

## Chapter 27 BURGLARY AND ROBBERY ALARM SYSTEMS, FALSE ALARM REDUCTION\*

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\***Cross references:** Administration, ch. 2; buildings, building regulations and housing standards, ch. 26; businesses, ch. 30; fire prevention and protection, ch. 74; fire alarms, § 74-46 et seq.; law enforcement, ch. 90.

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### Sec. 27-1. Purpose.

(a) The purpose of this chapter is to encourage alarm system users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to reduce unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the city from misuse.

(b) This chapter governs burglary and/or robbery alarm systems, provides for fines for excessive false alarms, provides for discontinuation of police response to excessive false alarms, provides for punishment of violations and establishes a system of administration.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### Sec. 27-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

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

*Alarm administrator* means a person or persons designated by the superintendent of the police department to administer, control and review alarm dispatch requests; and coordinate false alarm notification letters, enforcement, and fines.

*Alarm appeals board* means a board established to hear an appeal timely requested on a decision rendered by the alarm administrator.

*Alarm business* means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

*Alarm system* means any assembly of equipment, devices, mechanical or electrical, 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 or upon a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation the police department or other law enforcement agency may be summoned to respond. For purposes of this chapter, an alarm system shall not include:

- (1) An alarm installed on motor vehicles, boats, or other movables not connected/attached to a fixed protected property site.
- (2) An alarm installed upon the premises occupied by the United States government, by the State of Louisiana, or by the City of New Orleans.
- (3) Any device or system designed solely to give notice or alert of a medical emergency.

*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 police department. Such a 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 required by the nature of the signal received.

*Alarm system user* or *user* means the person, firm, partnership, association, corporation, company or other entity which owns, leases, controls or occupies any building, structure or facility wherein an alarm system is maintained.

*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. (See "local alarm.")

*Automatic dialing device* means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is part of an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded message or coded signal to report a police emergency to the police department.

*Conversion/takeover* means the transaction or process by which an alarm system user, alarm business or alarm system monitoring company takes over control of an existing alarm system which was previously controlled by another alarm system user, alarm business or alarm system monitoring company.

*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 an alarm signal, eliciting a response by police when a situation requiring such response does not exist, including but not limited to, the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or user's agent or employee, whether or not the exact cause of the alarm activation is determined, or any other activation or transmission of any alarm signal where no actual police emergency exists. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning, or other action will be taken against the alarm system user as provided for by this section.

*Grace period* means a specified length of time from the date of installation, or system conversion/takeover during which no occurrence, fine, or penalty is assessed for false alarms.

*Holdup alarm system* means any system, device, or mechanism, activated by human action as

a result of or in response to robbery or attempted robbery at the alarm site. (See "panic alarm.")

*Local alarm* means an alarm system which when activated causes an audible or visual signaling device to be activated only on the premises upon which the system is installed and which is intended to be heard or seen by others outside of the protected premises.

*No response* means police officers will not be dispatched to investigate a report of an alarm signal.

*Notice* means written notice given by service upon the alarm system user or given through first class U.S. mail, postage prepaid, to the alarm system user's last known mailing address.

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

*Response* means the arrival of a law enforcement officer or officers 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 an alarm system.

*Verification* means any attempt, by the alarm business, or alarm system monitoring company to verify the need for a police dispatch by contacting the alarm system site by telephone, electronically, or by visual means, whether or not an actual contact with a person is made, before requesting a police dispatch.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

**Cross references:** Definitions and rules of construction, § 1-2.

### **Sec. 27-3. Alarm system installation and equipment requirements.**

(a) *Audible alert required.* All burglary alarm systems installed on or after the effective date of this section shall be equipped with a pre-alert on all the designated exit/entry doors of the protected premises.

(b) *Backup battery power required.* All burglary alarm systems installed on or after the effective date of this section shall be equipped with standby batteries to operate for not less than four hours if power is interrupted. Backup batteries must also prevent false alarms during power outages.

(c) *Holdup alarm devices.* Alarm businesses shall not install a single-action nonrecessed button as a device for activating a holdup alarm. With respect to systems in existence prior to the effective date of this section, the alarm system user shall have 180 days from the effective date of this section to effect the necessary modifications to comply with this requirement.

(d) *Noise limits.* All bells, sirens, or other noise sources that sound and are intended to be heard outside of the protected premises in the event of an alarm must be set to stop automatically within 15 minutes after the alarm has been activated.

(e) *Automatic dialing devices prohibited.* No alarm system user shall install automatic dialing devices that terminate on police department telephones. Any alarm system user presently using such a device must remove, alter, modify, reprogram or change such devices to bring them into compliance with this section.

(f) *Failure to comply.* Failure of an alarm system user and/or alarm business to comply with any of the aforementioned equipment requirements shall be a violation of this section, subject to

prosecution in municipal court, and the user and/or alarm business shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation or shall perform community service, or both, and such conviction may result in "nonresponse" to the alarm system user's alarm.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

#### **Sec. 27-4. Alarm system monitoring companies; verification process.**

(a) *Monitoring company requirements.* Every alarm system monitoring company engaging in business activities in New Orleans shall annually register with the alarm administrator. No fee for this registration is required, and the alarm administrator shall provide this registration form not 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.
- (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 responsible associates.
- (4) If a corporation, the names and positions of officers in the corporation.
- (5) If a corporation, the name and address of the registered agent.

(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 effected prior to reporting an alarm sounding to police. A copy of any alarm verification process policy shall be maintained by the alarm system monitoring company and the central monitoring station and, upon request and reasonable notice, shall be produced to the alarm administrator for inspection and copying. All certificated "Underwriters Laboratory" alarm systems shall be exempt from such verification process requirements.

(c) *Record keeping.* 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 phone number of the alarm system user, the alarm system zone(s) or point(s) 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 systems 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 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 similar program or system that would prohibit the department from determining the identity of the caller through an "automatic number identification" system. For calls by "out of area" alarm system monitoring companies, wherein caller verification by the police department communications 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.

(e) *Reporting cancellations.* The police department will accept cancellations for dispatch at any time prior to the arrival of 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. For false alarm enforcement purposes, any dispatch request canceled prior to the arrival of the police on a burglar alarm site will not be counted as a false alarm. In order for the police department to verify the identity of the alarm system monitoring company through the telephone system, alarm system monitoring companies are prohibited from utilizing "caller identification blocking" or any similar program or system that would prohibit the department from determining the identity of the cancellation caller through an "automatic number identification" system. For calls by "out of area" alarm system monitoring companies wherein caller verification by the police department communications center is not available, such cancellation calls for alarms will be accepted only by their reporting of the state license code assigned by the fire marshall's office as a means of determining identity. 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 reoccurrences. 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 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 above requirements shall be a violation of this section, subject to prosecution in municipal court and such alarm system monitoring company shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### **Sec. 27-5. Alarm business requirements.**

(a) *Licensing requirements.* All alarm businesses engaged in business in the city shall be required to possess a state license under the "Alarm Industry Licensing Act," R.S. 40:1662.1 through 40:1662.17.

(b) *License copy to be maintained by the police department.* All alarm businesses engaged in business in the city 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 in the city shall annually register with the alarm administrator. No fee for this registration is required, and the alarm administrator shall provide this 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 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 responsible associates.
- (4) If a corporation, the names and positions of officers in the corporation.
- (5) If a corporation, the name and address of the registered agent.
- (6) A statement that the alarm business will maintain a 24-hour emergency service, seven days a week, including holidays.

(d) *Exemptions.* The provisions of this section do not apply to persons engaged solely in the manufacture or sale of alarm systems or their components from a fixed location who do not install, maintain, service, or plan an alarm system for any location. The provisions of this section further do not apply to persons engaged in the repair of alarm systems or their components from a fixed location, and who do not, either personally or through another, visit the structure in which or on which the alarm system is installed.

(e) *Penalties for no license.* No person or company shall engage in an alarm business in the city 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, are applicable in the city. Prosecution for any violation of applicable state law shall be furthered by the police department.

(f) *Cooperation with police department.* When the alarm administrator reports a false alarm at an alarm system user's premises, the alarm business should work cooperatively with the alarm system user and the alarm administrator to determine the cause thereof and to prevent reoccurrences. 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.

(g) *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 the effective date of this section shall furnish the alarm system user with written instructions to enable the user to properly operate the alarm system at any time.

(h) *Compliance with installation and equipment requirements.* Every alarm business leasing or installing an alarm system which is installed on the premises on or after the effective date of this section shall comply with the alarm system installation and equipment requirements as specified under section 27-5 of this chapter.

(i) *Penalties for noncompliance.* The failure of an alarm business that engages in business activities in the city to comply with any of the above requirements shall be a violation of this section, subject to prosecution in municipal court and such alarm business shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period for each violation.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

## **Sec. 27-6. Alarm system operation and maintenance.**

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(s) 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 method of its operation.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### **Sec. 27-7. Police response to alarm notifications.**

(a) *Officer on the alarm scene.* Whenever an alarm is activated, thereby requiring an emergency response to the location by the police, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and determine whether the alarm was false or was caused by a criminal offense or attempted criminal offense. The officer shall affix to the main premises entrance at that location a notification indicating the date, time, and responding police unit number.

(b) *Notification and tracking.* The officer responding to the alarm scene will verify the address location and communicate to the police dispatcher the disposition of the call which will be recorded into the police department's computer aided dispatch system. In the event of a false alarm, any weather conditions or other possible contributing factors which could have led to the false alarm shall be recorded in the narrative text portion of the dispatcher's computer record.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### **Sec. 27-8. Penalty for false alarms.**

(a) *Sending of false alarms.* The sending of an alarm signal eliciting a response by police when a situation requiring a response by police does not in fact exist, including but not limited to the activation or transmission of any alarm signal caused by human error, mechanical or electronic malfunction, negligence of the alarm system user or alarm system user's agent or employee, or any other activation or transmission of any alarm signal where no police emergency exists, whether the exact cause of the alarm activation is determined, is prohibited. Severe weather, power outages, transmission line malfunctions, acts of God, malicious acts of persons not under the control of the alarm system user, or any other cause clearly beyond the control of the alarm system user may be considered in determining if an alarm activation was false and whether any occurrence, fine, warning or other action will be taken against the alarm system user as provided for by this section.

(b) *Unlawful activation of a holdup or panic alarm.* No person shall activate any robbery, holdup, or panic alarm for the purpose of summoning police except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises or in the event the person needs immediate assistance in order to avoid injury or bodily harm. The unnecessary dispatching of police for robbery, holdup, or panic alarms will be counted against the alarm site as a false alarm.

(c) *Grace period.* Beginning with the date of alarm activation or alarm conversion/takeover, there shall be a 30-day grace period. During the 30-day grace period, false alarms will not be counted as an occurrence toward the total for the calendar year, nor will the alarm system user be subject to any fine, warning, or other action as provided for in this section.

(d) *Penalties for sending of false alarms.* The sending of a false alarm constitutes a violation of this section. It shall be the responsibility of the alarm system user to provide the necessary documentation in order to verify the alarm system's date of purchase, conversion/takeover date, or installation to authenticate the grace period and administrative warnings, fines, and/or suspension of a police response may be assessed/imposed upon an alarm system user by the alarm administrator for excessive false alarms during a calendar year as follows:

TABLE INSET:

# False Alarms	Penalty
1 to 5	No fine assessed. Alarm user identification letter issued for 4th and 5th false alarms.
6 to 9	\$25.00 fine per false alarm to alarm system user.
10 to 14	\$50.00 fine per false alarm to alarm system user.
15 to 19	\$75.00 fine per alarm to alarm system user and a suspension warning notification letter issued.
20 and above	Notice of suspension issued. ("Nonresponse" by police)

All funds derived from the fines contained in this chapter, except those fines imposed and collected by the municipal court, shall be allocated to the operating budget of the police department, false alarm administration section. Except for the fines collected by the municipal court, it shall be the responsibility of the finance department or the false alarm administration section of the police department or a designated collection agency or agencies to collect such fines.

SUSPENSION REQUIREMENTS FULFILLED-REINSTATEMENT-\$100.00 fine.

(e) *Training waiver.* Once per calendar year, an alarm system user shall have a false alarm fine, with the exception of the reinstatement fine, waived upon payment of all prior fines imposed through this section and submission of written documentation of the alarm system user having attended training recognized by the alarm industry to reduce false alarms.

(f) *False alarm annual count.* At the end of the calendar year, the false alarm count will revert to zero, provided all charges, fees, and fines have been paid. Multiple alarms from the same site on a single calendar day shall be counted as only one false alarm for the purposes of penalty assessment.

(g) *Alarm user identification letter.* Upon receipt of the fourth and fifth false alarm report, the alarm administrator shall send an alarm user identification letter by regular mail to the occupant of the alarm site. The alarm system user shall be accountable for accurately completing the requested identification information and returning same to the police department alarm administrator.

(1) The name, birth date, driver's license number, social security number, address, and telephone numbers of the person who is the alarm system user and who is responsible for the proper maintenance and operation of the alarm system. In the case of a firm, corporation, partnership, association, company or organization, an individual shall be designated and identified as the corporate officer, partner, associate, or company representative who will be held accountable as the responsible person for the alarm site.

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

(3) The name, address, and phone number of the alarm business performing the alarm system installation, activation, conversion/takeover and business responsible for providing repair service to the alarm system.

(4) The name, address, and phone number of the alarm system monitoring company, if different from the installing alarm business, and if applicable.

(h) *Failure to return alarm user identification letter.* Failure to return the alarm user identification letter within ten days after the fifth false alarm report notification shall cause the alarm administrator to send a suspension warning notification letter by certified mail, return receipt requested, to the occupant of the alarm site, notifying the occupant that the police will not respond to any future alarms at the alarm site. Continued reporting of alarms to the police department under suspension status shall subject the alarm system user to prosecution in municipal court and a fine of not less than \$150.00 and not more than \$250.00 for each violation. The alarm administrator may reinstate the alarm system user for failure to submit the alarm user identification letter after the alarm system user applies in writing for reinstatement. The alarm administrator may reinstate after the user pays the reinstatement fine of \$100.00. Any subsequent false alarms at that alarm site will continue in count with the last false alarm number assessed, including the scheduled fines.

(i) *Warning notification letter.* The alarm administrator shall send a "notification of false alarm and fine" by regular mail to notify the alarm system user and the alarm business and/or alarm system monitoring company of each false alarm when a fine is applicable, and the consequences of the failure to pay the fine. The alarm administrator shall also inform alarm system users of their right to appeal the finding of any false alarm to the superintendent of police via the alarm administrator or his/her designee.

(j) *Failure to pay fine.* If an assessed fine has not been paid within 30 days of the day the notice of fine was mailed by the alarm administrator and there is no appeal pending on the finding of the false alarm, the alarm administrator shall send a second notice of false alarm and fine by certified mail, return receipt requested, along with a notice of late fee of \$25.00. If payment is not received within ten days of the day such notice was received, the alarm system user shall be in violation of this section, subject to prosecution in municipal court and shall be fined, upon conviction, not less than \$100.00 nor more than \$250.00 within any 30-day period, or shall perform community service, or both, and may result in "nonresponse" to the alarm system user's alarm. A "notice of suspension of police response" shall be sent by the alarm administrator to the alarm system user, alarm business, and/or alarm system monitoring company by certified mail, return receipt requested.

(k) *Suspension warning-"no response" to excessive alarms.* After the 18th false alarm, the alarm administrator shall send notification to the alarm system user by certified mail, return receipt requested, and a copy by regular mail to the alarm business and/or alarm system monitoring company, which shall contain the following information:

- (1) That the 18th false alarm has occurred.
- (2) That if two more false alarms occur within the calendar year, police officers will not respond to any subsequent alarms without the approval of the superintendent through the alarm administrator.
- (3) That such approval may only be obtained by applying in writing for reinstatement. The alarm administrator may reinstate the alarm system user only upon finding that reasonable effort has been made to correct the cause of the false alarms. Examples of such reasonable effort may include written documentation of:
  - a. A service inspection by the alarm business for repair of any mechanical failures;
  - b. Modifications or improvements made to the alarm system and/or the alarm system user having completed training recognized by the alarm industry to reduce false alarms.
- (4) That the alarm system user has the right to contest the finding of a false alarm by

the alarm administrator through a "false alarm validity hearing" held by the alarm appeals board. The request for such a hearing must be in writing and filed with the alarm administrator within 15 days of receipt of the notice of false alarm.

(5) The assessment of the \$75.00 fine.

(l) *Application of suspension.* After the 20th false alarm within a calendar year or if an alarm system user has failed to submit the alarm user identification letter within ten days of receipt of the 5th false alarm report notification, there will be no police response to subsequent alarms without the approval of the superintendent through the alarm administrator. The alarm administrator shall send a "notice of suspension of police response" to:

(1) The commander of the police department communications division so that the computer aided dispatch address file history can be recorded.

(2) The alarm system user by certified mail, return receipt requested.

(3) The alarm business and/or alarm system monitoring company by certified mail, return receipt requested. The suspension of police response to an alarm location shall begin ten days after the date of receipt of the notice of suspension of police response to the alarm system user unless a written appeal of the suspension has been made to the superintendent through the alarm administrator.

(m) *Police authority to suspend alarm response.* The police department is authorized by this section to use discretion in deciding whether to direct police units to an alarm location where a suspension of police response has been implemented and there has been a report made that police assistance or investigation is needed. All dispatch decisions are made subject to competing priorities and available police response resources. Although the status of an alarm site may be under suspension, in those instances where an alarm system user, alarm business service representative, neighbor, witness, or other individual on the scene of an alarm inspects the premises, requests and verifies the need for police response or if a panic alarm is activated, the department shall dispatch at the appropriate level. Such a confirmed response shall not prohibit the continued application of fines for additional violations.

(n) *Appeal through the alarm administrator.* An alarm system user who wants to appeal a false alarm determination by the alarm administrator, fines, suspension of police response, or an alarm system user's request for reinstatement, may file same with the superintendent through the alarm administrator for hearing. The request must be in writing and must be made within 15 days of the alarm system user having received the notification of action. Failure to appeal the determination in the required time period results in a conclusive presumption of the validity of the alarm administrator's determination. If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm system user by the alarm administrator by certified mail, return receipt requested, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing. The alarm system user shall have the right to present to the alarm administrator written and/or oral evidence. The alarm administrator shall consider the evidence offered and issue written findings waiving, expunging or entering penalties provided by this chapter on an alarm system user's record as appropriate. Confirmation submitted by an alarm system user that an alarm business has been notified and summoned for an alarm system repair or service call, shall be considered sufficient evidence to not continue accruing any further false alarms at this site until that alarm business has completed such documented service and/or repair within a reasonable period of time. If false alarm designations are entered on the alarm user's record, the alarm administrator shall pursue fine collection accordingly.

(o) *Suspension requirements fulfilled-reinstatement.* The alarm system user may request an appeal hearing before the alarm administrator as specified above. At this hearing, the alarm system user must present evidence to the alarm administrator that the alarm system user has taken corrective action to repair, modify, or install alarm equipment that will serve to prevent future false alarms at that site. Written documentation provided by an alarm business shall be

required. Such correction may also include mandatory user false alarm reduction training through a recognized class. Upon receipt of this documentation and payment of the \$100.00 fine, the alarm administrator shall reinstate the police response status. The false alarm count will return to zero for that calendar year upon installation of a new alarm system or upon correction or modification of an existing alarm system.

(p) *Reinstatement denied.* If the alarm administrator determines that the action taken will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The alarm administrator shall give notice by certified mail, return receipt requested, to the alarm system user that police response will be suspended and notify the alarm system user as to what is necessary in order to have the response status reinstated. If the alarm system user's request for reinstatement has been denied by the alarm administrator, the alarm system user may, within 15 days of receipt of a notice of suspension, appeal this decision by filing a written request for review by the alarm appeals board.

(q) *Continued reporting of alarms while under suspension.* It shall be a violation of this section for an alarm system user to cause or allow notification to the police department from an alarm site which has a suspended police response status. A user must disconnect and prevent the signal, audible and electronic, of a suspended alarm system to cause notification to the police department by an alarm system monitoring company from the audible noises emitted from a local alarm system. An alarm system user who violates this provision is subject to prosecution in municipal court and a fine of not less than \$150.00 and not more than \$250.00 for each violation.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### **Sec. 27-9. Alarm appeals board.**

(a) *Composition of the board.* The police department shall convene an alarm appeals board to address unresolved disputes pertaining to the findings of false alarms by the alarm administrator, fines, suspension, or requests for reinstatement of police response, or any other issues of a common interest to the police department, alarm industry and/or alarm system users. The alarm appeals board shall be comprised of 11 members: two police department representatives designated by the superintendent of police, two alarm industry representatives designated by the local chapter of the Louisiana Burglar and Fire Alarm Association, and one representative selected from alarm system users from each of the five city council districts by the respective councilmember, and one representative selected from alarm system users by each of the at-large councilmembers. The terms of board members are as follows: The terms of the two police department representatives shall be determined by written directive of the superintendent of police; the terms of the other board members shall be one year, running from January 1 to December 31. Board members may succeed themselves. No member of this board shall be liable for any civil action for any act performed in good faith in the execution of his or her duties as a board member.

The alarm industry, including alarm businesses and alarm system monitoring companies shall not be responsible for the collection of any fines levied against alarm system users for violating the requirements of this chapter.

(b) *Appeal from fines.* The alarm appeals board shall conduct a hearing in those matters requested for appeal that have been ruled on by the alarm administrator. The alarm appeals board shall consider evidence offered by any interested person(s). The board shall make its decision on the basis of a preponderance of evidence presented at the hearing including, but not limited to, evidence that a false alarm dispatch was caused by a defective part that has been 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 is filed. If decision is not rendered within 30 days, the alarm administrator's ruling stands. The board shall affirm,

reverse, or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the city.

(c) *Appeal from denial or suspension.* The alarm appeals board shall conduct a hearing and consider evidence offered by any interested person(s). The board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that alarm system users have been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise corrected. The board must render a written decision within 30 days after the request for an appeal is filed. If decision is not rendered within 30 days, the alarm administrator's ruling stands. The board may affirm, reverse, or modify the action of the alarm administrator. The decision of the board is final as to administrative remedies with the city.

(d) *Municipal court proceedings.* The alarm appeals board shall have no standing with respect to the adjudication of proceedings within municipal court relative to false alarms.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)

### **Sec. 27-10. No liability of city.**

The city assumes no liability for any defects in the operation of any alarm system or transmission of signals, for any failure or neglect of any person associated with the installation, operation or maintenance of an alarm system, for any failure or neglect of any alarm system user, for the transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an alarm from any source. In the event that the city finds it necessary to suspend police response or to otherwise provide for the disconnection of any alarm system, the city shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this section or as a result of the transmission to or receipt of alarm signals by the police department.

(M.C.S., Ord. No. 18,230, § 1, 5-15-97)