

ORDINANCE NO. 116 OF 2005

(as amended)

AN ORDINANCE TO AMEND AND REENACT CHAPTER 6 OF THE CODE OF ORDINANCES RELATIVE TO ALARMS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: Councilman Walford

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Sections 6-26 through 6-31 of the Code of Ordinances of the City of Shreveport are hereby amended and Sections 6-32 through 6-41 are hereby enacted to read as follows:

Section 6-26. PURPOSE.

It is the intent of this Ordinance to reduce the number of false alarms occurring within the City of Shreveport and the resultant waste of police resources. Through the responsible use of resources, the ordinance is designed to provide more effective police services to the public. This ordinance provides corrective administrative action, including the imposition of fines.

Section 6-27. 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.

AGENT means any employee, sales, service, installation or monitoring person of an alarm business who is under the direction of or receives remuneration directly or indirectly from an alarm business.

ALARM means any and all types of Alarms and is used as a general term unless a specific type of alarm is used as a precedent.

ALARM ADMINISTRATOR means the individual designated by the Chief of Police as his/her authorized agent to enforce the administrative provisions of this Ordinance.

ALARM AUTHORITY means an employee of the city designated by the Chief of Police, usually the assistant chief over the alarm program, to act as an impartial arbitrator to hear appeals related to the enforcement of this Ordinance.

ALARM BUSINESS means the business of any individual or entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any Alarm System or

in causing any Alarm System to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility for profit. This definition includes but is not limited to all of the following: installation companies, maintenance companies and monitoring companies even if they are not the same company.

ALARM SITE means a single premises, structure or location served by an Alarm System or Systems, but excluding vehicles, vessels and aircraft not permanently located at the site. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex, shall be considered a separate Alarm Site.

ALARM SYSTEM means an assembly of equipment or devices which is 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, a law enforcement agency is expected to respond, but does not include alarms installed in conveyances or fire alarms.

For purposes of this article, an Alarm System shall not include:

- (1) An alarm installed on a motor vehicle.
- (2) Any device or system designed solely to detect or give notice of fire or smoke or alert of a medical emergency to the Fire Department.

ALARM USER means the person, occupant, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, facility or property or portion thereof, wherein an alarm system is installed. The definition shall include the owner of the real property on which the alarm system is located. The term as used in this Ordinance includes both Monitored Alarm Users and Non-Monitored Alarm Users unless otherwise specifically provided.

AUTOMATIC DIALING SYSTEM means an Alarm System that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message or other signal indicating the existence of an emergency situation.

CALENDAR YEAR means from January 1st to December 31st.

DISPATCH RECORD means the event chronology, which lists the alarm as it is called in to the police department, is dispatched out and is closed out, including the date, times, officers and comments, if applicable.

EMERGENCY means the commission or attempted commission of a robbery, burglary or other unlawful act.

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. This definition includes signals activated intentionally in non-emergency situations and signals for which the actual cause is unknown.

HOLD-UP ALARM means an Alarm System designated for and intended to signal a robbery or attempted robbery in the area protected by such alarm.

KEY HOLDER means the Alarm User or a representative of the Alarm User having access to the Alarm Site, the ability to physically respond, and the capability of deactivating the Alarm System.

MONITORED ALARM means an Alarm System that is monitored by an Alarm Business.

MONITORED ALARM USER means an Alarm User with a Monitored Alarm.

NON-MONITORED ALARM means an Alarm System that is not monitored by an Alarm Business.

NON-MONITORED ALARM USER means an Alarm User with a Non-Monitored Alarm.

OFFICER means any sworn law enforcement officer who has the power of arrest.

PANIC ALARM means an Alarm System signal generated by a device designed to be manually activated by an individual at the Alarm Site intended to signal a life threatening emergency situation requiring law enforcement response.

Section 6-28. LICENSING REQUIRED OF ALARM BUSINESS.

A. Every Alarm Business which shall engage in the business of altering, installing, maintaining, moving, repairing, replacing, servicing, selling or leasing onsite, furnishing or monitoring Alarm Systems in the City of Shreveport shall be required to possess a state license under the alarm industry licensing act, R.S. 40:1662.1 et seq. and any applicable City ordinances.

B. Licenses shall be kept and maintained at the central station or office of an Alarm Business and shall be made available to city representatives, upon request, at any time during normal business hours.

C. All Alarm Businesses shall annually register with the Alarm Administrator. Registration shall be on company letterhead, requires no fee and must be on file with the Alarm Administrator by January 31st of every year. Registration shall include the following information:

(1) The proper business or trade name, address and telephone number of the alarm business.

(2) The State License Number and City Occupational License Number.

(3) All of the names, addresses and telephone numbers under which the company or corporation conducts business.

(4) If an unincorporated association, the name, addresses and telephone numbers of the owner and responsible associates.

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

(6) A statement that the alarm business shall maintain a 24-hour emergency service, seven days a week, including holidays.

(7) Federal tax ID number of business or social security account number of owner.

D. City representatives may inspect documentation relating to licensing. However, all information viewed or used shall remain confidential and shall be protected by the department. In accordance with the provisions of state law, including but not limited to, R.S. 44:3A(3), the information is confidential and any other information received by the police department through correspondence or communications with an Alarm User or Alarm Business shall be securely maintained and restricted to inspection only by law enforcement personnel. No person shall knowingly or willfully reveal information to any person for any purpose not related to this ordinance or official law enforcement matters.

Section 6-29. ALARM BUSINESS REQUIREMENTS TO ALARM USER.

A. Every Alarm Business altering, installing, maintaining, moving, repairing, replacing, servicing, selling or leasing onsite, furnishing or monitoring alarm systems shall furnish the Alarm User with written instructions and training that provides adequate information to enable the Alarm User to operate the alarm system properly and avoid false alarms. Proof of this instruction on a standard form established by the Alarm Administrator shall be kept and maintained by the Alarm Business and made available to City representatives, upon request, during normal business hours.

B. The Alarm Business shall provide each Alarm User with the following information:

(1) A copy of this ordinance.

(2) The toll free or local number of the monitoring station.

(3) Instructions, to include written instructions, which provide adequate information to enable the Alarm User to operate the Alarm System properly and avoid False Alarms.

C. Except as provided in subsection D, when an activation of an Alarm User's monitored alarm occurs, the Alarm Business shall attempt to contact the Alarm User by telephone to determine whether an alarm signal is valid before requesting law enforcement dispatch. For the purpose of this section, telephone verification shall require, as a minimum, that a second call be made to a different telephone number for the Alarm User or Key Holder if the first attempt fails to reach an Alarm User or Key Holder who can properly identify himself to determine whether an alarm signal is valid. After both attempts are made, the Alarm Business may then request law

enforcement dispatch, whether or not actual contact with the Alarm User or Key Holder has been made.

D. When an activation of an Alarm User's monitored Hold-Up Alarm or Panic Alarm occurs, the Alarm Business may immediately request law enforcement dispatch. Thereafter, the Alarm Business shall attempt to contact the Alarm User by telephone to notify him of the alarm, and shall at a minimum make a second call to a different telephone number for the Alarm User or Key Holder if the first attempt fails to reach a person who can properly identify himself as an Alarm User or Key Holder.

E. Within seven days after a False Alarm occurs, the Alarm Business shall mail a written notification to the Alarm User, which shall include the location, date and time of the False Alarm, and inform the Alarm User of the applicable fines. This requirement shall not apply if the Alarm Business notified the Alarm User or Key Holder by telephone contact at the time of the False Alarm.

F. The Alarm Business shall maintain a written record of its compliance with the verification and notification requirements of this Section, which shall be maintained for at least two years and shall be subject to inspection by the Chief of Police or his designee.

Section 6-30. GENERAL ALARM USER REQUIREMENTS.

A. The Alarm User(s) are required to take actions to avoid False Alarms.

B. The Alarm User shall pay all fines for False Alarms as provided by this Ordinance.

C. The Alarm User shall ensure the Alarm System is in good working order.

D. The Alarm User 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.

E. The Alarm User shall maintain the Alarm Site in a manner that precludes confusion concerning criminal activity and allows responding officers to distinguish old damage from new damage. Broken glass should be replaced or shall, at a minimum, have tape on the damaged areas; screens should be attached at top and bottom. In general, questionable areas of the Alarm Site shall be made unquestionable in order for the responding officer to determine forced entry.

F. 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 him/her with the particular system.

G. An Alarm 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 environment in a manner that will minimize or eliminate False Alarm dispatches.

(3) 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. However, the alarm may be activated for periodic testing provided a law enforcement response is not requested.

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

(5) Not modify the alarm system in such a manner as to cause a False Alarm or False Alarms.

H. The Alarm Site and Alarm System is the responsibility of the Alarm User and the activation of an Alarm System or an officer response to the site does not relieve the Alarm User of primary responsibility.

Section 6-31. ADDITIONAL MONITORED ALARM USER REQUIREMENTS.

A. The Monitored Alarm User, or a designated Keyholder, shall respond to all officer response alarms, as expeditiously as safety permits, but without unnecessary or unreasonable delay and shall keep the Alarm Business informed of current Alarm User and Keyholder information.

B. The Alarm User directly or indirectly hires the Alarm Businesses, including monitoring and maintenance companies. This private contractual relationship for mutual gain between the Alarm Business and the Alarm User is prima facie evidence that the Alarm Businesses are agents of the Alarm User and further evidence of the Alarm User's ultimate responsibility for activities including False Alarms at the Alarm Site.

Section 6-32. ADDITIONAL NON-MONITORED ALARM USER REQUIREMENTS.

A. Non-monitored Alarm Users, or a Keyholder, shall respond to the Alarm Site, as expeditiously as safety permits, but without unnecessary or unreasonable delay when requested by Police Dispatch.

B. Non-monitored Alarms shall be recorded as an alarm when reported to the Police Department by any citizen and verified as audible for a specific location by a responding officer.

C. Non-monitored Alarm Users shall ensure the Alarm Site does not cause a disturbance to other citizens due to multiple alarms or a continuous audible alarm.

D. All Non-monitored Alarm Users shall provide the Police Department's Alarm Administrator with a letter annually containing the address of the Non-monitored Alarm system and current names and numbers for the Non-monitored Alarm User and other Keyholders who shall respond to the location.

Section 6-33. ALARM BUSINESS REQUIREMENTS TO POLICE.

A. At the time of requesting an officer response to any alarm, the Alarm Business shall provide the law enforcement agency with the following:

- (1) Date and time of activation of the Alarm System.
- (2) Alarm User's name, including the name of the business if the Alarm User is a business.
- (3) Physical address of the Alarm Site which must be complete and include applicable building, apartment and suite numbers.
- (4) Telephone number at the Alarm Site.
- (5) Type of alarm.
- (6) Information about the specific common location of the activated alarm or alarms. Alarm Businesses cannot use terms, such as, Zone 1, Area 3, but must use common, understandable location terms, such as back door, east entry, etc.
- (7) A toll-free telephone number for contacting the Alarm Business monitoring facility and the name of the Alarm Business employee or the operator number calling.
- (8) Name of the Alarm User or Keyholder responding to the alarm site. The Alarm Businesses may call back with updated Alarm User or Keyholder information to include an estimated time of arrival to the Alarm Site and the responding individual's vehicle description.

B. Alarm Businesses shall maintain current and valid notification information for the Alarm User, and Keyholder(s) for each alarm site and shall inform the Police Dispatcher of changes when an officer response is requested.

C. Alarm Businesses shall inform the Alarm User of any and all officer response alarms in a timely manner.

D. An Alarm Business may attempt to cancel an alarm provided an officer is not on scene.

E. Alarm Businesses shall not call police dispatch for dispositions or information concerning specific alarm action. Alarm Businesses shall contact the specific Alarm User or Keyholder who responds to the alarm for such information.

F. Alarm Businesses shall not call Police Dispatch for Fire Alarms or for alarms in residences outside of the City police jurisdiction.

G. It shall be unlawful to maintain, operate, connect or allow any maintaining, operating or connecting, any Automatic Dialing Device, which automatically dials police in response to any alarm signal or other emergency. This section does not prohibit the installation of an alarm

system that notifies the police department when a robbery or burglary has occurred, or is in progress, on a signal line directly to the police department when such a system is required by law.

H. It is the responsibility of the Alarm Businesses and their agents to prevent False Alarms during installation, system repairs or system service of Alarm Systems. It is a violation of this Ordinance to request an officer response during installation, system repairs or system service of an alarm system unless a bona fide emergency has occurred, which requires law enforcement response. If the officer responding to the False Alarm determines that an on-site employee of the Alarm Business caused the False Alarm, the False Alarm will not be counted against the Alarm User; the Alarm Business shall be fined.

Section 6-34. POLICE DEPARTMENT REQUIREMENTS.

A. The Police Department shall provide the necessary administrative support and methods to track alarms and ensure accurate billing. The Alarm Administrator shall track false alarm occurrences in the City of Shreveport.

B. The Police Department shall maintain the dispatch record for each alarm call.

C. The Police Department shall ensure one responding officer's comments are included in the dispatch record always by the officer, if the officer is laptop capable, if not, then the dispatcher shall record the officer's radio comments.

D. Police Dispatch shall call Non-monitored Alarm Users to notify them of an alarm and to respond to the specific location.

E. The Police Department shall prepare a report on all valid Alarm Calls where criminal activity is detected.

F. Police Dispatch shall cancel an alarm call reported as a False Alarm by the Alarm Business if no officer has arrived at the scene.

G. The Police Department is not required to remain on scene for a Keyholder when manning and volume of calls dictate otherwise.

H. The Alarm Administrator shall provide the Chief of Police with a quarterly report in April, July, October, and January of each year detailing the number of False Alarms by month.

I. After each False Alarm or other violation of this Ordinance, the Alarm Administrator shall ensure that a bill stating the fine assessment is mailed to the Alarm User or Alarm Business responsible for the False Alarm or violation. The bill shall notify the Alarm User or Alarm Business that he has fifteen (15) business days from the date of the bill to appeal the fine in writing to the Alarm Authority. The Alarm Administrator shall work closely with Police Dispatch to ensure Alarm Businesses and Alarm Users violating this Ordinance are fined appropriately.

J. The Alarm Administrator shall provide False Alarm documentation upon request for the Finance Department/Revenue Division to utilize in any civil or criminal court procedures.

K. The Alarm Authority shall hold a meeting every quarter for the first calendar year, then semi-annually thereafter, for the purpose of discussing ways to reduce false alarms. The Alarm Authority shall give notice of the meetings by telephone, mail or other means to such members of the Alarm Industry, Police Department, and City Attorney's Office as the Alarm Authority deems appropriate.

Section 6-35. FALSE ALARMS PROHIBITED.

A. No person shall cause the activation of a False Alarm. Activation of a False Alarm, intentionally or unintentionally, knowingly or unknowingly, shall constitute a violation of this Ordinance.

B. An officer response is deemed to have occurred when an officer arrives on scene.

C. Each alarm called in by the Alarm Business shall be counted separately regardless of the amount of time between alarms, provided the officer has cleared the call.

D. Police records documenting the occurrence of a False Alarm are prima facie evidence that an Alarm System is in use and the date and time of that False Alarm shall be used for the purpose of determining the number of False Alarms during a calendar year.

E. The Alarm User shall not be held accountable for a False Alarm caused by the following; however, the Alarm User shall have the burden of proof:

(1) Natural or manmade disaster

(2) Vandalism.

(3) Telephone line outage.

(4) A lightning strike, electrical surge or an act of nature that caused physical damage to the Alarm System. To assert this defense, the user must provide receipts or invoices for corrective work performed or written statements testifying to the stated cause of damage on letterhead of the licensed Alarm Business or agent who repaired the damage.

(5) The Alarm Business caused the false alarm.

Section 6-36. FINES AND PENALTIES.

A. The fines for False Alarms shall be based on the number of False Alarms which occur in a calendar year.

B. Alarm User fines shall be assessed as follows:

FALSE ALARM	FINE
1st	Warning Notice
2nd	\$25
3rd	\$75
4th	\$100
5th	\$150
6th	\$300
7th and over	\$500 each

C. Lack of Alarm User or Keyholder response is a \$100 fine.

D. Each Alarm User shall be entitled to fine waivers as follows:

(1) A fine waiver for any False Alarm that was the result of faulty or malfunctioning equipment, if the user provides receipts or invoices for corrective work performed or written statements testifying to the stated cause on letterhead of the licensed Alarm Business which repaired the equipment.

(2) One fine waiver per calendar year for a documented service call when no repairs were made to the Alarm System.

(3) For any such fine waiver, the service call must be within two weeks of the False Alarm, documented on Alarm Business letterhead billing and provided to the Alarm Administrator within one week of the service call.

E. Alarm Business fines shall be as follows:

(1) A \$100 fine for each incident for an Alarm Business requesting an officer response on a False Alarm that is the result of installation, system repairs or system service.

(2) A \$100 fine for an Alarm Business on each violation of this Ordinance.

F. All fines shall be appealed, if applicable, within fifteen (15) business days of issuance of the bill stating the fine assessment.

G. If the above fines are not paid within ninety (90) days of the date a final decision assessing the fine has been rendered by the Alarm Authority or, if the initial assessment is not appealed, within ninety (90) days of the date the time period for appeal ends, an additional penalty shall be added to the amount due. The penalty added shall be equal to the amount of the fine, so that the total amount due shall be twice the amount of the fine.

H. The City of Shreveport may use such lawful means as are available to collect such fines from Alarm Businesses and/or Alarm Users.

Section 6-37. APPEALS.

A. The Alarm Administrator shall have the authority to review the False Alarm at the request of the Alarm User or Alarm Business and determine whether a False Alarm has occurred and/or whether the defenses set forth in Section 6-35(E) are applicable. The Alarm Administrator may consider extenuating circumstances, such as documented repeated repair attempts, factory defective systems or other uncontrollable events. If the Alarm Administrator finds that no violation of this Ordinance has occurred or that a violation has occurred but one or more defenses set forth in this section is applicable, the Alarm Administrator may dismiss the fine and release the Alarm User and/or Alarm Business from the liability thereunder or may reduce the fine associated therewith as the Alarm Administrator shall determine.

B. Any Alarm User or Alarm Business shall have fifteen (15) business days from the date of issuance of the bill for a False Alarm or other violation under this Ordinance to request in writing an appeal of such assessment to the Alarm Authority. Such appeals shall be filed in the office of the Chief of Police.

C. An appeal hearing with the Alarm Authority shall be conducted within ten (10) business days from the date of receipt of the written appeal request. At this time, the Alarm User or Business may present evidence and testimony. The Alarm Authority shall determine whether a False Alarm has occurred and/or whether the defenses set forth in Section 6-35(E) are applicable. The Alarm Authority may consider extenuating circumstances, such as documented repeated repair attempts, factory defective systems or other uncontrollable events. If the Alarm Authority finds that no violation of this Ordinance has occurred or that a violation has occurred but one or more defenses set forth in this section is applicable, the Alarm Authority may dismiss the fine and release the Alarm User and/or Alarm Business from the liability thereunder or may reduce the fine associated therewith as the Alarm Authority shall determine.

D. The Alarm Authority shall render a written decision to the Alarm User or Business, as applicable, on the appeal within thirty (30) business days after the appeal hearing has concluded. An assessment in the amount of twenty-five dollars (\$25) shall be charged for each case where the Alarm Authority denies the appeal. The decision of the Alarm Authority shall be final.

F. It shall not be a defense to any fine assessment that:

(1) A False Alarm was caused by electrical malfunctions, except as noted under allowable defenses.

(2) A False Alarm was caused by the fault of another person during a non-criminal incident.

(3) A False Alarm was caused by conditions of nature, which are normal for the area including, but not limited to, wind, rain and lightning.

(4) A tenant at an Alarm Site is responsible for the Alarm System.

G. Defenses, which may be considered to mitigate or dismiss a violation, shall include:

(1) The False Alarm signal for which the fine had been assessed did not originate at the Alarm Site of the Alarm User who has been assessed the fine.

(2) The False Alarm signal for which the fine was assessed was, in fact, not false, but was the result of an actual or attempted burglary, robbery or other emergency as defined by this Ordinance or state law.

(3) Such other mitigating circumstances, as may be determined by the Alarm Administrator or Alarm Authority.

Section 6-38. ADMINISTRATIVE PROCEDURES.

A. The City of Shreveport Finance Department/Revenue Division shall collect all fines.

B. To provide the Police Department the resources with which to administer this program, and to provide the Finance Department the resources with which to collect the fines due, any and all monies collected as a result of fines to either Alarm Businesses or Alarm Users shall be returned as follows:

(1) Seventy-five percent (75%) to the Police Department budget to fund the equipping and operations of the Alarm Administrator's office, and

(2) Twenty-five percent (25%) to the Finance Department budget to fund the collection of the fines.

Section 6-39. FALSE INFORMATION.

It shall be a violation of this Ordinance for any person to provide any false information when responding to incidents covered by this Ordinance.

Section 6-40. VIOLATIONS AND ENFORCEMENT.

A. Any person's actions in violation of or failure to act in accordance with the requirements of this Ordinance shall constitute a violation of this Ordinance.

B. In addition to any fine prescribed by this Ordinance, violations of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted.

C. Such violations shall upon conviction be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment not to exceed sixty (60) days or by both such fine and imprisonment.

D. All remedies are cumulative and supplemental and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing this Ordinance.

Section 6-41. LIMITATION OF LIABILITY.

A. Nothing herein shall be construed to create a duty on the part of law enforcement agencies to respond to any alarm or to otherwise guarantee the safety of any member of the public.

B. The Chief of Police or his designee expressly retains the discretion to determine whether or not to respond to any alarm and to otherwise determine the most efficient deployment of law enforcement resources.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective on October 15, 2005.