

## ARTICLE II. ALARMS

### Sec. 32-31. Intent and purpose.

(a) The legislative intent and purpose in adopting this article is to encourage alarm users and alarm businesses to assume greater responsibilities for maintaining the operational reliability and proper use of alarm systems, to reduce or eliminate unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the police department from misuse.

(b) This article is intended to govern alarm systems used to summon police response; requires permits; provides for penalties for violation; establishes a system of administration; and sets forth conditions concerning the suspension of permits.

(c) Although this article will become effective immediately upon the signature of the city-parish president, the elapse of ten days after receipt by the city-parish president without signature or veto, or upon an override of a veto, whichever occurs first, the imposition of any penalties and/or fines shall be delayed until February 1, 1999, in order to allow an adequate period of time for all parties affected by this article to come into compliance with the provisions of this article.

(Ord. No. O-246-98, § 4 1/4-1, 9-23-98)

### Sec. 32-32. Territorial applicability.

The provisions of this article apply only in the city.

### Sec. 32-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Activation* means making the alarm system operational for purposes other than testing, that may result in a city police department or other law enforcement agency response to a site.

*Alarm administrator* means that person designated by the chief of police to administer, control and review alarm applications, permits, alarm requests, and in general the administration of this article.

*Alarm agent* means any person, who, for compensation or anything of value, acts to install, maintain, alter, move, repair, replace or service alarm systems in the city; any person located within the city who monitors alarm systems in the city and any person who sells, at retail, alarm systems for use within the city. The agent shall meet all requirements to be a state licensed alarm installer in Louisiana, including but not limited to R.S. 40:1662.1 et seq., which is the alarm industry licensing act.

*Alarm answering service* means a telephone answering service providing among its services the receiving, through trained employees, of the emergency signals from alarm systems, and the relaying of the message by live voice to the communication center of the police department.

*Alarm business* means any business, firm, company, partnership, corporation or individual who or which services, installs, sells at retail and/or monitors alarm systems. It shall not include a business that only manufactures alarm systems or only sells alarm systems to retail outlets, unless the business also services, installs, sells at retail and/or monitors alarm systems.

*Alarm dispatch request* means the notification to the police department by the alarm business that an alarm has been activated at a particular alarm site.

*Alarm review board* means a board established by this article and shall consist of five members as follows: the chief of police or his designee; one member appointed by the city-parish council, as a whole; one member appointed by the city-parish president; and two additional members appointed by the city-parish council from a list of, at least, four candidates to be submitted to the city-parish consolidated council by the Louisiana Burglar and Fire Alarm Association, Region III.

*Alarm site* means a single premises or location served by an alarm system or systems. Each location served by a separate alarm system in a multitenant building or complex shall be considered an alarm site.

*Alarm system* means an assembly of equipment or devices designed, arranged or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure or facility or for alerting persons of a hazardous condition or the commission of an unlawful act within a building, structure or facility, and which emits a sound, or transmits a signal or message when activated to which annunciation of a law enforcement agency or other service agency is summoned to respond. For purposes of this article, an alarm system shall not include:

- (1) An alarm installed on a motor vehicle.
- (2) An alarm designed so that no notification is given to the police department until after the occupants or agents of the owner or lessee have checked the alarm site and determined that there is physical evidence at the site showing that the alarm was a result of criminal activity of the kind for which the alarm system was designed to give notice, if a person who is able to grant access to the alarm site remains at such site until police arrive whenever the police are notified after an alarm has been activated and such person renders access and such other assistance as he is able to give and such as is needed by law enforcement to properly investigate the situation.
- (3) An alarm installed upon premises occupied by the United States Government, by the state, by the Lafayette City-Parish Consolidated Government or any subdivision thereof.
- (4) Any device or system designed solely to detect or give notice of fire or smoke.

*Alarm system monitoring company* means any individual, partnership, corporation, or other entity that engages in the business of monitoring property, burglary, robbery or panic alarms and of reporting any activation of such alarms to the city police department. Such company must have a monitoring station which is the use of a system or a group of systems in which the operation of circuits and devices at a protected property are signaled to, recorded in and supervised from a central monitoring station having trained operators who, upon receipt of a signal, take such action as may be required by the nature of the signal received.

*Alarm user* means any person, firm, company, partnership or other entity possessing a functional alarm system to which police officers may be required to respond.

*Apartment complex* means a building or multiple buildings made up of individual dwelling units with a dwelling unit being a room fitted especially with housekeeping facilities.

*Audible alarm system* means an alarm system that emits an audible sound or message which can be heard off premises. Such an audible local area alarm may or may not be monitored by an alarm system monitoring company, and such audible sound is intended to alert neighbors or other residents of the local area to summon police.

*Automatic telephone dialing equipment* means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded police message, coded signal, voice dialer and/taped dialer to report a police emergency condition which the alarm system is designed to detect.

*Conversion* means the transaction or process by which one alarm business begins the monitoring of an alarm system previously monitored by another alarm business.

*Dispatch* means to direct police units to a location where there has been a report made, by whatever means, that police assistance or investigation is needed.

*False alarm* means the activation of an alarm system under circumstances where no police emergency exists at the alarm site and when activation results in a response by a law enforcement agency.

*False alarm dispatch* means an alarm dispatch request to the police department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site. Malicious acts of persons not under the control of the alarm user may be considered in determining if an alarm activation was false and whether an occurrence, fine, warning and/or other action will be taken against the alarm user as provided for in this article. An alarm dispatch request which is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch.

*Holdup alarm* means any system, device, or mechanism activated by human action as a result of or in response to a robbery or an attempted robbery at the alarm site.

*Interconnect* means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

*Keypad* means a device that allows control of an alarm system by the manual entry of a coded sequence of numbers or letters.

*Local alarm* means any alarm emitting audible and/or visual signals in, at and/or on the alarm site when activated and which results in notification being made directly or indirectly to the police department.

*Malicious false alarm* means the intentional false reporting to the police department of a police emergency condition; or the intentional setting off of an alarm system which will cause another to report the signal to law enforcement. Malicious false alarm does not include the testing of an alarm system by a licensed alarm business under guidelines established by the police department.

*Monitoring station* means an office to which remote police alarm and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, investigate signals, and retransmit alarm signals to appropriate agencies.

*Nonpolice response* means police officers will not be dispatched to investigate a report of an alarm system.

*Notice* means written notice given by personal service upon the permit holder, or written notice given by the United States Postal Service, postage prepaid, to the permit holder at the permit holder's last known address.

*One plus duress alarm* means the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code (normal code = 1234; one plus duress code = 1235).

*Panic alarm* means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that robbery or any other crime is in progress, or that the use is in the need of immediate assistance or aid in order to avoid injury or serious bodily harm. A panic alarm includes the manual entry of any combination of numbers into a keypad intended for an emergency summons of police.

*Permit* means a certificate of authorization issued by the alarm administrator to the person in control of the property which authorizes the operation of an alarm system at that location.

*Permit holder* means the individual person, corporation, partnership, or other legal entity to whom an alarm system permit is issued by the alarm administrator.

*Person* means any individual, corporation, partnership, or other legal entity.

*Response* means the arrival of a law enforcement officer at the premises where an alarm system has been activated indicating a police emergency at those premises.

*Site* means each location requiring an individual alarm system. An alarm system site is determined by each separate and distinct municipal address.

*Suspension* means the temporary cessation of police response to the site of a registered alarm system.

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

*Transmitting device* means an instrument or radio transmission which sends a signal to a monitoring point indicating intrusion into a given protected area.

*Verify* means an attempt, by the alarm business or its representative, to contact the alarm site by telephone or other electronic means, whether or not actual contact is made, before requesting police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

*Verify (double)* means that the alarm business monitoring service shall call two telephone numbers rather than one telephone number before dispatching police.

(Ord. No. O-246-98, § 4 1/4-2, 9-23-98; Ord. No. O-114-2008, § 2, 6-17-08)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 32-34. Penalties.**

Unless otherwise provided in this article, any person violating any provision of this article shall, upon conviction thereof, be subject to a fine in an amount not to exceed \$500.00 and/or imprisonment for not more than six months, or both, at the discretion of the court. In the case of a continuing violation, each calendar day during which a person is in a status of violation shall constitute a separate offense.

(Ord. No. O-246-98, § 4 1/4-21, 9-23-98)

### **Sec. 32-35. Alarm user permits.**

(a) *Permit.* Every alarm user shall obtain an alarm user permit for each alarm system the user operates, which permit shall be nontransferable. This subsection does not require that a licensed alarm business obtain a permit under this section when it leases or provides services to alarm system users. If, however, a licensed alarm business does use an alarm system to protect its own premises, it shall obtain an alarm user permit for such system as required in this section. The user shall register the alarm system in his name prior to new activation or take over.

(b) *Alarm user application.* The alarm user applying for the permit required by subsection (a) of this section shall state on a permit application form to be prepared by the police department the following:

(1) Name.

(2) The address of the residence or business in or upon which the alarm system has been or will be installed.

(3) Telephone number.

(4) The alarm business or businesses which are selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system and the state license number of the business and the state license number of the installer.

(5) Such other information as the chief of police may require.

(c) *Production of permit upon request.* The permit or a photocopy thereof shall be presented upon demand by any police officer.

(d) *Alarm user permit fee.* Every alarm user must register and obtain a permit. For the first six months after September 15, 1998, there shall be no permit fee charged. This period of time is intended to encourage alarm users to register their alarms and obtain the necessary permit. After the elapse of that six-month period of time, the permit fee shall be \$20.00. Once the alarm system is registered and the permit is obtained, there shall be no renewal of the permit for that alarm system. Failure to obtain the necessary permit and the subsequent reporting of alarms to the city police department will be classified as use of a nonpermitted alarm system and a misdemeanor summons, as well as all associated penalties, shall be assessed. Any applicant that seeks a permit for another alarm system must pay in full any and all penalties which may have been assessed to that alarm user with reference to any other permit, exclusive of any penalties which may be under appeal, as well as the applicable permit fee with reference to the additional alarm system.

(e) *Restrictions on inspection.* In accordance with the provisions of state law, including but not limited to, R.S. 44:3A(3), the information contained in an alarm user permit application, as required by this section, is confidential and any other information received by the police department through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by law enforcement personnel and persons specifically assigned the responsibility for handling and processing alarm user permits in the course of their official duties. No person shall knowingly or willfully reveal information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this article or official law enforcement matters without the express written consent of the alarm user supplying such information.

(f) *Presentation of permit on request.* Any law enforcement officers answering a false alarm call shall have the authority to request to see a permit of the alarm user. The permit shall remain in the premises for which it is issued. The permit or photocopy of the permit shall be presented on demand of any police officer. If the user cannot produce the permit or a photocopy thereof, the police officer shall have the authority to issue a misdemeanor

summons. If the alarm user can verify to the alarm administrator that the permit was valid and in effect on the day of the false alarm, the misdemeanor summons shall be dismissed.

(g) *Operation without permit prohibited.* Any alarm user who operates an alarm system without having first obtained a permit as required by this section, or who, after having a permit revoked and after exhausting all rights to hearing and appeal, fails to disconnect his alarm system, shall be in violation of this article and shall be fined, upon conviction, not less than \$100.00 or more than \$250.00 for each calendar day of violation.

(h) *Address to be visible.* The permit applicant shall be responsible for displaying the correct numerical address of the protected property in such a manner as to be readily visible from the street by law enforcement officers responding to that address.

(i) *Automatic reset of alarm.* No alarm user shall acquire an alarm system that does not provide for an automatic reset of the alarm after it has been activated for longer than five minutes for residential alarm or 15 minutes if the control automatically resets and 30 minutes if no automatic reset (according to Underwriters Labs) for commercial alarms.

(j) *Glass break detectors.* Upon the installation of a glassbreak detector with a new alarm system, it is required that the device is equipped with dual technology. With a pre-existing alarm system, should police services be required and it is determined that the false alarm was due to a glassbreak detector for the third or more times, the alarm user must, if it has not already been done, upgrade the glassbreak to dual technology.

(k) *Verify (double).* The monitoring centers shall call two phone numbers prior to police dispatch on receipt of intrusion alarm signals. The first call will be to the premise and the second call will be to the first emergency contact number.

(Ord. No. O-246-98, § 4 1/4-3, 9-23-98; Ord. No. O-114-2008, §§ 3, 4, 6-17-08)

### **Sec. 32-36. Alarm systems in apartment complexes.**

(a) *Nonresidential areas of apartment complex.* The owner or property manager of an apartment complex shall register any alarm system operated in any nonresidential area of the apartment complex, including, but not limited to, common areas, offices, storage and equipment areas. If an alarm system is installed or operated in any of those areas, the owner or property manager of the apartment complex shall be responsible for false alarm dispatch emitted from the alarm system.

(b) *Residential areas of apartment complex.* If an alarm system is installed or operated by an individual tenant in an apartment complex that is monitored, the tenant must provide the name of the representative of the apartment owner or property manager who can grant access for the police department to investigate any response to the apartment. Any fee charged shall be same for an apartment as it is for a residential user. With reference to enforcing this article against an individual apartment, the tenant is responsible for false alarm dispatch emitted from the alarm system in the tenant's apartment. In any apartment complex which furnishes an alarm as an amenity, the individual tenant in an apartment is responsible for registering the alarm system and the individual tenant shall be responsible for any fee or fine associated with this article. The lease agreement between the apartment complex and the tenant shall specify that although the alarm is furnished as an amenity, the tenant is responsible for the registration and operation of the alarm system in the apartment.

(Ord. No. O-246-98, § 4 1/4-4, 9-23-98)

## **Sec. 32-37. False alarms.**

(a) *Penalty.* An alarm system user shall pay the Lafayette City-Parish Consolidated Government, through the alarm administrator, a penalty for excessive false alarms and may suffer the suspension or revocation of permit. The determination of excessive false alarms shall be based on the 12-month period of the permit.

(1) *Dispatches to residential sites.* For the first three false alarms, there will be no charge but the user will receive an on-site written notice and/or warning letter. For false alarm dispatches four through seven, the user shall be fined \$25.00 per dispatch and shall receive an on-site written notice. For false alarm dispatches eight through ten, the user shall receive a fine of \$50.00 per dispatch and an on-site written notice. For false alarm dispatches 11 through 15, the user shall receive a fine of \$75.00 per dispatch and an on-site written notice. Upon the occurrence of the 16th false alarm dispatch, the user shall receive an on-site written notice and/or notice by certified mail and the suspension of the permit or notice that there may no longer be police response.

(2) *Dispatches to commercial/business sites.* For the first three false alarms, there will be no charge but the user shall receive an on-site written notice and/or warning letter. For false alarm dispatches four through seven, the user shall be fined \$25.00 per dispatch and shall receive an on-site written notice. For false alarm dispatches eight through 11, the user shall receive a fine of \$50.00 per dispatch and an on-site written notice. For false alarm dispatches 12 through 15, the user shall receive a fine of \$75.00 per dispatch and an on-site written notice. For false alarm dispatches 16 through 20, the user shall receive a fine of \$100.00 per dispatch and an on-site written notice. Upon the occurrence of the 21st false alarm dispatch, the user shall receive an on-site written notice and/or notice by certified mail and the suspension of the permit or notice that there may no longer be police response.

(3) *Additional penalty.* As an additional penalty, the alarm administrator may request that an alarm user attend a mandatory false alarm prevention class for six or more non-excused false alarm dispatches. The failure to attend a scheduled mandatory false alarm prevention class shall result in an additional fine of \$50.00 for non-compliance.

(4) *Determination of excessive false alarms.* For purposes of the determination of excessive false alarms, multiple false alarms encountered in any one night shall be researched by the alarm administrator who shall determine if more than one should be counted as a false alarm.

(b) *Fine.* Any person operating an alarm system which is not registered, suspended or to whom a notice of a nonpolice response letter has been issued will also be subject to a citation and assessment of a \$50.00 fine for each false alarm dispatch, in addition to any other fines. The alarm administrator may waive this additional fine for a nonregistered system if the alarm user applies for registration within ten days after such violation.

(c) *Age or handicap waiver.* Senior citizens 65 years or older, or certifiably handicapped citizens operating a residential alarm may have a fine waived by the alarm administrator if it is found that the activation of the alarm was the result of confusion, panic or other similar cause linked directly to the user's advanced age or disability. In such a case, the user must cooperate with and agree to receive training on the proper use of the alarm system. Failure to cooperate and receive training will result in the assessment of the appropriate fine.

(d) *Service waiver.* An alarm user operating an alarm shall have a fine waived by the alarm administrator if the alarm user can prove that within five working days after the notice of the false alarm, the user has had the alarm system monitoring company or the alarm business which sells and services the alarm come to the alarm site, diagnose the alarm system and correct the mechanical failure and/or malfunction, if any. Proof of this service, diagnosis

and/or corrective measures, if any, must be furnished to the alarm administrator within ten days from the date of service of the alarm system. Proof of the service can be made by the production of a service invoice from the alarm system monitoring company or the alarm business. The company or business must actually go to the alarm site to render the service, diagnosis and/or corrective measures, if any. The company or business may not mail a service invoice to the alarm user without actually having gone to the site. Any attempt by the alarm system monitoring company or the alarm business to furnish a service invoice without actually having gone to the site, made a diagnosis and/or provided corrective measures, if any were necessary, will constitute a violation of this article and will subject the company or business to the penalties set forth in section 32-34.

(e) *Valid dispatch requests.* Alarm dispatch requests, caused by actual criminal offenses or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.

(f) *Cancellation.* Any alarm monitoring service shall have the right to notify the appropriate law enforcement agency of the cancellation of an alarm notification and, provided the notice is timely, shall not thereafter be credited with a false alarm for that alarm. Timely notification shall be notification by telephone to the police dispatch or to 911 prior to the time the responding officer reaches the alarm site.

(g) *No notification of false alarm.* In the interest of increased personal or business security, any alarm user shall have the right to notify law enforcement agencies on the alarm user's permit application that law enforcement should not accept any communications of a false alarm at the user's system and should respond to each and every alarm notification, in which event the alarm user forfeits any right to give notification of false alarms as provided in this subsection.

(h) *Notice of false alarm.* The chief of police, through his designee, shall give to each permit user written notice of each false alarm attributed to that permit user as soon as possible after the occurrence of the false alarm. The written notice may be left at the scene of the false alarm or may be given by United States mail, postage prepared to the person to be notified. The alarm user permit holder may, within ten days after the receipt of such notice, present evidence to the police department indicating that any alleged false alarm was not, in fact, a false alarm. Any adverse determination made by the chief of police, or his designee, may be appealed by the permit holder to alarm review board within 20 days of notice of the adverse determination.

(i) *Revocation.* Failure to respond to the second notice of nonpayment of any fine, which notification shall be designated by the term "final notice" within 30 days after the date of any such second notice, shall result in immediate revocation of the permit.

(j) *Training waiver.* An alarm permit holder may be able to have a false alarm fine waived upon the payment of all prior fines imposed through this section and the submission of written documentation and proof that the user has attended training recognized by the alarm industry as training directed to the reduction of false alarms. This waiver will be available only once for each permit location every three years.

(k) *Funds.* All funds derived from the permits issued and/or the fines set forth in this article, except those fines imposed and collected by any court of competent jurisdiction, shall be deposited in the general fund. Except for fines collected by any court of competent jurisdiction, it shall be the responsibility of the police department, section 32-37, or its designated collection agency to collect all permits and fines.

(Ord. No. O-246-98, § 4 1/4-5, 9-23-98; Ord. No. O-114-2008, § 5, 6-17-08)

## **Sec. 32-38. Appeal from fines.**

(a) Any alarm user may appeal the assessment of any fine or warning notice to the alarm review board by filing a written request with the alarm administrator for a hearing. That written request shall set forth the reasons for the appeal and shall be made within 20 days after the receipt of the fine or warning notice. The filing of a request for an appeal hearing with the alarm review board will stay the assessment of the fine until such time that the alarm review board has made a final decision.

(b) The alarm review board shall conduct a formal hearing and consider the evidence presented by any interested person. The board shall make its decision on the basis of the preponderance of the evidence presented at the hearing including, but not limited to, evidence that a false alarm dispatch was caused by a defective part repaired or replaced or that an alarm dispatch request was caused by a criminal offense. The board must render a decision within 30 days after the request for an appeal hearing has been filed. The board shall affirm, reverse or modify the assessment of any fine, the rendering of any warning notice and/or any adverse determination made to the appellant. The decision of the board will be final as to administrative remedies within the city-parish consolidated government.

(Ord. No. O-246-98, § 4 1/4-6, 9-23-98)

### **Sec. 32-39. Alarm review board.**

(a) There is hereby created the alarm review board which shall be comprised of five members as follows: the chief of police or his designee; one member appointed by the city-parish consolidated council, as a whole; one member appointed by the city-parish consolidated president; and two additional members appointed by the city-parish consolidated council from a list of, at least, four candidates to be submitted to the city-parish council by the Louisiana Burglar and Fire Alarm Association, Region III. One of the appointments by the city-parish council shall be a minority as that term is defined in R.S. 38:2233.2.

(b) All members shall serve at the pleasure of the appointing authority.

(c) The initial appointment of any board member shall be for four years. Any subsequent appointment shall also be made for a period of four years from the date of appointment.

(d) Limitation of service shall be three consecutive terms but in no case to exceed 12 consecutive years.

(e) Service of one-half or more of an unexpired term shall be considered a term within the meaning of this limitation.

(f) In order for an individual to be considered for reappointment to the board on which that individual has previously served the maximum length of time allowed, a period of four years must elapse since the last day of service of that individual on the board before such individual can be reappointed.

(g) The appointing authority for any appointment shall communicate, in writing, to the clerk of the city-parish consolidated council the name of the appointee and the date of the appointment.

(h) Three members of the board shall constitute a quorum of the board and three votes shall be required to approve or deny any appeal or any regulation or to sustain or reverse any action, revocation, and/or imposition of penalty or fine.

(i) The board shall conduct all of its business in public.

(j) The board shall meet regularly at a regular meeting on a date and at time and in a place to be decided by the board. The board shall meet in any special meeting at any time on the call of the chairman or on the written request of any four members. The board may make its own rules and regulations concerning the conduct of its meeting.

(k) The board shall elect, at its first meeting and annually thereafter, a chairman, a vice-chairman and a secretary from its membership. The term of each officer shall be for one year, with eligibility for reelection.

(l) The board shall keep an accurate record of all of its meetings and shall provide to the clerk of the city-parish consolidated council copies of the minutes of its meetings.

(m) The city-parish attorney, or his designee, shall serve as a legal advisor to the board.

(n) Any person aggrieved by any decision or action of the board may take an appeal therefrom to the 15th judicial district court in city-parish, within 15 days of written notification of the decision or action of the board.

(Ord. No. O-246-98, § 4 1/4-7, 9-23-98)

#### **Sec. 32-40. Suspension or loss of alarm registration certificate.**

(a) In addition to any suspension provided for in this section, the alarm administrator may suspend an alarm user permit if it is determined that:

(1) There is a false statement of a material matter in the application to receive the permit.

(2) The permit holder has failed to make timely payment of any fine assessed. Timely payment for purposes of this section shall mean payment no later than 45 days after levy of the fine.

(b) Unless there is a separate indication that there is a crime in progress, the chief of police may refuse police response to an alarm dispatch request at an alarm site for which the alarm user permit has been suspended or has received a notice that there will be no police response.

(c) If the alarm user permit is reinstated, the alarm administrator may resuspend the permit if it is determined that two subsequent false alarm dispatches occur within a 60-day period after the reinstatement date.

(Ord. No. O-246-98, § 4 1/4-8, 9-23-98)

#### **Sec. 32-41. Appeal from denial, suspension or revocation of a permit.**

(a) If the alarm administrator denies the issuance or renewal of a permit, or suspends a permit, the alarm administrator shall send written notice of the action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or alarm user and the alarm business.

(b) The applicant or alarm user may appeal the decision of the alarm administrator to the chief of police by filing a written request for a review setting forth the reasons for the appeal within 20 days after receipt of the notice from the alarm administrator. An alarm business may submit the request for review on behalf of the alarm user.

(c) Filing of a request for appeal shall stay the action by the alarm administrator suspending the permit until the chief of police has completed his or her review. If a request for appeal is not made within 20 days, the action of the alarm administrator shall be deemed final.

(d) If the alarm user or the alarm business is still aggrieved by the decision of the chief of police, the alarm user shall be entitled to a hearing before the alarm review board if requested within 20 days of receipt of notice of a denial of the appeal by the chief of police. An alarm business may submit a request for a hearing before the alarm review board on behalf of the alarm user.

(e) The alarm review board shall conduct a formal hearing and consider the evidence presented by any interested person. The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, any certification that the alarm user has been retrained, that a defective part has been repaired or replaced, or that the alarm user has determined and corrected the cause of the false alarm. The board must render a written decision within 30 days after the request for an appeal hearing is filed. The board may affirm, reverse or modify the action of the chief of police. The decision of the board is final as to any administrative remedy within the city-parish consolidated government. Any parties still aggrieved may file an appeal in the 15th district court in and for city-parish, within 15 days of written notification of the decision of the alarm review board.

(Ord. No. O-246-98, § 4 1/4-9, 9-23-98)

### **Sec. 32-42. Reinstatement of permit.**

A person whose permit has been suspended may be issued a new permit if the person:

- (1) Submits an updated application;
- (2) Pays or otherwise resolves all citations and fines; and
- (3) Submits a certification from an alarm business that complies with the requirements of this article stating that the alarm system has been inspected and repaired, if necessary, by the alarm business.

(Ord. No. O-246-98, § 4 1/4-10, 9-23-98)

### **Sec. 32-43. Alarm system monitoring company; verification process.**

(a) *Monitoring company requirements.* Every alarm system monitoring company engaging in business activities shall annually register with the alarm administrator. No fee for this registration is required and the alarm administrator shall provide a registration form no later than 30 days prior to the end of the calendar year. This registration shall include the following information:

- (1) The proper business or trade name, address and telephone number.
- (2) All other names, addresses and phone numbers under which the company or corporation conducts business.
- (3) If an unincorporated association, the name of the owner and all responsible associates.

(4) If a corporation, the name, position and address of all officers, directors and registered agents of the corporation.

(b) *Verification process required.* The alarm system monitoring company shall maintain a verification process that makes every reasonable effort to verify the cause of the alarm condition to prevent false alarms from resulting in unnecessary police dispatches. A verification process is an independent method of determining that a signal from an automatic alarm system reflects the real need for immediate police assistance or investigation. This verification process must be utilized prior to reporting an alarm sounding to police. A copy of an alarm verification process policy shall be maintained by the alarm system monitoring company and the central monitoring station and, upon request and at reasonable notice, shall be produced to the alarm administrator for inspection and copying. All certificated Underwriters' Laboratories, Inc., alarm systems shall be exempt from such verification process requirements.

(c) *Recordkeeping.* Alarm system monitoring companies must maintain, for a period of at least one year following request for police dispatch to an alarm site, records relating to such request. Records must include the name, address and telephone number of the alarm system user, the alarm system zones or points activated, the date and time of request for police dispatch and evidence that an attempt to verify was made prior to request for police dispatch. The alarm administrator may request and is entitled to receive from the alarm system monitoring company copies of such records for individually named alarm system users.

(d) *Reporting alarms to the police department.* An alarm system monitoring company shall report alarm signals to the police by using telephone numbers designated by the alarm administrator. The state license code assigned to the registered alarm business by the state fire marshal's office shall be used to prove the validity of the alarm company for reporting purposes. In order that the police department can verify the identity of the alarm system monitoring company through the telephone system, alarm system monitoring companies shall not utilize caller identification blocking or any other similar program or systems that will prohibit the department from determining the identity of a caller through an automatic number identification system. For calls by out of area alarm system monitoring companies, the caller verification by the police department communication center is not available, such calls for alarms will be accepted only by a reporting of the state license code assigned by the fire marshal's office to the alarm system monitoring company as a means of determining identity. The alarm system monitoring company shall request, update and maintain current files on the alarm user to include current names, telephone numbers and a current list of other contact names and telephone numbers for the alarm user.

(e) *Reporting cancellations.* The police department will accept cancellations for dispatch at any time prior to the arrival of the police at the alarm site. The alarm system monitoring company shall communicate verified cancellations of alarm dispatch requests to the police department in a manner and form prescribed by the alarm administrator. Cancellation of calls for alarms by alarm system users directly to the police department for those systems that utilize an alarm system monitoring company will not be accepted unless confirmed to the police department by the alarm system monitoring company.

(f) *Cooperation with police department.* When the alarm administrator reports that there has been a false alarm at an alarm system user's premises, the alarm system monitoring company shall work cooperatively with the alarm system user and the alarm administrator to determine the cause thereof and to prevent any reoccurrence. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation or such system is not suppressing false alarms, the alarm administrator may require one or more conferences with an alarm system user and the alarm business and/or the alarm system monitoring company responsible for the repair of the alarm system to review the circumstances of any false alarm.

(g) *Penalties for noncompliance.* The failure of an alarm system monitoring company to comply with any of the requirements of this section shall be a violation of this article, subject to prosecution in any court of competent jurisdiction and the imposition of a fine, upon conviction, of not less than \$100.00 or more than \$250.00 within any 30-day period for each such violation.

(Ord. No. O-246-98, § 4 1/4-11, 9-23-98; Ord. No. O-114-2008, § 6, 6-17-08)

### **Sec. 32-44. Alarm business requirements.**

(a) *Licensing requirements.* All alarm businesses engaged in business shall be required to possess a state license under the alarm industry licensing act, R.S. 40:1662.1 et seq.

(b) *License copy to be maintained by the police department.* All alarm businesses engaged in business shall file a copy of such valid state certificate attached to the alarm company registration form with the alarm administrator.

(c) *Alarm business registration with the police department.* All alarm businesses engaged in business shall annually register with the alarm administrator. No fee for this registration is required, and the alarm administrator shall provide the registration form no later than 30 days prior to the end of the calendar year. This registration shall include information regarding the following:

- (1) The proper business or trade name, address and telephone number of the alarm business.
- (2) All of the names, addresses and telephone numbers under which the company or corporation conducts business.
- (3) If an unincorporated association, the name of the owner and responsible associates.
- (4) If a corporation, the name, address and position of all officers, directors and registered agents.
- (5) A statement that the alarm business will maintain a 24-hour emergency service seven days a week, including holidays.

(d) *Penalties for no license.* No person or company shall engage in an alarm business without holding a current and valid license issued by the state fire marshal as provided by state law. The individual limits of the class of the license as to the skill level and type of work that may be performed by the company will be applicable in the city.

(e) *Cooperation with police department.* When the alarm administrator reports a false alarm at the alarm system user's premises, the alarm business should work cooperatively with the alarm user and the alarm administrator to determine the cause thereof and to prevent any reoccurrence. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation or such system is not suppressing false alarms, the alarm administrator may require one or more conferences with an alarm system user and/or the alarm business and/or alarm system monitoring company responsible for the repair of the alarm system to review the circumstances of each false alarm. The alarm business shall request, update and maintain current files on the alarm user to include current names, telephone numbers and a current list of other contact names and telephone numbers for the alarm user. The alarm business shall also implement and maintain a process to follow-up and correct alarm users with frequent false alarms.

(f) *Instructions and training to be provided.* Every alarm business leasing or furnishing to any alarm system user an alarm system which is installed on the premises on or after September 15, 1998, shall furnish the alarm system user with written instructions to enable the user to properly operate the alarm system at any time.

(g) *Compliance.* Every alarm business leasing or installing an alarm system which is installed on the premises on or after September 15, 1998, shall comply with the alarm system installation and equipment requirements specified in this article. An alarm business shall ensure that the alarm user has obtained an alarm user permit prior to new activation, conversion or take over.

(h) *Penalties for noncompliance.* The failure of an alarm business that engages in business activities to comply with any of the requirements of this section shall be a violation of this section subject to prosecution in any court of competent jurisdiction and, upon conviction, a fine of not less than \$100.00 or more than \$250.00 within any 30-day period for each violation.

(Ord. No. O-246-98, § 4 1/4-12, 9-23-98; Ord. No. O-114-2008, § 7, 6-17-08)

### **Sec. 32-45. Proper alarm equipment.**

Whenever an alarm business agrees or contracts with any person to maintain or service an alarm system, such business shall:

(1) Not program an alarm system so that it is capable of sending one plus duress alarms. Alarm businesses may continue to report one plus duress alarms from alarms programmed with this feature prior to December 31, 1998. However, after January 1, 1999, when performing a takeover or conversion, an alarm business must remove the one plus duress alarm capability from the alarm system being taken over or converted.

(2) After September 15, 1998, not install a device for activating a commercial holdup alarm which is single action, nonrecessing, nonlatching or not individually zoned.

(3) Ensure that all burglar alarm systems installed after September 15, 1998, will be equipped with an audible alert that can be heard by the user throughout the protected premises (silent holdup or duress alarms are excluded from this provision).

(4) Ensure that all burglar alarm systems installed after September 15, 1998, will be equipped with standby batteries to operate for not less than four hours if power is interrupted. Backup batteries should also prevent false alarms during power outages.

(5) After September 15, 1998, ensure that automatic dialing services designed to transmit signals directly to the communications center of the police department, which is reached by dialing 911, are prohibited.

(6) Ensure that, when servicing an alarm system, every effort is made to avoid a false dispatch by either placing the alarm system on test and/or canceling any accidental alarm notification. If it is later determined that a false alarm was attributed to an alarm user's account due to the alarm company's negligence, the alarm business shall be required to pay the fine in question on the user's account.

(Ord. No. O-246-98, § 4 1/4-13, 9-23-98; Ord. No. O-114-2008, § 8, 6-17-08)

### **Sec. 32-46. Required reports.**

(a) Every alarm business operating shall notify the alarm administrator, on a form to be designated by the chief of police, of each new installation and/or sale of an alarm system including the name and address of the alarm user, on a quarterly basis. The quarterly report shall be submitted no later than January 15, April 15, July 15, and October 15 for each year for the sales and installations made during the preceding three months. A late penalty shall be assessed of \$10.00 per report for each calendar day after the fifth day following the due date.

(b) In accordance with the provisions of state law including, but not limited to, R.S. 44:3A(3), the information contained in an alarm business report as required under this section is confidential and any other information received by the police department through correspondence or communication with the alarm business which relates to privileged information of the business which is required under this section shall be securely maintained and restricted to inspection only by law enforcement personnel in the performance of their official duties. Neither the chief of police nor any employee of the city-parish consolidated government shall willingly or wilfully reveal information contained in an alarm business report as required by this section to any person for any purpose not related to this article or to official law enforcement matters without the expressed written consent of the alarm business supplying such information.

(Ord. No. O-246-98, § 4 1/4-14, 9-23-98)

### **Sec. 32-47. Alarm system operating instructions, operation and maintenance.**

(a) An alarm user shall maintain at each alarm site, a set of written operating instructions, quick reference card or alarm user manual for each alarm system. The user shall familiarize himself with the particular system. Each user shall receive a period of instruction regarding their alarm system from the alarm installer or company representative.

(b) An alarm system user shall:

(1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system.

(2) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.

(3) Make every reasonable effort to respond or cause a contact person to respond to the alarm system's location within a reasonable period of time when notified by the alarm administrator or the police department to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.

(4) Not manually activate an alarm for any reason other than the occurrence of an event for which the alarm system was intended to be activated.

(5) Instruct all personnel who are authorized to place the system or device into operation of the appropriate methods of operation.

(Ord. No. O-246-98, § 4 1/4-15, 9-23-98)

### **Sec. 32-48. Malicious false alarms.**

(a) It shall be unlawful for any person to cause a malicious false alarm to be reported to the police department.

(b) No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of an emergency of the kind for which the alarm system was designated to give notice; however, it shall be an affirmative defense to prosecution under this section that the alarm system was activated solely for the purpose of testing the alarm and that the person who tested the alarm took reasonable precautions to avoid any request being made to law enforcement to respond to such alarm.

(c) Upon any conviction for a malicious false alarm, the violator shall be fined no less than \$100.00 or more than \$250.00 for each such malicious false alarm.

(Ord. No. O-246-98, § 4 1/4-16, 9-23-98)

### **Sec. 32-49. Alarm dispatch request records.**

(a) The police officer responding to an alarm dispatch request shall record such information as necessary to permit the alarm administrator to maintain records, which such information should include, but not be limited to, the following:

- (1) Identification of the alarm site;
- (2) Arrival time at the alarm site and dispatch received time;
- (3) Date and time of the response;
- (4) Area and/or subarea of the premises involved;
- (5) Name of the alarm user's representative on premises, if any;
- (6) Name of the alarm user permit holder;
- (7) Identification of the responsible alarm business; and/or
- (8) Any other information which the police officer deems pertinent to document his response.

(b) The responding police officer shall indicate on the incident report whether the alarm was caused by a criminal offense, an attempted criminal offense or was a false alarm dispatch.

(c) In the case of an assumed false alarm dispatch, the responding police officer shall leave notice at the alarm site that the police department has responded to a false alarm dispatch. The notice shall include the following information:

- (1) The date and time of the police response to the false alarm dispatch.
- (2) The name and police identification number of the responding officer.
- (3) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected and serviced in order to avoid any fine or further action.

(Ord. No. O-246-98, § 4 1/4-17, 9-23-98)

### **Sec. 32-50. System performance reviews.**

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with the alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm.

(Ord. No. O-246-98, § 4 1/4-18, 9-23-98)

### **Sec. 32-51. Exceptions.**

(a) The provisions of this article shall not apply to any governmental entity which provides, maintains and services police emergency alarm reporting systems for its own protection when acting in a governmental capacity. The governmental entity shall have a designated employee as a contact for the alarm administrator.

(b) Upon the third false alarm dispatch, the governmental entity shall service the alarm system within five days and provide proof of service within ten days of the service. If there are excessive false alarms and it is found that the cause of most of the false alarms are due to alarm user(s)' error and not equipment, the governmental entity shall, at the request of the alarm administrator, allow all alarm users of the violating entity attend a false alarm prevention class. Classes can be arranged to be held at the site of the violating entity. Upon the 15th unexcused false alarm dispatch, the violating entity shall be required to pay \$25.00 for each false alarm dispatch. However, if the equipment malfunctions, the violating entity shall provide proof that the alarm system was serviced.

(Ord. No. O-246-98, § 4 1/4-19, 9-23-98; Ord. No. O-114-2008, § 9, 6-17-08)

### **Sec. 32-52. Regulatory powers.**

The chief of police may promulgate reasonable written standards, rules and regulations that may be necessary for the purpose of assuring the quality, efficiency and effectiveness of police emergency alarm communications, and of administering and enforcing the provisions of this article.

(Ord. No. O-246-98, § 4 1/4-20, 9-23-98)