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Sponsors: ALD. MURPHY

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Attachments:

Date	Ver.	Action By	Action	Result	Tally
12/19/1995	0	COMMON COUNCIL	REFERRED TO		
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9/12/1996	1	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
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951416
SUBSTITUTE 1
ALD. MURPHY
A substitute ordinance relating to private alarm systems and regulations.
105-75 rc
- Analysis -

Effective January 1, 1997, this ordinance revises the ordinances regulating private alarm systems as follows:

1. The existing alarm systems ordinance requires applicants for new alarm business licenses to be fingerprinted. This ordinance expands that requirement to include applicants for license renewals. The ordinance also requires businesses whose owners and officers are not Wisconsin residents to name a representative who is a Wisconsin resident.
2. The ordinance creates an "alarms officer" to be designated by the police chief to monitor alarm systems, issue citations for violations and maintain records related to false alarms and related matters. The alarms officer may recommend revocation or nonrenewal of an alarm business license.
3. The ordinance requires alarm businesses to keep records of alarm dispatches sent to the fire and police departments. Alarm monitoring services must try to verify the validity of each alarm signal

(except holdup alarms) before notifying the fire department or police. Such verification does not require voice contact with a person at the alarm site.

4. The ordinance authorizes revocation and nonrenewal of alarm business licenses for violations of the alarm ordinance.

5. Persons who have alarm systems (alarm users) must comply with specified requirements to reduce false alarms and provide access to the premises when necessary. Alarm businesses must provide alarm users with written and oral information about how to avoid false alarms.

6. The ordinance prohibits any alarm system from having an exterior motion detector (outside the structure) that transmits a dispatch request or message to the police or fire department. Also prohibited is an exterior motion detector that generates an alarm that is audible on the exterior of the structure.

7. The ordinance prohibits any alarm that sounds outside a building from being capable of sounding for more than 15 minutes.

8. After January 1, 1997, the ordinance prohibits duress and panic alarms in new alarm systems and systems that are converted or taken over. Also prohibited after that date is installation of any holdup alarm that is a single action non-recessed button.

9. The ordinance specifies that the police and fire departments are authorized to respond to alarm dispatch requests from alarm companies.

10. The ordinance increases the maximum forfeiture for violation of the current alarm ordinance (except for false alarms) from \$500 to \$1,000. The ordinance adds a graduated forfeiture for false alarms. After the first 2 false alarms, for which there is no forfeiture, the forfeiture is \$50 to \$150 per occurrence, depending on the number of false alarms in a calendar year.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-75 of the code is repealed and recreated to read:

105-75. Private Alarm Systems and Regulations. 1. PURPOSE. The purpose of this section is to regulate alarm systems and to minimize false alarms from these systems. Alarm businesses shall be licensed by the city under this section. A direct alarm connection to any agency of the city shall comply with s. 105-73.

2. AUTHORIZATION. The police department and fire department are authorized to respond to alarm dispatch requests.

3. DEFINITIONS. In this section:

a. "Alarm agent" means any person employed by an alarm business or central station whose duties include the altering, installing, maintaining, repairing, servicing or responding to an alarm

system.

b. "Alarm business" means any person engaged in selling, leasing, renting, installing, monitoring, servicing, altering, moving or causing any alarm system to be sold, leased, rented, installed, monitored, serviced or altered in or on any building, place of business, structure, residence or other facility. "Alarm business" does not include sellers of alarm systems from a fixed location who do not visit the site where the alarm system is to be installed, or design the system for the location, or install, monitor, service or alter any existing alarm system.

c. "Alarm dispatch request" means a notification to the fire department or police department by an alarm business that an alarm has been activated by an alarm system within the city.

d. "Alarm monitoring service" means an alarm business that provides to alarm users the service of accepting from alarm systems those recorded signals that indicate activation of fire, burglary or robbery alarms, and relaying the alarm messages by voice contact to the fire department or the police department. An alarm monitoring service may be located within or outside of Wisconsin.

e. "Alarm system" means any mechanical or electrical equipment arranged to signal the occurrence of a fire, burglary or robbery requiring immediate fire or police department notification, including local alarms which are audible outside of a structure or are visible upon the exterior of a structure. "Alarm system" does not include:

e-1. An alarm installed on a vehicle unless the vehicle is permanently located on site.

e-2. An alarm designed to alert only the inhabitants of a premises and that does not have a sounding device or device for a visible alarm upon the exterior of the site where the alarm system is installed.

f. "Alarm user" means the person in control of any building, structure or facility or portion thereof in which an alarm system is in operation.

g. "Alarms officer" means any person designated by the police chief to monitor alarm systems, to issue citations for violations of this section, and to maintain records related to alarm systems, false alarm dispatches, alarm dispatch requests and related matters.

h. "Central station" means an alarm business having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel and upon receipt of emergency signals indicating fires, burglaries or robberies, may relay a message to the fire or police department and may notify an alarm agent for the purpose of responding to the alarm signal.

i. "Exterior motion detector" means any equipment arranged to detect the occurrence outside a structure of motion that does not make contact with the

structure and that is not an entry or attempted entry.

j. "False alarm" means an alarm notification summoning the fire or police department to the location of an alarm activation, when the responding officer finds no evidence of fire or the crimes of burglary, attempted burglary, robbery or attempted robbery. "False alarm" does not include any of the following:

j-1. An alarm activation signal caused by extraordinary extremes of weather such as high winds, thunder and lightning storms or other systemic electric disturbances.

j-2. An alarm dispatch request that is canceled by an alarm business or alarm user prior to the arrival of an officer at the alarm location.

j-3. When an alarm user, prior to the arrival of an officer at the alarm location, notifies an alarm company to cancel an alarm dispatch request, the alarm dispatch request is not a false alarm caused by the alarm user, but may be a false alarm caused by the alarm business.

k. "Holdup alarm" means a silent alarm signal generated by manual activation of a device intended to signal a robbery in progress.

L. "Keypad" means a device that allows manual control of an alarm system with a single button or by entering a coded sequence of numbers or letters.

m. "Local alarm system" means any equipment arranged to signal the occurrence of a robbery or burglary by signaling such occurrence with alarms from the premises in the immediate area of the structure.

n. "Panic or duress alarm" means a silent alarm signal generated by a entry of a keypad code other than the normal arm or disarm code for an alarm system.

o. "Person" means an individual, firm, partnership, association, corporation or any other business entity.

p. "Prompt dispatch" of an alarm agent means that arrival of the person at the location of the alarm is expected within 30 minutes under ordinary circumstances.

q. "Verification" means an effort by an alarm monitoring service to avoid an unnecessary alarm dispatch request by contacting an alarm location by telephone or other electronic means to confirm the validity of an alarm before the alarm monitoring service transmits an alarm dispatch request for that alarm location. "Verification" does not require the alarm monitoring service to make actual contact with an individual at the alarm location.

4. LICENSING OF ALARM BUSINESS. a. No alarm business shall engage in business in this city without first applying for and receiving an alarm business license from the city clerk.

b. The application shall include the following information:

b-1. The name of the alarm business.

b-2. The names of all owners and officers of the alarm business.

b-3. The name of the individual who is the applicant, who shall be an owner, officer or bona fide full-time employe of the alarm business.

b-4. A list of the services offered by the alarm business.

b-4-a. As of July 1, 1990, fingerprints from all new applicants. For corporations, fingerprints of the agent, manager and all officers and directors, as well as stockholders owning 20% or more of the stock of the corporation, shall be required. For partnerships, fingerprints of each partner shall be required.

b-4-b. As of January 1, 1997, whenever an alarm business applies for renewal of its license, fingerprints shall be submitted for those agents, managers, officers, shareholders or partners listed in subpar. a whose fingerprints have not been previously submitted with a new or renewal application.

b-5. A complete list of all criminal convictions of the individuals listed in subd. 4.

b-6. A signed statement that the applicant will inform the city within 10 days of any change in the information required in this subsection.

b-7. If none of the agents or officers are residents of Wisconsin, the name of a representative of the alarm business who is a resident of Wisconsin.

c. The fee specified in s. 81-2 shall accompany the submission of an application.

d. Before any license is issued, an investigation of the character of the applicant or officers of the alarm business making the application shall be made by the police department, and a written report filed with the city clerk and made a part of the application.

e. Consistent with ss. 111.321, 111.322 and 111.335, Wis. Stats., the common council may refuse to grant a license to any individual who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular licensed activity.

f. Within 60 days of the receipt of an application, the common council shall either grant or deny an alarm business license. Failure of the common council to act on an application within 60 days shall be deemed a denial of the application. The common council shall grant such a license if it finds:

f-1. The application conforms in all respects to the provisions of this section.

f-2. The applicant has not knowingly made a material misstatement in the application for a license.

f-3. The applicant has not had an alarm business license denied or revoked for cause by this city within 12 months prior to the date of application.

g. Whenever a license has been granted by the common council and the applicant has procured and filed with the city clerk a receipt showing payment of the sum required for the license to the city treasurer, the city clerk shall issue the license to the applicant.

5. REVOCATION. a. The common council may revoke an alarm business license on any of the following grounds:

a-1. Fraud or wilful and knowing misrepresentation or false statement made in any application for a license or permit.

a-2. Failure to comply with any of the provisions of subs. 7, 9, 10 and 11.

a-3. Failure of an alarm business to keep adequate records as to the locations where alarm systems are installed as well as the name, home or billing address, and telephone numbers of the purchaser or subscriber of alarm systems or service.

a-4. Relaying excess false alarms from customers' premises to the fire or police department. The alarms officer, pursuant to an excess false alarms policy promulgated by the police department, shall determine what false alarms constitute excess false alarms.

b. The alarms officer may request in writing that the common council revoke an alarm business license. The alarms officer shall specify in writing the reasons for the recommendation of revocation and shall furnish the appropriate standing committee with a copy of the request and reasons.

c. An alarm business license may be revoked by the common council following a hearing and recommendation of the appropriate standing committee. The committee shall send a notice to the holder of the alarm business license at least 10 days prior to the hearing and include the reasons for the possible revocation.

6. REINSTATEMENT OF LICENSE. The city clerk shall issue a new alarm business license to an alarm business whose alarm business license has been revoked if the alarm business does all of the following:

a. Submits a new application and permit fee.

b. Pays, or otherwise resolves, all citations and forfeitures relating to the alarm business.

c. Has not had an alarm business license denied or revoked for cause within 12 months, as provided in sub. 4-f-3.

7. ALARM BUSINESSES REQUIREMENTS. a. Alarm businesses shall:

a-1. Have a written contract with each alarm user whose alarm system they monitor which:

a-1-a. Identifies the services to be provided by the alarm monitoring service.

a-1-b. Notifies the alarm user of the alarm user's responsibility for false alarms.

a-1-c. Notifies the alarm user that, if either the city's police or fire department is notified of 2 false alarms within a calendar year, the alarm user will be required to pay the city a forfeiture of \$50 for each false alarm received thereafter.

a-2. Include the provisions of par. a-1 in those contracts between alarm users and alarm businesses entered into after July 20, 1989. All contracts in existence between alarm users and alarm businesses prior to July 20, 1989, shall, at the time of renewal, include the provisions of par. a-1. All alarm businesses shall notify, in writing, all alarm users with which they presently have contracts of this renewal provision.

a-3. Be responsible for the proper installation of alarm systems in accordance with manufacturer specifications.

a-4. Be responsible for insuring that private alarm systems under maintenance contracts are maintained in good working order and that defects which could cause false alarms are promptly repaired.

a-5. Be responsible for adjusting and maintaining an alarm system that is audible on the exterior of the alarm location so that it will sound for no longer than 15 minutes after being activated.

a-6. Instruct appropriate personnel as to the operation of private alarm systems, including the setting, activation or resetting of the alarm equipment.

b. Beginning January 1, 1997, alarm businesses shall comply with all of the following:

b-1. An alarm business shall not program any alarm system so that the system is capable of transmitting a panic or duress alarm.

b-2. Whenever an alarm business takes over control of an alarm system of another business or performs any repair or other electronic or mechanical work on an alarm system, the alarm business shall remove any panic or duress alarm capability from the alarm system.

b-3. An alarm business shall not install a single-action, non-recessed button as a device to activate a holdup alarm.

b-4. Provide each alarm user with a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms.

b-5. Provide each alarm user with training in the proper use of the alarm system, including instruction on how to avoid false alarms.

b-6. Notify each alarm user at least annually that, if either the city's police or fire department is notified of 2 false alarms within a calendar year, the alarm user will be required to pay the city a forfeiture of \$50 for each false alarm received thereafter.

8. DUTIES OF ALARM USER. An alarm user shall comply with all of the following:

a. An alarm user shall maintain the premises and the alarm system in a manner that will eliminate or minimize false alarm dispatches.

b. Whenever the police or fire department so requests, an alarm user shall make every reasonable effort to respond to the alarm location within 30 minutes to deactivate a malfunctioning alarm system, provide access to the premises, or provide security for the premises. This response may be made either in person by the alarm user or by another individual who is authorized to represent the alarm user.

c. An alarm user shall not manually activate an alarm for any reason other than an occurrence of an event that the alarm system is intended to report. This prohibition includes, but is not limited to, activation of a holdup alarm for any reason other than a holdup or suspected holdup.

d. No alarm user shall cause or permit the city's police or fire department to be notified of a false alarm. An alarm user whose household is located in a building other than a single-family dwelling shall be responsible for all false alarm dispatches transmitted from that household.

e. An alarm user shall adjust and maintain an alarm system that is audible on the exterior of the premises where the alarm is located so that it will sound for no longer than 15 minutes after being activated.

f. If an alarm user in a residential building other than a single-family dwelling has a monitored alarm system, the alarm user shall provide to the alarm monitoring service the name of a person authorized by the building owner or manager to grant the alarm monitoring service access to the household.

9. CENTRAL STATION ALARM SYSTEMS. a. A central station shall promptly relay messages to the police or fire department. When the alarm signal has been generated by a nonemergency situation, such as the testing or repairing of alarm equipment, the central station shall not send an emergency message to the department.

b. Any person owning, leasing or operating a private alarm system programmed to a central station with keys to the alarmed premises shall promptly dispatch an alarm agent to the location of any alarm transmitted to the fire or police department.

c. Those alarm businesses which do not maintain keys to the premises shall operate in the following manner:

c-1. Notification to the fire or police department

shall include notice that the alarm business does not maintain keys to the premises and will not arrive at the scene while the department is present.

c-2. File a report with the responding department within 72 hours of the occurrence which shall include:

c-2-a. Company name and address.

c-2-b. User name and address, and telephone numbers.

c-2-c. Time of occurrence reported to the alarm company and time relayed to the department.

c-2-d. Cause of alarm, if known.

c-2-e. Action taken by alarm business.

c-3. Within 72 hours of the occurrence, the alarm business shall notify the alarm user in writing of the alarm activation and its cause.

d. The central station which performs monitoring services shall maintain for at least one year after any request for police dispatch to an alarm location the records relating to that request. The retained records shall include the name, address and telephone number of the alarm user, each alarm system or point activated, the time or request for police dispatch and evidence that an attempt at verification was made prior to the request for police dispatch. The alarms officer may request copies of such records for individually-named alarm users.

10. ALARM MONITORING SERVICE. a. Any alarm monitoring service providing the service of receiving burglary, robbery or fire alarm messages from alarm systems and relaying alarm information to the fire or police department shall have trained employees on duty at all times. An alarm monitoring service shall provide pertinent information to the department at the time of telephone notification of the activation of any alarm, which shall include:

a-1. The monitoring service's verification attempt for every alarm signal, except a holdup alarm, before requesting a police response to an alarm signal.

a-2. The alarm user name, address location of the activated alarm, identification of the type of alarm signal, and telephone number of the alarm user.

a-3. The name and address of the alarm business or agent which has the responsibility for the alarm system activation.

b. Any alarm monitoring service shall provide the prompt notification of an alarm user representative to the location of each alarm transmitted to the fire or police department, upon request of the responding department.

c. Those alarm businesses which do not maintain keys to the premises shall operate in the following manner:

c-1. Notification to the fire or police department shall include notice that the alarm business does not maintain keys to the premises and will not arrive at

the scene while the department is present.

c-2. File a report with the responding department within 72 hours of the occurrence which shall include:

c-2-a. Company name and address.

c-2-b. User name and address, and telephone numbers.

c-2-c. Time of occurrence reported to the alarm business and time relayed to the department.

c-2-d. Cause of alarm, if known.

c-2-e. Action taken by alarm business.

d. For a system in a residential building other than a single-family dwelling, the alarm monitoring service shall request the alarm user to provide the name of a person authorized by the building owner or manager to grant the alarm monitoring service access to the household.

11. PROHIBITED SYSTEMS. a. No person may use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any alarm system that will upon activation either mechanically, electronically or by any other automatic means initiate a call and deliver a recorded message to any telephone number of any city of Milwaukee agency.

b. No alarm system may be operated or programmed to initiate, transmit, or deliver to any city agency, an alarm notification described as "panic", "duress", "disturbance", "police alert", medical emergency, or other miscellaneous incidents distinguished from the specific burglary, robbery or fire alarms.

c. No exterior motion detector may be operated or programmed to do any of the following:

c-1. Initiate, transmit or deliver by automatic means an alarm dispatch request or a recorded message to the fire or police departments.

c-2. Generate an alarm that is audible on the exterior of the structure.

12. PENALTIES. a. Whenever the fire or police department has been notified of 2 false alarms from the same alarm location within a calendar year, an alarm user shall be subject to a forfeiture as follows:

a-1. For the third, fourth or fifth false alarm in a calendar year, a forfeiture of \$50 per occurrence.

a-2. For the sixth or seventh false alarm in a calendar year, a forfeiture of \$100 per occurrence.

a-3. For the eighth and all subsequent false alarms in a calendar year, a forfeiture of \$150 per occurrence.

b. Except as provided in par. a, any person violating any provision of this section shall upon conviction forfeit not more than \$1,000, together with the costs of prosecution.

Part 2. This ordinance takes effect January 1, 1997.
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB96106.6

CAW

8/16/96