

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2009-33

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4
5 AN ORDINANCE

6 REPEALING ARTICLE 20-25 SFCC 1987 MAINTENANCE AND INSTALLATION OF
7 ALARM DEVICES AND SYSTEMS AND CREATING A NEW ARTICLE 20-5 SFCC 1987
8 REGARDING ALARM SYSTEMS, FALSE ALARM REDUCTION AND MAKING SUCH
9 OTHER CHANGES AS ARE NECESSARY.

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

12 Section 1. [REPEAL.] Article 20-25 SFCC 1987 (being Ord. No. 1988-31, §§1-15
13 as amended) is repealed.

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

15 20-5 [NEW MATERIAL.] ALARM SYSTEMS.

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

17 20-5.1 [NEW MATERIAL.] Legislative Findings.

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

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

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

23 C. The Santa Fe police department spends more than three thousand eight hundred
24 (3,800) hours annually, equivalent to two full-time sworn officers or about one hundred sixteen
25 thousand, four hundred eighty dollars (\$116,480) per year responding to false alarms; and

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

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

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

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

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

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

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

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

23 **20-5.2 [NEW MATERIAL.] Short Title.** Article 20-5 SFCC 1987 may be cited as the
24 "Alarm System Ordinance".

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

1 **20-5.3 [NEW MATERIAL.] Purpose.** The purpose of this Ordinance is to:

- 2 A. Require alarm users, alarm installation companies and monitoring companies to
3 properly use and maintain the operational effectiveness of alarm systems in order to improve the
4 reliability of alarm systems and reduce or eliminate false alarms;
- 5 B. Establish a system of administration;
- 6 C. Govern alarm systems intended to summon law enforcement response;
- 7 D. Require alarm users to register alarm systems;
- 8 E. Establish fees and penalties for violations; and
- 9 F. Set conditions for suspension of police response or revocation of registration.

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

11 **20-5.4 [NEW MATERIAL.] Definitions.**

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

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

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

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

25 *Alarm response manager (“ARM”)* means a person designated by an alarm installation

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

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

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

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

16 *Alarm user awareness class* means a class conducted for the purpose of educating alarm users
17 about the responsible use, operation, and maintenance of alarm systems and the problems created by
18 false alarms.

19 *ANSI/SIA control panels standard CP-01* means the ANSI – American National Standard
20 Institute approved Security Industry Association – SIA CP-01 control panel standard, as may be
21 updated from time to time, that details recommended design features for security system control
22 panels and their associated arming and disarming devices to reduce the incidence of false alarms.
23 Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally
24 recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA
25 CP-01 Control Panel Standard Features for False Alarm Reduction”.

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

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

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

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

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

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

17 *Duress alarm* means a silent alarm system signal generated by the entry of a designated code
18 into an arming station in order to signal that the alarm user is being forced to turn off the system and
19 requires law enforcement response.

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

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

1 designed to give notice.

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

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

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

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

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

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

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

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

21 *Panic alarm* means an audible alarm system signal generated by the manual activation of a
22 device intended to signal a life threatening or emergency situation requiring law enforcement
23 response.

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

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

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

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

9 *Takeover* means the transaction or process by which an alarm user takes over control of an
10 existing alarm system, which was previously controlled by another alarm user.

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

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

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

17 **20-5.5 [NEW MATERIAL.] Registration Required; Application; Fee;**
18 **Transferability; False Statements.**

19 A. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site
20 without a valid alarm registration. A separate alarm registration is required for each alarm site.

21 B. The non-refundable fee for an alarm registration or an alarm registration renewal is
22 set forth in Section 20-5.14 SFCC 1987 and shall be paid by the alarm user. The initial alarm
23 registration fee shall be submitted to the alarm administrator within five (5) days after the alarm
24 system installation or alarm system takeover.

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

1 (1) The name, complete address (including apartment/suite number), mailing
2 address, if different from the address of the alarm site; and telephone numbers of the person
3 who will be the registration holder and be responsible for the proper maintenance and
4 operation of the alarm system and the payment of fees assessed under this article.

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

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

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

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

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

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

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

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

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

18 (7) A signed affidavit from the alarm user which states as applicable:

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

21 (b) The name, address, telephone number and city of Santa Fe business
22 license number of the alarm installation company or companies performing the alarm
23 system installation, conversion or takeover; and the name, address, telephone number
24 and city of Santa Fe business license number of the alarm installation company
25 responsible for providing service to the alarm system;

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

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

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

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

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

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

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

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

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

22 F. An alarm registration cannot be transferred to another person or alarm site. An alarm
23 user shall inform the alarm administrator of any change that alters any of the information listed on the
24 alarm registration application within five (5) business days of such change.

25 G. All fines and fees owed by an alarm user shall be paid before an alarm registration

1 may be issued or renewed.

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

5 **Section 8. A new Section 20-5.6 SFCC 1987 is ordained to read:**

6 **20-5.6 [NEW MATERIAL.] Alarm Registration; Duration and Renewal.**

7 An alarm registration shall expire one (1) year from the date of issuance, and shall be
8 renewed annually by submitting an updated application and a registration renewal fee to the alarm
9 administrator. The alarm administrator shall notify each alarm user of the need to renew their
10 registration within sixty (60) days prior to the expiration of the registration. It is the responsibility of
11 the alarm user to submit an application for renewal prior to the registration expiration date. Failure to
12 renew will be classified as use of a non-registered alarm system and a late fee, citations and penalties
13 shall be assessed without waiver. A late fee may be assessed if the renewal is more than thirty (30)
14 days late.

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

16 **20-5.7 [NEW MATERIAL.] Duties of the Alarm User.**

17 A. An alarm user shall:

18 (1) Obtain an alarm registration for the alarm system as required in Section 20-
19 5.5 SFCC 1987.

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

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

25 (4) Not activate an alarm system for any reason other than an occurrence of an

1 event that the alarm system was intended to report.

2 B. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so
3 that an alarm signal audible on the exterior of an alarm site will sound for no longer than five (5)
4 minutes after being activated.

5 C. After an alarm site has three (3) false alarms within a one (1) year period, the alarm
6 administrator shall notify the alarm user that the alarm user shall contract with a licensed alarm
7 installation company to inspect the alarm system. The alarm administrator may waive a required
8 inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction
9 in the alarm system.

10 D. After an alarm site has five (5) false alarms within a one (1) year period, the alarm
11 administrator shall notify the alarm user that the alarm user shall contract with a licensed alarm
12 installation company to modify the alarm system to be more false alarm resistant and provide
13 additional user training as appropriate.

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

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

17 G. An alarm user who has contracted with an alarm monitoring company shall be aware
18 of the "acclimation period" described in Section 30-5.10 SFCC 1987.

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

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

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

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

