operator's name or number;

(5) Date and time of law enforcement officer arrival at the alarm site;

(6) Zone and zone description, if available;

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

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

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

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

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

(12) 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 response to the false alarm;

(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, if any;

(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. The alarm administrator shall refer commercial alarm users which have exceeded two false alarms in a twelve (12) month period for fire, smoke, carbon monoxide or heat false alarms to the city of Santa Fe fire department, fire marshal's office for inspection.

K. 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 Santa Fe business license, the alarm administrator shall report that business to the authorized state or local enforcement authority.

L. 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 14. A new Section 20-5.12 SFCC 1987 is ordained to read:

20-5.12 [NEW MATERIAL.] 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. 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.

C. 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.

D. 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.

E. 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 15. A new Section 20-5.13 SFCC 1987 is ordained to read:

20-5.13 [NEW MATERIAL.] Reinstatement.

A. An alarm user whose alarm registration has been revoked may, at the discretion of the city, have the alarm registration reinstated by the alarm administrator if the alarm user:

(1) Pays a reinstatement fee in accordance with Section 20-5.14 SFCC 1987;

(2) Pays, or otherwise resolves, all outstanding citations and fines; and

(3) Provides satisfactory evidence to the alarm administrator that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and/or that additional training in the proper use of the alarm system was provided by the alarm installation company for all alarm users.

B. Additionally, the alarm administrator may require one or more of the following as a condition to reinstatement:

(1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;

(2) A certificate showing that the alarm user has successfully completed the alarm user awareness class as provided under 20-5.11 SFCC 1987;

(3) Proof that an upgrade to the alarm control panel was made to meet ANSI/SIA Control Panel Standard CP-01;

(4) A written statement from an independent inspector designated by the city that the alarm system has been inspected and is in good working order;

(5) Confirmation that all motion detectors are dual technology type;

(6) Confirmation that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by audio or video verification; or

(7) Confirmation that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.

Section 16. A new Section 20-5.14 SFCC 1987 is ordained to read:

20-5.14 [NEW MATERIAL.] Fees and Fines.

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

	Alarm User	**Alarm Installation Company**	**Alarm Monitoring Company**
Fee – registration of alarm system	$25.00		
Fee – renewal of registration	$25.00		
Fee – late registration	$10.00		
Fee – appeal	$50.00		
Fine – first false alarm	$0.00		
Fine – second false alarm	$0.00		
Fine – third false alarm	$150.00		
Fine – fourth false alarm	$150.00		
Fine – fifth false alarm	$150.00		
Fine – sixth or more false alarm(s)	$300.00		
Penalty – after ten false alarms suspend response and revoke registration in accordance with 20-5.12 SFCC 1987			
Fine – unregistered alarm system	$100.00		
Fee – license per Section 18-8.10 SFCC 1987		$75.00	$75.00
Fine – no employee background check		$300.00	
Fine – knowingly making false statements regarding an alarm user		$300.00	
Fine – Late report (names and addresses of users)		$10.00 per day after five day grace period	$10.00 per day after five day grace period
Fine – failure to use enhanced call verification			$300.00

Section 17. A new Section 20-5.15 SFCC 1987 is ordained to read:

20-5.15 [NEW MATERIAL.] Poverty Exemption.

A. Qualified alarm users shall be exempt from the alarm system registration and renewal fees.

B. Alarm users who qualify for a poverty exemption shall be required to pay fines.

C. To qualify for the exemption, the following shall apply:

(1) The alarm user shall file an affidavit setting out the following facts:

(a) The customer is the head of the household and residing at the alarm site; and

(b) The household's gross annual income does not exceed one hundred twenty percent (120%) of the most recent federal poverty guidelines issued by the U.S. Department of Health and Human Services.

(c) The alarm user shall submit documents as required by city policy in order to verify income.

(2) The alarm user shall consent to any reasonable investigation and substantiation by the city of the facts stated in the affidavit.

(3) The filing of a false statement or otherwise fraudulently obtaining the benefits of this section is a violation of the Santa Fe City Code and is punishable pursuant to Section 1-3 of this Code and shall entitle the city to recover any fraudulently exempted amount and applicable interest penalties.

Section 18. A new Section 20-5.16 SFCC 1987 is ordained to read:

20-5.16 [NEW MATERIAL.] 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 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 render a decision within thirty (30) days after the date of the hearing. The hearing officer shall affirm or reverse the decision of the alarm administrator.

D. A filing fee in accordance with Section 20-5.14 shall accompany the notice of appeal. The filing fee shall be refunded if the hearing officer finds in favor of the appellant. The failure of an appellant to appear at the appeal hearing shall extinguish the appeal.

Section 19. A new Section 20-5.17 SFCC 1987 is ordained to read:

20-5.17 [NEW MATERIAL.] Designation of Revenue.

The revenue generated through the Alarm System Ordinance shall be placed in a special revenue fund to be designated for contracted services of a third party alarm administrator, if applicable, to implement and maintain this Ordinance and for funding alarm user classes. Excess revenue received through this Ordinance shall be used for use by the city of Santa Fe police department for service enhancement and public safety.

Section 20. A new Section 20-5.18 SFCC 1987 is ordained to read:

20-5.18 [NEW MATERIAL/] Public Education.

The alarm administrator shall engage in a continuing program to explain and clarify the purposes and requirements of the Alarm System Ordinance to citizens affected by it, including alarm users, alarm installation companies and alarm monitoring companies. Such a program may include publication of a brochure explaining the provisions of the Ordinance.

Section 21. A new Section 20-5.19 SFCC 1987 is ordained to read:

20-5.19 [NEW MATERIAL.] Severability.

If any provision, clause, sentence or paragraph of Article 20-5 SFCC 1987 or the application thereof to any person or circumstances shall be held as invalid, such invalidity shall not affect the other provisions of this section. The Article can be given effect without the invalid provision or application, and the provisions of this section are declared to be severable.

Section 22. A new Section 20-5.20 SFCC 1987 is ordained to read:

20-5.20 [NEW MATERIAL.] General Penalty.

In lieu of the fines specified in Section 20-5.14 SFCC 1987, the city may file a complaint against any person, firm, corporation, partnership or other entity that violates any provision of the Alarm System Ordinance, in accordance with Section 1-3.1 SFCC 1987. Each violation is a separate and distinct offense.

Section 23. A new Section 20-5.21 SFCC 1987 is ordained to read:

20-5.21 [NEW MATERIAL] Effective Date.

Article 20-5 SFCC 1987 adopted by Ordinance No. 2009-33 shall be effective October 6, 2009, ninety (90) days from the date of its adoption. Upon the effective date of this Ordinance alarm users shall have a grace period of ninety (90) days to procure an alarm user registration. During this grace period, no fine for operation of an alarm system without a registration shall be charged, provided that, after this grace period expires, alarm users shall be subject to the fees, fines and penalties provided for in this Ordinance.

Section 24. Article 20-5 SFCC 1987 shall be reviewed eighteen months from the date of adoption.

Section 25. [REPEAL.] The following definition in Section 18-1.2 SFCC 1987 (being Ord. #1981-64, §2 as amended) is repealed:

Alarm company means the business of any individual, partnership, corporation, or other entity

engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, monitoring, installing any alarm system, or causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, monitored or installed in or on any building, structure, or facility.

Section 26. 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 Section 14-47 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 14-24.2 SFCC 1987.

(9) Alarm installation companies and monitoring companies, as defined in Section 20-5.4 SFCC 1987, shall provide information required by Section 20-5.8 SFCC 1987.

Section 27. Section 18-8.10 SFCC 1987 (being Ord. #1981-64, §3, as amended) is amended to read:

18-8.10 Business License - Fees.

A. Pursuant to Section 3-38-1 through 3-38-6 NMSA 1978, it is hereby declared by the governing body of the city of Santa Fe, that in order to protect the public health, general welfare and morals of the citizens of the city of Santa Fe, and for purposes of business regulation in the public interest, a business licensee fee shall be assessed as follows:

(1) Adult bookstores, as defined in subsection 14-12 SFCC 1987, fifty dollars

($50.00) per year, for each place of business;

(2) Adult motion picture theaters, as defined in subsection 14-12 SFCC 1987, fifty dollars ($50.00) per calendar year, for each place of business;

(3) Alarm installation companies and alarm monitoring companies, seventy-five dollars ($75.00) per calendar year, for each place of business.

(4) Antique dealers, ten dollars ($10.00) per year, for each place of business;

(5) Artist/artisan, ten dollars ($10.00) per calendar year;

(6) Auctions, one hundred dollars ($100.) per day;

(7) Carnivals, under the conditions prescribed in Section 18-7 SFCC 1987, one hundred fifty dollars ($150.) per day;

(8) Circuses, under the conditions prescribed in Section 18-7 SFCC 1987, one hundred fifty dollars ($150.) per day;

(9) Itinerant food vendors, as defined in subsection 18-1.2G, ten dollars ($10.00) for each vendor per calendar year, per location. Prior to applying for an itinerant food vendors license, the applicant shall meet any applicable federal, state, and city requirements, and furnish the city with a copy of a valid food purveyors certificate issued by the state environmental division, and a certificate of occupancy issued by the city code enforcement department;

(10) Itinerant vendors, ten dollars ($10.00) per calendar year, per location;

(11) Jewelry auctions as defined by subsections 18-5.4 through 18-5.23 SFCC 1987, one hundred dollars ($100.) per day. These auctions shall be licensed per the provisions of subsections 18-5.4 through 18-5.23 SFCC 1987 and the provisions of this section shall not apply if they conflict with Section 18-5 SFCC 1987;

(12) Massage parlors, fifty dollars ($50.00) per year, for each place of business;

(13) Mobile home parks, as defined by Section 14-12 SFCC 1987, two dollars

($2.00) per space, with a minimum charge of fifty dollars ($50.00) per park;

(14) Pawnbrokers, as defined in subsection 18-4.1 SFCC 1987, under the conditions prescribed by Section 18-4 SFCC 1987, two hundred fifty dollars ($250.) per year, for each place of business;

(15) Private day-care nurseries, facilities and kindergartens, under the conditions prescribed in Section 14-12 SFCC 1987, ten dollars ($10.00) per year, for each place of business;

(16) Private detectives or private detective agencies, as defined in subsection 20-24.1 SFCC 1987, and under the conditions prescribed by Section 20-24 SFCC 1987, fifty dollars ($50.00) per year, for each place of business;

(17) Sales of goods brought into the city temporarily by itinerant vendors, as described in Section 18-3 SFCC 1987, under the conditions prescribed in subsections 18-3.1 through 18-3.3 SFCC 1987, two hundred dollars ($200.) per occurrence;

(18) Secondhand dealers, as defined in subsection 18-4.1 SFCC 1987, under the conditions prescribed by Section 18-4 SFCC 1987, ten dollars ($10.00) per year, for each place of business;

(19) Special policemen or special police agencies as defined in subsection 20-24.1 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars ($50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall not be required to obtain a business license;

(20) Septic tank cleaners or septage haulers, under the conditions prescribed in Section 22-2 SFCC 1987, fifty dollars ($50.00) per year, for each place of business.

B. Before a license is granted, the following businesses shall execute and deliver a bond to the city clerk to be approved by the clerk and the city attorney with a corporate surety authorized by the laws of the state to write surety bonds and conditioned for the lawful conduct of the businesses

and for the true and faithful observance of applicable provisions of the SFCC 1987; such bond shall be for the benefit of the city and every person damaged by breach of any condition thereof;

(1) Pawnbrokers, in the amount of five thousand dollars ($5,000.); and

(2) Jewelry auctions, as defined in subsections 18-5.4 through 18-5.23 SFCC 1987, in the amount of five thousand dollars ($5,000.), as set forth in subsection 18-5.15 SFCC 1987.

C. It is unlawful for any person to engage in the businesses, professions or trades defined in this section as requiring a license, within the corporate limits of the city, without first obtaining a license as prescribed by this section and pursuant to Section 3-38-1 NMSA 1978.

D. The license fees established in this subsection are hereby declared to have been reviewed on a case-by-case basis by the governing body of the city of Santa Fe and are hereby found to bear a reasonable relationship to the costs of regulations of each business by the city of Santa Fe.

E. Prior to engaging in any business to which this section applies, there shall be paid to the city of Santa Fe the applicable license fee and in the event the fee is paid after the beginning of the calendar year, it shall not be prorated.

F. Any person filing an application for issuance or renewal of any business license shall include on the application his current revenue division taxpayer identification number or evidence of application for a current revenue division taxpayer identification number. No license shall be issued unless such number or application has been furnished.

PASSED, APPROVED and ADOPTED this 8th day of July, 2009.

DAVID COSS, MAYOR

ATTEST:

Yolanda Y. Vigil

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelly A. Brennan, for

FRANK D. KATZ, CITY ATTORNEY

mdb/ca/jpmb/2009 ordinances/false alarms/alarm systems (FINAL)