

## **TITLE 10**

### **EMERGENCY ALARM SYSTEMS AND PROTECTION SERVICES**

#### **Chapter 10.04 Emergency Alarm Systems and Protection Services**

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## Chapter 10.04

### EMERGENCY ALARM SYSTEMS AND PROTECTION SERVICES<sup>1,2</sup>

<sup>1</sup> **Editor's note**—Ord. No. 5-1980, § 1, repealed former Ch. 8 1/2, §§ 8 1/2-1—8 1/2-12, relative to emergency alarm systems and enacted in lieu thereof a new Ch. 8 1/2, §§ 8 1/2-1—8 1/2-8 [Chapter 10.04], as herein set out. Former Ch. 8 1/2 was derived from Ord. No. 11-1973, § 1, adopted May 29, 1973.

<sup>2</sup> **Cross reference**—Licenses and permits generally, Title 14; reporting false alarm prohibited, § 15.04.080.

#### **Sec. 10.04.010. Definitions.**

(a) *Alarm business* shall mean the business by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of any alarm system in or on any building, structure or facility or the business of monitoring such alarms for the purpose of requesting police response to activated alarms.

(b) *Alarm user* shall mean the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

(c) *Emergency alarm system* shall mean any burglar, holdup, police, fire or other emergency alarm or device arranged to signal the occurrence of an activity requiring urgent attention to which police are expected to respond.

(d) *False alarm* shall mean an alarm signal, eliciting a response by police when a situation of imminent threat of injury to person or property or theft of property does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business or alarm user.

(e) *Director of operations* shall mean the Chief of Police of the Aspen Police Department and such persons designated by the Chief of Police to administer the provisions of this Chapter. (Code 1971, § 8 1/2-1; Ord. No. 5-1980, § 1; Ord. No. 3-1988, § 1)

#### **Sec. 10.04.020. Alarm user permit.**

Every alarm user shall obtain an alarm user's permit for each separate emergency alarm system from the Director of Finance prior to the use of an alarm system. The permit year shall extend from January 1st to the following December 31st. Application for an emergency alarm user's permit shall be filed with the fee prescribed by Subsection 2.12.050(b) of this Code shall be paid to the Director of Finance before January 1st of each year. Revoked permits may be reactivated during the permit year upon payment of the fee prescribed by Subsection 2.12.050(b) of this Code. Each permit shall bear the signature of the Director of Operations and shall be for a one (1) year period. The Director of Operations may require the user to provide such information deemed reasonably necessary for the expeditious and safe response of officers and the timely and effective billing of false alarm fees. This information shall include, but shall not be limited to, the name and current mailing and physical address of the person responsible for paying false alarm fees. The permittee shall also provide, through the alarm business, current and reasonable directions to the alarm site. Residential permittees may be required to display the house number so that it is visible and discernible from the street. An alarm business may act as agent for the user in the handling of permit matters. (Code 1971, § 8 1/2-1.1; Ord. No. 3-1988, § 2; Ord. No. 44-1991, § 1; Ord. No. 77-1992, § 1)

**Cross reference**—Definitions and rules of construction generally, § 1.04.020.

#### **Sec. 10.04.030. Alarm business license required; application; fee; bond.**

(a) It shall be unlawful to operate an alarm business within the City without having first obtained a business license therefor.

(b) Applications shall be filed and licenses for an alarm business license shall be issued under the provisions of and pursuant to the regulations of Sections 14.04.010 to 14.08.120, inclusive, of this Code provided however, that the annual license fee shall be in an amount set forth at Subsection 2.12.050(b) of this Code.

(c) Applications for alarm business licenses shall be accompanied by an affidavit signed by the applicant, setting forth the location of the proposed facilities, the equipment, personnel policies, management and method of operations of the applicant and such other information as the Director of Finance may reasonably require from time to time and stating further that the applicant agrees to comply with all the provisions of this Chapter 10.04.

(d) Applications for an alarm business license shall include:

(1) Proof of technical capacity to install and properly maintain emergency alarm systems, which shall include three (3) letters of recommendation from alarm manufacturing and supply companies attesting to the applicant's technical qualifications and such other proof as the Director of Finance may reasonably require from time to time.

(2) The applicant's current financial statement, certified by a certified public accountant, demonstrating the applicant's ability to comply with the requirements of this Chapter 10.04.

(e) Upon approval of the application, but prior to issuance of an alarm business license by the Director of Finance, the applicant shall provide:

(1) A performance bond in the amount of ten thousand dollars (\$10,000.00) guaranteeing the performance of the applicant's obligations under this Chapter 10.04.

(2) A certificate of insurance in the face amount of not less than one million dollars (\$1,000,000.00) insuring the applicant against personal injury and property damage, errors and omissions of the applicant, its employees and agents and third party contractors acting under the authority of the applicant. (Code 1971, § 8 1/2-2; Ord. No. 5-1980, § 1; Ord. No. 3-1988, § 3; Ord. No. 53-1995 § 1)

#### **Sec. 10.04.040. Prohibited connections and emergency alarm systems.**

(a) No alarm system or device, other than those required by federal or state law or those connected by a licensed protection service, shall be connected directly to the Aspen Police Department.

(b) No alarm system or device which transmits a signal of prerecorded message directly to the Police Department shall be connected to or be permitted to use any telephone lines serving the Department.

(c) No alarm system or device which transmits a signal to an unlicensed protection system shall be permitted to use any telephone lines serving the Department.

(d) No alarm system or device which transmits only an audible signal to the general public (so-called "local alarm") shall be permitted within the City, except, however, local, residential fire alarm and mobile or automobile alarms.

(e) The City shall make available to each licensee hereunder sufficient space in its Police Department to accommodate the required telephone equipment, but shall otherwise be under no duty or obligation of any kind to a licensee hereunder. (Code 1971, § 8 1/2-3; Ord. No. 5-1980, § 1)

**Sec. 10.04.050. Installation, operation and maintenance of emergency alarm system.**

(a) All costs and expenses of installing, maintaining and monitoring emergency alarm systems licensed hereunder shall be borne entirely by the licensee. It shall be the further responsibility of a licensee hereunder to relocate its Police Department telephone connections to any different location that may be reasonably required from time to time by the Police Department, without expense to the City.

(b) It shall be unlawful to install and thereafter operate or maintain any emergency alarm device or system of any kind, with the exception of local, residential fire alarms, mobile and automobile alarms or an alarm system or device required by Federal or State law, without having first obtained a protection service business license. (Code 1971, § 8 1/2-4; Ord. No. 5-1980, § 1)

**Sec. 10.04.060. Emergency alarm system warning signal requirements.**

Every emergency alarm system installed within the City shall have an audible warning signal which sounds immediately if the system is mistakenly armed when it should not be so armed. Such warning signal must be located in close proximity to the control point where the arming and disarming of the system occurs and must be of at least ninety (90) decibels intensity at the point of control. (Code 1971, § 8 1/2-5; Ord. No. 5-1980, § 1; Ord. No. 3-1988, § 4)

**Sec. 10.04.070. False alarm fee.**

(a) Except as provided in Section 10.04.130, each time an alarm business relays a false alarm to the Aspen Police Department, the alarm user who has contracted with the alarm business to monitor that alarm shall pay, within thirty (30) days of receiving a bill from the Director of Finance, a fee as prescribed by Subsection 2.12.050(b) of this Code.

(b) Any testing or installation of equipment that may activate an emergency response from the Police Department must be approved in advance by the Director of Operations. Unless such approval is granted, an alarm that occurs during installation or testing will be considered a false alarm. (Code 1971, § 8 1/2-6; Ord. No. 5-1980 § 1; Ord. No. 1-1984, § 1; Ord. No. 3-1988, § 5; Ord. No. 44-1991, § 2; Ord. No. 77-1992, § 2)

**Sec. 10.04.080. Revocation of alarm user's permit.**

(a) Any emergency alarm system which has four (4) or more false alarms within a permit year shall be subject to permit revocation as provided herein.

(b) Failure of the alarm user to pay a false alarm fee within thirty (30) days of receipt of the bill from the Director of Finance shall subject the permittee to a late fee as prescribed by Subsection 2.12.050(b) of this Code and the Director of Operations may initiate permit revocation proceedings as set forth hereinafter.

(c) Failure on the part of the user to provide current permit information shall subject the alarm permit to revocation.

(d) If the Police Department records indicate that four (4) or more false alarms have occurred within a permit year for an alarm system or if the alarm user fails to comply with reasonable requests to update alarm permit information, the Director of Operations shall notify the alarm user and the alarm business that monitors the alarm that the user permit will be revoked if the user does not contact the Director of Operations within fifteen (15) days of the service of the notice by certified mail. The notice shall be mailed to the last known billing address as provided by the user on the current year's permit application. The notice shall also advise the user of the process for requesting a revocation hearing.

(e) If contacted by the alarm user, the Director of Operations shall require the user to arrange a meeting with the Director of Operations, the alarm user and a representative of the alarm business within fifteen (15) days to determine a plan for eliminating the false alarms.

(f) If the user does not contact the Director of Operations or if the Director of Operations determines that the action recommended by the user and/or business representative will be ineffective, the Director of Operations shall revoke the permit and send a final notice of revocation to the user by certified mail.

(g) If the action recommended by the user and/or business representative is acceptable to the Director of Operations, the permit shall not be revoked, however, the Director of Operations shall advise the user that one more false alarm in the permit year will result in the summary revocation of the user permit.

(h) The return of unreceipted certified notices or bills to the City shall be evidence of noncompliance with permit requirements by the alarm user and shall result in the immediate revocation of the alarm permit.

(i) A user whose permit has been revoked may request an appeals hearing before the City Council within thirty (30) days of the mailing of the final revocation notice by the Director of Operations. An appeal shall be perfected by filing notice thereof with the City Clerk. The City Clerk shall set the matter on the agenda of the next regular City Council meeting, at which hearing the alarm user shall be permitted to introduce all relevant evidence and be allowed to examine and cross-examine witnesses. At the conclusion of the hearing or within twenty-one (21) days thereof, the City Council shall make findings and state reasons for its decision. (Code 1971, § 8 1/2-6.1; Ord. No. 3-1988, § 6; Ord. No. 44-1991, § 3; Ord. No. 77-1992, § 3)

#### **Sec. 10.04.090. Suspension and revocation of license; appeals.**

(a) The license of any protection service business may be suspended by the Finance Director for failure to pay any fees imposed pursuant to this Chapter 10.04. Such suspension shall continue until the fees have been paid in full by the licensee or the license has been revoked. It shall be unlawful for any licensee to provide protection services within the City while its license is under suspension.

(b) In the event a licensee hereunder fails to remedy any violations of this Chapter within ten (10) days following receipt by the licensee of written notice from the City Finance Director or the Police Department describing such violations, the Finance Director shall have the right to revoke the license granted hereunder to such licensee.

(c) Any charges imposed upon a licensee and any order suspending or revoking a license may be appealed to the Aspen City Council within thirty (30) days from the date of the billing of such charges or order of suspension or revocation. An appeal is perfected by filing notice thereof with the City Clerk, which notice shall contain an appropriate reference to the order appealed from. The City Clerk shall set the matter on the agenda of the next regular meeting of the Council, at which hearing the licensee shall be permitted to introduce all relevant evidence and be allowed to examine and cross-examine witnesses. The licensee may be represented by an attorney and may examine all City records relevant to the alleged violations in advance of the hearing. At the conclusion of the hearing or within ten (10) days thereof, the City Council shall make findings and state reasons for its decision.

(d) The licensee may appeal the action of the City Council taken pursuant to Subsection 10.04.090(c) hereof within thirty (30) days thereof in a court of competent jurisdiction. Review shall not be extended further than to determine whether the City Council has exceeded its jurisdiction or abused its discretion. (Code 1971, § 8 1/2-7; Ord. No. 5-1980, § 1)

**Sec. 10.04.100. Operation of unpermitted alarm system; failure to pay false alarm fee.**

Operation of an alarm system without a permit or failure to pay false alarm fees is a misdemeanor. (Code 1971, § 8 1/2-7.1; Ord. No. 3-1988, § 7)

**Sec. 10.04.110. Separate offense for each day's violation.**

The installation or operation of any emergency alarm system in violation of any of the provisions of this Chapter or of any regulation promulgated hereunder shall be unlawful and shall be subject to the penalty prescribed under Section 1.04.080 of this Code and shall be deemed a separate offense for each and every day that such violation occurs. (Code 1971, § 8 1/2-8; Ord. No. 5-1980, § 1)

**Sec. 10.04.120. Exemption for City-operated municipal facilities.**

The provisions of this Chapter shall not apply to security systems connected directly from City-operated municipal facilities (whether in City-owned or leased premises) to the Police Department if such facilities are the subject of a written exemption permit issued by the City Manager. (Code 1971, § 8 1/2-9; Ord. No. 1-1984, § 2)

**Sec. 10.04.130. Exemption from statutorily required alarm systems.**

An alarm user required by federal, state or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall not be subject to permit revocation. Each time an alarm system relays a false alarm to the Aspen Police Department from a user that is exempt from the revocation process pursuant to this Section, said user shall pay, within thirty (30) days of receiving a bill from the Director of Finance, a fee as prescribed by Subsection 2.12.050(b) of this Code. (Code 1971, § 8 1/2-9.1; Ord. No. 3-1988, § 8; Ord. No. 44-1991, § 4; Ord. No. 77-1992, § 4)