

St. Louis City Ordinance 66264

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FLOOR SUBSTITUTE BOARD BILL NO. [03] 436

INTRODUCED BY ALDERMAN DANIEL KIRNER, STEPHEN GREGALI, JENNIFER FLORIDA, LEWIS REED, JOSEPH VOLLMER, KENNETH ORTMANN

An Ordinance repealing Ordinance 62305 regulating burglary and robbery alarm systems, alarm businesses, alarm agents and alarm subscribers and enacting in lieu thereof a new Ordinance relating to the same subject matter and containing a penalty clause and a severability clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

Section One. Introduction.

Ordinance 62305 is hereby repealed in its entirety and enacted in lieu thereof is the following:

Section Two. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

"ALARM AGENT" means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, leasing, installing, maintaining, servicing, repairing, altering, replacing, moving or removing any alarm system in any building, structure or facility.

"ALARM BUSINESS" means any legally licensed business, regardless of the jurisdiction in which located, which is engaged in the selling, leasing, installing, maintaining, servicing, repairing, altering, replacing, moving or removing any alarm system in any building, structure or facility, to include sub-contractors.

"ALARM IDENTIFICATION NUMBER" means a number issued to an alarm subscriber by the Director of Public Safety for the purpose of identifying the alarm system for dispatching and record keeping purposes.

"ALARM SITE" means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

"ALARM SUBSCRIBER" means any person who leases, contracts for, buys or otherwise obtains and operates an alarm system for the purpose of obtaining response to the alarm, and on whose premises an alarm system is maintained, excluding audible alarms on motor vehicles and medical alarms.

"ALARM SYSTEM" means any mechanism, equipment or device, wire or wireless which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this Ordinance: Devices which do not register alarms that are audible, visible or perceptible outside the protected premises; or Devices which are not installed, operated or used for the purpose of reporting an emergency to the Police Department.

"AUTOMATIC DIALING DEVICE" means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message indicating the existence of an emergency situation that the alarm system is designed to detect.

"BURGLARY" means the unlawful entry of a structure to commit a felony or a theft.

"BURGLARY ALARM SYSTEM" means an alarm system designed to signal an unauthorized entry or attempted entry into a building, structure or facility protected by the alarm system.

"CENTRAL MONITORING STATION" means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of messages concerning alarm activations to the Police Department.

"CHIEF OF POLICE" means the Chief of the Metropolitan Police Department of the City of St. Louis or his/her designated representative.

"DIRECTOR OF PUBLIC SAFETY" means the Director of Public Safety for the City of St. Louis or his/her designated representative.

"DURESS ALARM" means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

"FALSE ALARM" means the activation of a burglary or robbery alarm, whereby the police are summoned to a location and neither of these crimes is occurring nor is there any evidence of

these crimes having occurred, or having been attempted. Alarms due to vandalism, destruction of property, telephone line faults, acts of God (to include, but not limited to, thunderstorms as defined by the National Weather Service), or natural or manmade catastrophe as determined by the Chief of Police, shall not be considered "false" under this Ordinance.

"HOLDUP ALARM" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

"LOCAL ALARM" means any alarm device audible at the alarm site.

"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, not to include burglary alarm systems.

"PERSON" means and includes natural persons, without regard to number or gender, or any partnership, corporation or other type of legal entity.

"POLICE DEPARTMENT" means the Metropolitan Police Department of the City of St. Louis, Missouri.

"PRIVATE GUARD RESPONDER" means a private guard company, an alarm company's guard, an alarm subscriber, or a person or entity appointed by an alarm subscriber to confirm by visual inspection that an attempted or actual crime has occurred at an alarm site.

"REVOCATION" means the permanent cessation of police response to the site of a registered alarm system.

"ROBBERY" means the taking or attempting to take anything of value from another person by force or threat of force or violence and/or by putting the victim in fear.

"SUBCONTRACTOR" means any person or business, regardless of the jurisdiction in which located, who performs duties, directly or indirectly, at the direction of, or for, an alarm business which involve the selling, leasing, installing, maintaining, servicing, repairing, altering, replacing, moving or removing any alarm system in any building, structure or facility.

"VERIFICATION ATTEMPT" means an attempt by an alarm business or its representative, to contact the alarm site by telephone or other electronic means before requesting police response in an effort to determine if an actual or attempted crime has occurred, or if the alarm was accidentally activated.

Section Three. Applicability of Provisions.

The provisions of this Ordinance shall apply to all alarm systems, wire or wireless, which are installed, connected, monitored, operated or maintained on the date this Ordinance becomes effective, and subsequent thereto.

Section Four. Alarm Business Requirements.

A. **Business License Required.** No alarm business, regardless of the jurisdiction in which located, including any subcontractor working either directly or indirectly at the direction of, or for an alarm business, shall operate in the City of St. Louis without having first procured a business license from the License Collector as required under Ordinance 63082. Before any license shall be issued, the applicant must attach to the application an affidavit that he/she will faithfully carry out the provisions of this Ordinance. In addition, the License Collector shall procure from the "DIRECTOR OF PUBLIC SAFETY the applicant's Alarm Business Disclosure Information form as referenced in Paragraph B immediately following.

B. **Alarm Business Disclosure Information Form Required.** Each alarm company, monitoring service and subcontractor must submit to the "DIRECTOR OF PUBLIC SAFETY, and to the Chief of Police, at the time of original license application and annually thereafter, during the month of January, a completed Alarm Business Disclosure Information form containing the following information:

1. the proper business or trade name, address and telephone company;
2. all other names, addresses and phone numbers under which the company, corporation or person conducts business;
3. if an unincorporated association, the name of the owner and responsible associates;
4. if a corporation, the names and positions of officers in the corporation, and the name and address of the registered agent; and
5. the full name and places of residence and business of a local legal representative designated to accept service on a court summons and appear in court for an alleged violation by the alarm business of any applicable provision of this Ordinance. Such representative must reside or work within fifty (50) miles of the boundary of the City of St. Louis.

C. **Copy of License to be Furnished to "DIRECTOR OF PUBLIC SAFETY and to the CHIEF OF POLICE.** The owner of an alarm business licensed within the City of St. Louis, including a subcontractor, shall furnish to the Department of Public Safety and to the Chief of Police, a copy of his/her City Business License within seven (7) work days of receipt of such license.

D. **Changes of Ownership or Address to be Reported to Department of Public Safety.** The owner of an alarm business licensed within the City of St. Louis, including a subcontractor, shall notify the Department of Public Safety and the Chief of Police in writing within seven (7) work days of any change in ownership or other business information concerning said business.

E. **Authority of License Collector to Revoke Business License.** The License Collector shall have the power and authority to revoke any license issued under this Ordinance for any willful violation by a licensed alarm business, including a subcontractor, or any provision contained in

this Ordinance. The Director of Public Safety or the Chief of Police may petition the License Collector to revoke the license of an alarm business for flagrant and continuous violations of this Ordinance. The license shall be revoked only after the licensee shall have been notified in writing as his/her place of business of the violations complained about and shall have been afforded reasonable opportunity to have a hearing thereon before the License Collector.

F. Training Requirements for Alarm Agents

1. Within one hundred and eighty (180) days from the effective date of this Ordinance any alarm business operating in this City, including a subcontractor, must employ at least one alarm agent who has completed Level I Alarm Certification training as is provided by the National Burglar and Fire Alarm Association.

2. Within one (1) year from the effective date of this Ordinance any alarm business operating in this City, including a subcontractor, shall require that all alarm agents employed by that company to have completed Level I Alarm Certification Training as is provided by the National Burglar and Fire Alarm Association.

3. New alarm agents of an alarm business, including a subcontractor, shall be required to have completed Level I Alarm Certification training, as is provided by the National Burglar and Fire Alarm Association, within one hundred and eighty (180) days from the date of hire. All alarm systems installed by new employees who have not completed Level I Alarm Certification training must be inspected by an alarm agent who has completed such training.

H. Exceptions. The provisions of Paragraphs "B" through F" of this section shall not apply to:

1. Persons engaged solely in the manufacture or sale of alarm systems or components from a fixed location who do not install, maintain, service or plan the alarm system for any location;

2. Persons engaged in the repair of alarm systems or components from a fixed location and who do not, either personally or through an agent, visit the structure in which, or on which, the alarm system is installed.

I. Requirement for Alarm Agent Identification Card. The owner of an alarm business operating in the city, including a subcontractor, shall be responsible for issuing each alarm agent a valid identification card in a form or manner approved by the Director of Public Safety containing a full face photo of the agent, name, height, weight, date of birth, name of employing company and capacity with that company, and signature of holder. Each alarm agent is required to maintain on his/her person a valid identification card while acting in the scope of his/her employment and to produce the identification card upon request of any customer, prospective customer or lawful authority. Each alarm identification card will be valid for a period of two (2) years from the date of issuance, or until the agent terminates employment with the alarm company.

J. Alarm Agent to Disclose Costs and Scope of Work to Customer. Each alarm agent, including an agent employed by a subcontractor, shall provide a written estimate to each prospective alarm subscriber before any work is begun. The estimate must provide a full disclosure of all alarm

installation and service costs, to include the cost for the electrical inspection and fees charged by the Department of Public Safety. In addition, the written estimate must include information identifying each opening, item or area of the building, structure or facility to be protected and describe the device or devices to be installed.

K. Alarm Alteration Disclosure. It shall be unlawful for any person engaging in the alarm business, or any alarm agent, including a person employed by a subcontractor, to adjust, alter, fix or change any alarm system or part thereof without prior written disclosure of estimated costs and scope of work to the alarm subscriber.

L. Responsibility of Alarm Business to Train New Subscribers. Each alarm business, including a subcontractor, shall be required to provide written instructions and training to new alarm subscribers in the proper operation of alarm systems to prevent the transmission of false alarms. Written operating procedures and the phone number of the central monitoring station shall be maintained at each alarm site by the alarm subscriber. At the time of alarm installation, each alarm business, including a subcontractor, shall have the alarm subscriber complete a form approved by the Director of Public Safety and the Chief of Police in which the subscriber certifies (a) that the subscriber understands the requirement to register the alarm with the Department of Public Safety prior to activation of the alarm; (b) that the subscriber has received instructions from the alarm company in the proper operation of the alarm system and understands those instructions; (c) that the subscriber has received a copy of this ordinance and understands its provisions as such provisions apply to the subscriber and (d) other requirements or information as determined by the Director of Public Safety and the Chief of Police. In addition, the alarm agent shall provide to the alarm subscriber a brochure approved by the Director of Public Safety and the Chief of Police describing the rights and responsibilities of alarm subscribers. Each alarm business shall monitor each alarm account and establish procedures to identify alarm subscribers who have an excessive number of false alarms according to criteria established by the Director of Public Safety and the Chief of Police. Each alarm business will perform corrective action designed to decrease the number of false alarms, which may include preventive maintenance and/or the upgrading or replacement of alarm systems.

Section Five. Registration of Alarm Systems with Department of Public Safety.

A. An alarm subscriber shall not enter into an agreement for the installation of any alarm system with any alarm business or alarm monitoring company, including contractors or subcontractors, unless said business is currently licensed by the City of St. Louis and registered with the Department of Public Safety and the Chief of Police.

B. Prior to reporting any alarm sounding to the Police Department, the alarm subscriber shall obtain an alarm identification number, through written notice from the Department of Public Safety, for each separate alarm system on his/her premises, including robbery and panic alarms that are not part of an integrated alarm system. The Department of Public Safety shall also notify, by written notice, the alarm business providing service to the alarm subscriber of said alarm identification number. No police dispatch shall be made in response to the alarm subscriber's alarm until written notice of the alarm identification number is made to both the alarm subscriber and alarm business. Failure to register an alarm system is a violation of this Ordinance.

C. Application for an alarm identification number shall be made to the Department of Public Safety in a manner and form prescribed by the Director of Public Safety.

D. A registration fee will be charged by the alarm company to the alarm subscriber at the time of initial registration of the alarm system and remitted to the City of St. Louis. Such fee will be assessed annually and remitted to the City of St. Louis in a manner prescribed by the Director of Public Safety. Such registration fee shall be twenty-five (\$25.00) dollars for each residential alarm system and fifty (\$50.00) dollars for each commercial alarm system. In addition, a copy of the paid application for electrical inspection must be provided by the alarm subscriber at the time of registration. Failure of any alarm subscriber to pay a required fee within thirty (30) days of notice by the Department of Public Safety shall result in suspension of the alarm registration.

The alarm identification number assigned to an alarm system at a specific location shall remain unchanged, even though there is a new alarm subscriber at the residence or business. The alarm company providing service to the alarm system shall notify the Director of Public Safety within ten (10) working days from the date the new alarm subscriber begins occupancy at a location where the alarm system is located, and provide all necessary information concerning such new alarm subscriber, along with the effective date of change in alarm subscribers. It shall be a violation of this Ordinance for any person to use an alarm identification number assigned to another person; failure to abide by this provision will result in a suspension of alarm registration.

E. The Director of Public Safety may require the appropriate alarm company to perform a re-inspection of any alarm system, to include an electrical inspection, when there is evidence that such alarm system may be generating unnecessary false alarms, or upon request of the Chief of Police. Suspension of alarm registration may be ordered by the Department of Public Safety if such inspection uncovers deficiencies which are not corrected by the alarm subscriber within a time period established by the Director of Public Safety.

F. All alarm systems installed and operating prior to the effective date of this ordinance shall comply with the provisions of this section within one hundred and eighty (180) days of such effective date. Alarm systems installed and operating prior to the effective date of this ordinance shall not be required to pay an additional electrical permit fee if the alarm company certifies that the existing system is properly installed and operating.

Section Six. Alarm Systems.

All burglary alarm systems installed after the effective date of this Ordinance must be equipped with audible alert that can be heard by the subscriber throughout the protected premises. All alarm systems must be equipped with stand-by batteries to operate for not less than four (4) hours if power is interrupted. Back-up batteries should also prevent false alarms during power outages. Failure of an alarm subscriber to comply with any provision of Section Six can result in revocation of the alarm registration.

Section Seven. Alarm Reporting

A. No alarm company or monitoring service shall send, directly or indirectly, an alarm sounding notification to the Police Department following installation of an alarm system, until written notice of the alarm registration number has been received from the Director of Public Safety by both the alarm subscriber and alarm business providing service to such alarm subscriber.

B. All alarm soundings reported to the Police Department, either directly or indirectly, shall be done in a manner prescribed by the Chief of Police and shall include the requirement that the reporting party, alarm company or monitoring service give the valid alarm identification number, type of alarm, exact numerical address of the alarm site, alarm subscriber name and name of current alarm company.

C. Each alarm company shall establish alarm verification procedures with their customers. An up-to-date record shall be maintained by the alarm company containing the name and phone number(s) of both a primary and secondary local emergency contact who may be called to verify the validity of an activated alarm by personally appearing at the alarm site and securing the premises.

D. Prior to requesting police dispatch to the site of an alarm sounding, the appropriate alarm company or monitoring service will make at least two verification attempts to determine if the alarm was activated in error before contacting the police. Additional efforts at verification may be made after police dispatch. A call cancelled by the alarm or monitoring company before police arrival at the scene will not be counted as a false alarm.

Section Eight. Responsibility of Alarm Subscriber or User.

It shall be the responsibility of the alarm subscriber or user to: maintain premises containing an alarm system in a manner that insures proper operation of the alarm system; maintain the alarm system in a manner that will prevent or minimize false alarms; refrain from manually activating an alarm for any reason other than for the occurrence of an event for which the alarm system is intended to report; instruct all personnel who are authorized to activate the alarm system of the proper method of operation, to prevent false alarms.

Section Nine. False Alarms.

A. All alarm notifications requiring a police response are characterized as being either a legitimate alarm or a false alarm after inspection of the alarm site by the responding police officer(s).

1. The following situations are considered to be legitimate alarms and are not chargeable to the alarm user.

Alarm activated due to criminal activity or attempted criminal activity.

Alarm activated as a result of weather (lightening, high winds, etc.)

Alarm activated due to a power outage or surge or damage to phone lines.

Alarm properly cancelled prior to the officer's arrival.

Alarm activated as a result of police radio interference.

Alarm malfunction due to manufacturer's defect of alarm equipment.

Other situations where it is determined by the responding police officer(s) that the alarm user could not have reasonably prevented the alarm activation.

2. The following situations are considered to be false alarms and are chargeable to the alarm user if the Police Department responds to the alarm site.

Business alarms that are accidentally activated by an employee, owner, cleaning crew or other persons legally at the alarm site; and residential alarms that are accidentally activated by the homeowner, occupant, or person who is legally at the residence.

Alarm activated as a result of a domestic animal.

Alarm activated due to heating or air conditioning blowers turning on or due to the operation of other mechanical or electrical devices left operating.

Alarm activated due to falling stock or movement of hanging signs or other objects.

Alarm activated as a result of a malfunction in the alarm system.

Alarm caused by any other condition that could have been reasonably prevented by the alarm user.

B. False Alarm Service Fee Schedule. The provisions shall apply to each alarm system one hundred and eighty (180) days after the date this Ordinance is signed by the Mayor:

Upon receipt of the first (1st) false alarm after the initial activation of an alarm system, the alarm subscriber shall be notified by the Director of Public Safety that a false alarm occurrence has been recorded at the registered alarm address, and notifying the subscriber that any subsequent false alarm occurrences will be subject to penalties as provided by ordinance; upon receipt of the second (2nd) false alarm within a twelve month period, the alarm subscriber shall be assessed a service fee of twenty-five (\$25).

upon receipt of the third (3rd) false alarm within a twelve month period, the alarm subscriber shall be assessed a service fee of fifty dollars (\$50).

upon receipt of the fourth (4th) false alarm within a twelve month period, the alarm subscriber shall be assessed a service fee of fifty dollars (\$50).

In addition, a written notice shall be issued by the Department of Public Safety to the alarm subscriber, and to the alarm business providing service to such alarm subscriber, advising that police response to the alarm system shall be suspended for a period of thirty (30) days effective fourteen (14) days after the date of the notice. No alarm subscriber or alarm business shall send an alarm sounding notification to the Police Department from an alarm system that has been suspended, except as provided herein.

Police dispatch to a location with an alarm revocation will be limited to those situations where a private guard responder has first responded to the alarm site and confirmed that an attempted, suspected or actual crime has occurred at such alarm site; however, the private responder shall be required to remain at the scene until arrival of police. This provision will also apply to local alarms, but will not apply to the activation of duress, panic or holdup alarms. All service fees for false alarms under this section shall be payable to the City of St. Louis.

Section Ten. An alarm subscriber who has been suspended under the provisions of this ordinance shall be reinstated after the completion of the thirty day suspension provided that the alarm business which installed the alarm system certifies that the alarm subscriber has been retrained in the proper use of the alarm system; certifies that the subscriber's alarm system is in proper working condition. Any alarm subscriber who has been suspended due to false alarms and has been reinstated shall be subject to a service fee of one hundred (\$100) dollars for each subsequent false alarm reported on their alarm system up to a maximum of three (3) additional false alarms within the original twelve (12) month registration period. If the subscriber exceeds seven (7) false alarms within any registration year a written notice shall be issued by the Department of Public Safety to the alarm subscriber, and to the alarm business providing service to such alarm subscriber, advising that police response to the alarm system shall be suspended for a period of twelve (12) months, effective fourteen (14) days after the date of the notice. No alarm subscriber or alarm business shall send an alarm sounding notification to the Police Department from an alarm system that has been suspended, except as provided herein.

Police dispatch to a location with an alarm revocation will be limited to those situations where a private guard responder has first responded to the alarm site and confirmed that an attempted, suspected or actual crime has occurred at such alarm site; however, the private responder shall be required to remain at the scene until arrival of police. This provision will also apply to local alarms, but will not apply to the activation of duress, panic or holdup alarms. All service fees for false alarms under this section shall be payable to the City of St. Louis.

All other subscribers shall annually revert to the beginning fine structure at the start of each annual registration period.

Section Eleven. Deliberate False Alarms.

A. No person shall cause to be activated or transmitted to the police Department an alarm of any type from a wire or wireless system, either directly or indirectly, knowing the same to be false or without basis in fact.

B. No person shall cause to be activated or transmitted to the Police Department an alarm of any type from an unregistered or revoked alarm system, wire or wireless, when no bone fide incident has occurred.

C. Central monitoring stations shall not request law enforcement response to alarm sites when monitoring equipment indicates an alarm system malfunction.

Section Twelve. Automatic Dialing and Prerecorded Message Alarm Systems Prohibited.

It is unlawful to maintain, operate, connect or allow to be maintained, operated or connected, any dialing device which automatically dials the Police department and then relays any pre-recorded message to report any robbery, burglary, or other emergency.

Section Thirteen. Dispatch of Panic Alarm on Burglary Alarm System Prohibited.

No alarm agent, alarm business or alarm subscriber shall request dispatch of a panic alarm installed on a burglary alarm system. However, nothing in this section shall prohibit the dispatch of a panic alarm installed on a robbery or medical alarm system, or the dispatch of a duress alarm installed on any alarm system.

Section Fourteen. Vision-Obscuring Device Prohibited.

It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substances that obscures vision. Use of this device shall result in no police response.

Section Fifteen. Local Alarms Not to Sound for More Than Fifteen Minutes.

It shall be unlawful for any person to allow a local alarm to sound for more than fifteen minutes without termination.

Section Sixteen. Penalty Provision

Any person, partnership or corporation found to be in violation of any provision of this ordinance shall be subject to a fine of not less than One Hundred (\$100.00) Dollars. Each additional violation of any provision of this Ordinance shall constitute a separate offense, and will subject to an additional fine. All persons charged with a violation of any provision contained in this section shall be issued a summons by the Police Department for appearance in City Court, and if convicted, shall be assessed the fine stipulated in this section for the particular violation.

Section Seventeen. Severability.

If any provision, section, paragraph, sentence or clause of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by any decision of any Court of competent jurisdiction, such decision shall not affect the validity of the

remaining portions of the Ordinance, and the invalid or unconstitutional provision, section, paragraph, sentence or clause is held to be severable. The Board of Aldermen declares that it would have passed this Ordinance, section, provision, paragraph, sentence or clause hereof, irrespective of the fact that any one or more of the provisions, sections, paragraphs, sentences or clauses hereto be declared invalid or unconstitutional.

Section Eighteen. Liability of the City of St. Louis

The Police Department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, neither the City of St. Louis nor the Police Department shall be liable for any refusal, failure or neglect to respond to an alarm sounding generated from any alarm system.