

ORDINANCE NO. ORD-09-02

AN ORDINANCE ENTITLED "ALARM ORDINANCE FOR WASHINGTON COUNTY, MARYLAND"

RECITALS

The Board of County Commissioners of Washington County (the "Board") has the authority to adopt an ordinance regulating Alarm System contractors and users pursuant to Md. Code, Article 25, Section 236E.

The Board believes it to be in the best interests of the citizens of the County for the Board to adopt the Ordinance entitled "Alarm Ordinance for Washington County, Maryland."

The attached Ordinance is necessary to provide for the health and safety of the public and to provide efficient use of law enforcement resources.

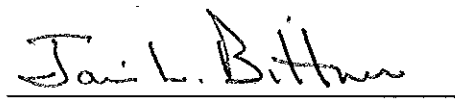
Public hearings were held on September 11, 2007 and February 3, 2009, following due notice and advertisement of the text of the Ordinance.

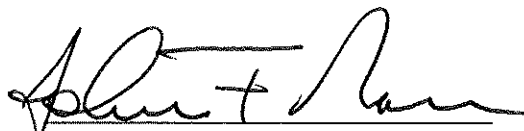
Public comment was received, reviewed, and considered concerning the aforesaid Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed; and the attached ordinance entitled "Alarm Ordinance for Washington County, Maryland" is hereby adopted this 3<sup>rd</sup> day of February, 2009, effective this same date and with penalties being effective January 1, 2010.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

  
\_\_\_\_\_  
Joni L. Bittner, Clerk

  
\_\_\_\_\_  
John F. Barr, President

Approved as to legal sufficiency:

A handwritten signature in black ink, appearing to read "Andrew F. Wilkinson". The signature is written in a cursive style with a horizontal line underneath it.

Andrew F. Wilkinson  
Assistant County Attorney

Mail to:  
County Attorney's Office  
100 W. Washington Street, Room 202  
Hagerstown, MD 21740-4735

## ALARM ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

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## **Section 1. Purpose**

(a) The purpose of this Ordinance is to encourage Alarm Users and alarm companies in the County to maintain the operational reliability and proper use of Alarm Systems, and to reduce or eliminate false alarm dispatch requests for law enforcement services.

(b) This Ordinance governs systems intended to summons law enforcement response. This Ordinance also establishes requirements for permits, establishes fees, provides for violation penalties, establishes a system of administration, and sets conditions for suspension or loss of permits.

## **Section 2. Definitions**

In this Ordinance, the following words have the meanings indicated:

(a) **Act of God.** An unusual, extraordinary, sudden, or unexpected manifestation of the forces of nature which cannot be prevented by reasonable human care, skill, or foresight, including extraordinary circumstances not reasonably subject to the control of the Alarm System Contractor or Alarm User, such as blizzards and earthquakes.

(b) **Alarm Administrator.** The Individual designated by the Washington County Sheriff who administers this Ordinance, reviews permit applications, issues Permits, monitors alarm responses, and adjudicates appeals.

(c) **Alarm Dispatch Request.** Notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

(d) **Alarm Signal.** The activation of an Alarm System.

(e) **Alarm Site.** A single premises or location served by an Alarm System. "Alarm Site" is defined as a separate address, building, structure, or premises. In multi-tenant buildings, one registration form must be provided for each tenant using an Alarm System.

(f) **Alarm System.** Any mechanical, digital, or electrical equipment arranged to signal an unauthorized entry or other illegal activity, including Panic Alarms and Holdup Alarms. "Alarm System" includes devices activated automatically, such as burglar alarms, and devices activated manually, such as hold-up alarms. "Alarm System" does not include telephone lines maintained and operated by public utilities

under the regulation of the Public Service Commission over which such signals might be transmitted or Alarm Systems installed in motor vehicles, boats, or aircraft. "Alarm System" does not include fire alarms or Medical Alert alarms.

(g) **Alarm System Contractor; Contractor.** Any individual, firm, corporation, partnership or legal entity engaged in the selling, leasing, installation, maintenance, monitoring, altering, or servicing of Alarm Systems, or any Person that furnishes the services of an Individual for the selling, leasing, installation, maintenance, monitoring, altering, or servicing of Alarm Systems.

(h) **Alarm User.** A Person, business, firm, partnership, association, corporation, company, organization or entity in control of an Alarm System within, on, or around any building, structure, facility, or site, including the owner or lessee of an Alarm System.

(i) **Audible Alarm.** A device designed for the detection of an unauthorized entry on a premises, which when activated generates an audible sound on the premises.

(j) **Board.** The Board of County Commissioners of Washington County, Maryland.

(k) **Business Permit.** A permit issued by the Board through the Alarm Administrator, which authorizes an Alarm System Contractor to engage in business in the County.

(l) **County.** Washington County, Maryland.

(m) **Digital Dialer.** A device that transmits digital signals from an Alarm System directly to a law enforcement agency without being routed to a monitoring center through a telephone network.

(n) **Enhanced Call Verification (ECV).** The process whereby the Alarm System Contractor will make at least two calls to attempt to contact a representative for an Alarm Site for an activated signal prior to contacting a law enforcement agency, except in the case of Panic Alarms.

(o) **False Alarm.** Any request for the immediate assistance of a law enforcement agency, regardless of cause, that is not in response to an actual emergency situation or threatened or actual criminal activity.

- (1) False Alarm includes:
- (A) Any negligently or accidentally activated signal;
  - (B) Any signal resulting from faulty, malfunctioning, or improperly installed or maintained equipment;
  - (C) Any signal purposely activated to summons a law enforcement agency in a non-emergency situation; or
  - (D) Any signal resulting from the activation of an Alarm System a second time within a 12-hour period when the premises are unoccupied if (1) access to the building is provided to the Alarm System Contractor and (2) an Alarm System Contractor or its employee responds. If access to the building is not provided to the Alarm System Contractor, and the Alarm System Contractor representative does not respond to an Alarm System that is activated a second time within 12 hours when the premises are unoccupied, each subsequent alarm will be counted as a false alarm.

(2) False Alarm does not include:

- (A) Any signal activated by unusually severe weather conditions or other causes beyond the control of the Alarm User or Alarm System contractor, as determined by the Alarm Administrator, to include an Act of God, blizzards and earthquakes;
- (B) Any signals that are activated for testing purposes when a law enforcement agency, fire department, and emergency services agency has been given advance notice of such testing or activation;
- (C) Any signal activated during the sixty (60) calendar days from the date on which the Alarm System is initially installed.
- (D) Any signal where an Alarm System Contractor (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency, prior to law enforcement arriving at the scene, that there is not an existing situation at the alarm site requiring law enforcement agency response after an Alarm Dispatch Request.

**(p) Holdup Alarm.** An alarm system designed to emit a signal that a robbery or attempted robbery of an area protected by the system is occurring or has occurred and that is conveyed automatically or by third-party notification for purposes of an immediate law enforcement response.

**(q) Individual.** A human being; a Person. See definition of "Person" below.

(r) **Panic Alarm.** A device designed to summons law enforcement immediately before, during, or immediately after the commission of a robbery, hold-up, or other unlawful act within the premises protected by the Alarm System and which may be intentionally activated by an Individual, generates a signal to the monitoring station, and which may or may not generate an audible sound at the premises.

(s) **Permit.** A Business Permit or a User Permit.

(t) **Permit Holder.** A Person to whom a Business Permit or a User Permit has been issued.

(u) **Person.** Any individual, corporation, business trust, general or limited partnership, limited liability company, limited liability partnership, firm, joint stock company, unincorporated association, trust, estate or other legal entity.

(v) **Responder.** An Individual who will: (1) receive notification of an alarm activation at any time; (2) respond to the Alarm Site within thirty (30) minutes; and (3) grant access to the Alarm Site and deactivate the Alarm System, if necessary.

(w) **User Permit.** A permit issued by the Board through the Alarm Administrator, which authorizes a Person to operate an Alarm System at an Alarm Site.

### **Section 3. Permits; Permit Holders.**

(a) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid User Permit. A separate User Permit is required for each Alarm Site.

(b) No Alarm System Contractor may engage in the Alarm System business in the County without a Business Permit.

(c) Any false statement of a material fact made by an applicant for the purpose of obtaining a Permit will be sufficient cause for refusal to issue the Permit or to revoke an issued Permit.

(d) A Permit Holder must give written notice to the Alarm Administrator of any changes to the information contained in the Permit application within ten (10) calendar days of the change.

(e) A Permit cannot be transferred to any other Person, business, firm, partnership, association, corporation, company, organization, entity or to any other Alarm Site. This section does not prohibit the issuance of a Permit for a mobile office trailer, which even though it is periodically placed at different physical locations, shall be considered a single "Alarm Site" for the purposes of this Ordinance. It shall be the responsibility of the permit holder to provide the Alarm Administrator with the location of the mobile office trailer, within one business day of the change of location of the trailer.

(f) When a Person on a Permit application becomes unable or unwilling to perform required duties imposed hereunder, the Permit Holder must file with the Alarm Administrator an amendment to the Permit application listing a Person who is able and willing to perform those duties.

(g) Each Permit will remain in effect for one year or until the Permit Holder relinquishes control of the Alarm Site or the Permit is suspended, revoked, or expires. Each Permit Holder shall renew their Permit annually as long as they control their Alarm Site and the Permit is not suspended or revoked.

(h) At least thirty (30) calendar days prior to the expiration of a Permit, the Alarm Administrator will notify the Permit Holder of the expiration date of the Permit and will forward to the Permit Holder any documents required for renewal of the Permit.

(i) Issuance of a Permit is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response by any law enforcement officer or agency. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained and invoked. By registering an Alarm System, the Permit Holder acknowledges that law enforcement response may be based on factors including, but not limited to:

- (1) The availability of law enforcement units;
- (2) Incident priority;
- (3) Weather conditions;
- (4) Traffic conditions;
- (5) Emergency response conditions; and
- (6) Staff levels.



#### **Section 4. Business Permit**

(a) An application for a Business Permit must include, but need not be limited to, the following:

- (1) The Contractor's name, address, facsimile number, telephone number, Maryland State Police license number, and disclosure of the nature of the Contractor's business entity.
- (2) The name, address, and telephone number of the Individual(s) responsible for the management of the Contractor in the County and the payment of fees assessed under this Ordinance.
- (3) A statement made under the penalties of perjury by the Individual(s) responsible for the management of the Contractor that all individuals employed by the contractor with access to circumventual information are properly licensed by the State of Maryland.
- (4) The signature of: (i) the owner if the Contractor is a sole proprietorship; (ii) a partner if the Contractor is a partnership; (iii) a managing member if the Contractor is a limited liability company; or (iv) a duly-authorized corporate officer if the Contractor is a corporation.

(b) If a Business Permit has been revoked or suspended, the Contractor shall re-apply for a new Business Permit prior to engaging in the Alarm System business in the County. Any fines or penalties then outstanding, must accompany an application requesting reinstatement.

(c) An Alarm System Contractor with a Business Permit shall not enter into a contract, written or otherwise, regarding its Alarm System business in the County with an Alarm System Contractor that does not have a valid Business Permit.

#### **Section 5. User Permit**

(a) Prior to the activation or operation of an Alarm System, an Alarm User must obtain a User Permit. A separate User Permit is required for each Alarm Site.

(b) An application for a User Permit must include, but need not be limited to, the following:

- (1) The name, address, and telephone number of the Alarm User for the Alarm Site. The identified Alarm User shall be an owner of the Alarm site

- as identified by the property tax records of the County;
- (2) The street address of the Alarm Site;
  - (3) A list of any dangerous or special conditions at the Alarm Site;
  - (4) The type of the Alarm System installed at the Alarm Site; i.e. burglary, robbery, panic, etc.;
  - (5) The name, address, and telephone numbers of two (2) Responders. The Alarm Administrator may waive, under extraordinary circumstances, the requirement to have two (2) Responders listed on a permit application
  - (6) The Permit number, as assigned by the Alarm Administrator.
  - (7) The name, address, telephone number, and Business Permit number(s) of the Alarm System Contractor that installed and/or monitors the Alarm System, if there is one;
  - (8) A statement as to whether the Alarm User has ever previously registered an Alarm System or was ever issued a permit in the County; and
  - (9) For an Alarm User that is incorporated, organized, or whose principal office is in a state other than Maryland, the name, address, and telephone number of the Alarm User's Resident Agent in this State, the address of its corporate headquarters, and the addresses of all business locations in the State of Maryland.
  - (10) For an Alarm System to be used at an Alarm Site at which any form of business activity occurs or is to occur:
    - (i) The Alarm User's trade name;
    - (ii) The type of business or activity conducted at the Alarm Site.

(c) If a User Permit has been revoked or suspended, the User shall re-apply for a new User Permit. Any fines or penalties then outstanding, must accompany an application requesting reinstatement. An Alarm Site for which a User Permit has been revoked or suspended shall be considered an unregistered site.

(d) An Alarm User that contracts with an Alarm System Contractor to purchase an Alarm System or to have an Alarm System monitored must submit the permit application form to the Alarm Administrator prior to the activation of the Alarm System.

(e) If an Alarm System installed by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment.

(f) If the owner or property manager of an apartment complex provides an Alarm

System in a residential unit as an amenity, then the owner or property manager of the apartment complex must obtain a User Permit.

#### **Section 6. Alarm User Duties**

(a) An Alarm User shall:

- (1) Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (2) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated; and
- (3) Notify the Alarm System Contractor upon occurrence of a False Alarm activation as soon as the Alarm User is aware of the False Alarm.

(b) An Alarm User shall not:

- (1) Activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report;
- (2) Operate an Alarm System at an Alarm Site without having first obtained a User Permit.

#### **Section 7. Alarm System Contractor Duties**

(a) An Alarm System Contractor must:

- (1) Report alarm signals by using telephone numbers designated by the Alarm Administrator;
- (2) Verify every alarm signal, except a Panic Alarm activation, before requesting a law enforcement response to an Alarm System signal by using Enhanced Call Verification;
- (3) Communicate cancellations of Alarm Dispatch Requests in a manner and form determined by the Alarm Administrator;
- (4) Offer all Alarm Users of Alarm Systems equipped with a Panic Alarm adequate training as to the proper use of the Panic Alarm;
- (5) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
- (6) Communicate the type of alarm activation (silent or audible, interior or perimeter);

- (7) Provide a User Permit number when requesting law enforcement dispatch;
- (8) After an Alarm Dispatch Request, promptly advise the law enforcement agency if the Contractor knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (9) Attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone, or other electronic means when an Alarm Dispatch Request is made;
- (10) Maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System zone(s) activated, the time of Alarm Dispatch Request and evidence of use of Enhanced Call Verification. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Contractor shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Contractor shall furnish the requested records within thirty (30) days of receiving the request;
- (11) Ensure that the Alarm User has registered the Alarm System with the Alarm Administrator before the Alarm System is activated or placed into service;
- (12) Annually provide the Alarm Administrator a list, in a format or medium as designated by the Alarm Administrator, containing the name, address, telephone number, and permit number of all of the Contractor's current Alarm Users in the County; provided that the Alarm Administrator adopt such administrative procedures and regulations that adequately secure the confidentiality of information provided by the Contractor from being disseminated to any person, entity, or organization;
- (13) Notify the Alarm Administrator of the purchase of accounts from another Alarm System Contractor within ten (10) days of same and provide details as may be reasonably requested by the Alarm Administrator;
- (14) Notify the Alarm Administrator of any Alarm User who is monitored by the Alarm System Contractor or who has canceled or otherwise terminated the monitoring contract with the Alarm System Contractor.
- (15) Provide Alarm Users with a set of written operating instructions for the

Alarm System at the Alarm Site, including written guidelines on how to avoid false alarms; and

(16) Provide training to the Alarm User in the proper use of the Alarm System.

(b) An Alarm System Contractor may not:

(1) Install at a premises a device to activate a Panic Alarm which is a single action, non-recessed button; or

(2) Install at a premises a device that activates a Digital Dialer.

(c) An Alarm System Contractor, or retail establishment that only sells an Alarm System or equipment at retail to an Alarm User, must provide the Alarm User with the proper Alarm User Permit application and a summary of this Ordinance. This section includes Audible Alarms purchased at retail.

## **Section 8. Alarm System Standards**

(a) Any new Alarm System or upgrades will be installed in accordance with Underwriters Laboratory standards and shall meet current American National Standard Institute-approved Security Industry Association Control Panel Standard CP-01, as amended or superseded from time to time, or its equivalent. Any new Alarm System or upgrades shall be equipped to designate precise areas of activation and shall communicate precise areas of activation to the monitoring station; "GENERAL" zones will not be permitted for the safety of responding law enforcement officers. An Alarm System will be installed and serviced only by an Alarm System Contractor licensed by the State of Maryland and having a Business Permit.

(b) Any new Alarm System or upgrades must meet appropriate designated standards or must have been tested and found suitable for use in a specified manner by Underwriters Laboratory or Factory Mutual.

(c) An Alarm System may not utilize a Digital Dialer or automatic telephone dialing system that transmits signals through the telephone network directly to a law enforcement agency or the 911 to summon law enforcement.

## **Section 9. System Inspection for Recurring False Alarms**

(a) If the Alarm System emits three (3) or more False Alarms at an Alarm Site within any twelve (12) month period, the Alarm Administrator may require the Alarm User to have the Alarm System inspected by an Alarm System Contractor and submit an Alarm System certification to the Alarm Administrator. If within any twelve (12) month period the Alarm System emits three (3) or more False Alarms subsequent to a certification under this paragraph, the Alarm Administrator may require the Alarm System Contractor to submit another Alarm System certification.

(b) Within thirty (30) calendar days of the alarm certification request, the Alarm User must have their Alarm System inspected and certified by an Alarm System Contractor, and the alarm certification submitted to the Alarm Administrator.

(c) An Alarm System certification under this subsection will certify that the Alarm System meets the requirements of this Ordinance and any other applicable local, state, or national codes.

(d) Only an Alarm Service Contractor with a valid Business Permit will be permitted to conduct Alarm System inspections.

## **Section 10. Fines**

(a) All fines allowed by this Ordinance shall be set by the schedule adopted by the Board.

(b) If an alarm emits a False Alarm signal within any twelve (12) month period, the Alarm User that owns the system is subject to a fine as set by the schedule adopted by the Board.

(c) A Person who maintains or operates an Alarm System without a User Permit is subject to a fine upon the occurrence of a False Alarm as set by the schedule adopted by the Board. The Alarm Administrator may waive the fine if the Alarm User obtains a User Permit within fifteen (15) calendar days after the initial violation.

(d) A Person who maintains or operates an Alarm System with a suspended or revoked User Permit is subject to a fine as set by the schedule adopted by the Board.

(e) Any Alarm User, Permit Holder or Alarm System Contractor that fails to pay a

fine assessed under this Ordinance shall be subject to a late fee penalty as adopted by the Board.

(f) All monies received as a result of this Ordinance will be deposited into the County General Fund.

### **Section 11. Waived Fee**

(a) A fine will be waived if the Alarm System was activated by an Act of God and adequate written documentation of the cause is provided to the Alarm Administrator in writing. The Alarm Administrator may request a written statement or report from a representative of an Alarm System Contractor, which details the reasons for the False Alarm.

(b) If alarm signals were caused by a malfunctioning Alarm System which caused two (2) or more False Alarms in a twelve (12) hour period, and the Alarm User and the Alarm System Contractor exercised their best efforts to limit alarm signals caused by the malfunction, those False Alarms may be counted as zero (0) or one (1) false alarm, in the discretion of the Alarm Administrator.

(c) The Alarm Administrator may waive an inspection when it is determined that a sufficient number of False Alarms are not related to system malfunction or defect.

### **Section 12. Violations, Appeals and Penalties**

(a) A Person who is assessed a fine pursuant to this Ordinance shall either: (1) make payment or (2) request an appeal. Such payment or request for appeal shall be made within fifteen (15) days of receipt of notice of the fine. Notice of a fine shall be in writing and may be sent by regular mail.

(b) A request for appeal shall be in writing to the Alarm Administrator and shall be filed at the Office of the Alarm Administrator. The written request for appeal shall state all reasons for the appeal and shall provide all documentation requested to be reviewed by the Alarm Administrator. After receipt of the appeal request, the Alarm Administrator may, but need not, schedule a hearing at which the Person appealing may provide testimony in person or from other witnesses and may provide documentation in support of the appeal.

(c) The Alarm Administrator shall provide in writing a decision concerning the appeal within 15 days of either (1) the date that the appeal was received by the Alarm Administrator or (2) the date of the hearing provided for in Section 12(b) herein, whichever is later. The written decision need only state whether the appeal was granted or denied. There shall be no right to further appeal the decision of the Alarm Administrator to any court.

(d) In the event that an appeal is denied, the Person shall pay the fine within fifteen (15) days of receipt of the written decision from the Alarm Administrator.

(e) In the event that a Person fails to pay a fine when due under Section 12(a) or fails to pay a fine after the appeal process under Section 12(d), a civil citation shall be issued. The civil citation shall proceed in the District Court of Maryland for Washington County in the same manner and to the same extent as set forth in Article 23A, Section 3(B)(8) through (15) as amended. The Office of the County Attorney for Washington County is authorized to prosecute citations issued pursuant to this Ordinance.

(f) In addition to any fines or other permissible penalty, a Person found by the District Court to have committed a violation of this Ordinance shall be liable for the costs of the proceeding in the District Court.

(g) In any appeal proceeding before the Alarm Administrator or in any proceedings in any Court, the computer aided dispatched (CAD) record from the Washington County 911 Communications Center will be prima facie evidence that a False Alarm occurred.

### **Section 13. Denied Response**

(a) If a monitored Alarm User with a valid User Permit fails to pay a fine in accordance with Section 12 of this Ordinance, the Alarm User and the Alarm User's Alarm System Contractor will be advised in writing by the Alarm Administrator that the Alarm User failed to pay the fine. At its discretion, the Washington County 911 Communications Center Advisory Board may direct the Communications Center to not dispatch law enforcement personnel to an alarm at the Alarm User's site, except for a Panic or Holdup Alarm, until the Alarm User pays the outstanding fine. If such discretion is exercised, the Washington County 911 Communications Center Advisory Board shall issue written notice to the Alarm User and the Alarm User's Alarm System Contractor that law enforcement personnel will not be dispatched to an alarm at the



Alarm User's site, except for a Panic or Holdup Alarm, until the Alarm User pays the outstanding fee.

(b) If an Alarm User fails to register their Alarm System as set forth in this Ordinance, the Alarm User will be notified in writing by the Alarm Administrator that the Alarm User may not receive law enforcement dispatch on any alarm signal to the Alarm User's site until the Alarm System has been registered.

(c) If an Alarm System Contractor fails to apply for a Business Permit, the Alarm Administrator shall notify the Alarm System Contractor that the Alarm User may not receive response to an alarm dispatch request by the non-permitted Alarm System Contractor until such time as the Alarm System Contractor acquires a valid Business Permit.

#### **Section 14. Refusal to Issue, Revocation, Suspension, or Loss of Permit**

(a) The Alarm Administrator may refuse to grant a Permit to an Alarm User or a Business Permit to an Alarm System Contractor, and may suspend, revoke, or refuse to renew a User Permit or Business Permit, if the Alarm Administrator finds:

- (1) Failure of the permittee to comply with the requirements of this Ordinance;
- (2) That the installation, repair, maintenance, or other work on the Alarm System does not meet the requirements of this Ordinance;
- (3) Any fines imposed under this Ordinance have not been paid; or
- (4) That the Permit Holder or any of its officers, employees, or agents have knowingly made any false, misleading, or fraudulent statement of a material fact in any report, application or record required pursuant to this Ordinance.

(b) A Person may appeal a decision of the Alarm Administrator to suspend, revoke, or refuse to renew a User Permit or Business Permit. In order to appeal such a decision, the Person shall request an appeal within fifteen (15) days of receipt of notice of the suspension, revocation, or refusal to renew a User Permit or Business Permit. Notice of the suspension, revocation, or refusal to renew a User Permit or Business Permit shall be in writing and shall be served by certified mail. In lieu of certified mail service, such notice may be served personally at the discretion of the Alarm Administrator.

(c) A request for appeal shall be in writing to the Alarm Administrator and shall be filed at the Office of the Alarm Administrator. A filing fee as set by the Board, made payable to the Treasurer of Washington County, must be included. The written request for appeal shall state all reasons for the appeal and shall provide all documentation requested to be reviewed by the Alarm Administrator. After receipt of the appeal request, the Alarm Administrator may, but need not, schedule a hearing at which the Person appealing may provide testimony in person or from other witnesses and may provide documentation in support of the appeal.

(d) The Alarm Administrator shall provide in writing a decision concerning the appeal within 15 days of either (1) the date that the appeal was received by the Alarm Administrator or (2) the date of the hearing provided for in Section 14(d) herein, whichever is later. The written decision shall state the findings of fact and conclusions of law relied upon by the Alarm Administrator. There shall be a right to further appeal the decision of the Alarm Administrator to the Circuit Court.

(e) In the event that a Business Permit is suspended, revoked, or refused, the Alarm System Contractor shall notify, by first class mail, within fifteen (15) calendar days of the suspension, revocation or refusal, each of its Alarm Users that the Alarm System Contractor is unable to request dispatch of law enforcement officers to the Alarm Site for the duration of the suspension, revocation or refusal. The Alarm System Contractor must also provide the Alarm Administrator or designee, by first class mail, within five (5) calendar days, a list containing the name and complete address of its current registered Alarm Users. The notification requirement of this subsection 14(f) shall be tolled during the pendency of any appeal filed under this Section 14. The Sheriff's Office shall continue to respond for thirty (30) calendar days to all Alarms Users locations after the Business Permit is suspended, revoked or refused.

### **Section 15. Reinstatement of Alarm Registration**

A Business Permit or User Permit that has been suspended or revoked may be reinstated if the Permit Holder: (1) submits an application; (2) satisfies all outstanding citations and fees; and (3) in the case of a User Permit, submits a certification from an Alarm System Contractor stating that the Alarm System complies with the requirements of this ordinance.

## **Section 16. False Alarm Prevention Class**

(a) The Alarm Administrator and the Washington County Sheriff's Office may provide an educational program for the prevention of false alarms. Alarm System Contractors and Alarm Users will be allowed to attend any false alarm prevention program for the purposes provided in this Ordinance.

(b) The Board by resolution may set a fee for attendance at a False Alarm Prevention Program.

(c) If an Alarm System Contractor or Alarm User completes the False Alarm Prevention Class, the Alarm Administrator will issue an attendance certificate to the Person.

## **Section 17. Reports**

(a) The Alarm Administrator will submit a monthly report to the Washington County 911 Communications Center Advisory Board on the implementation and status of the program including statistical data. The Advisory Board will annually report statistical data pertaining to the program to the Board.

(b) The Alarm Administrator may request, at any time, copies of records maintained by an Alarm System Contractor at no cost to the Alarm Administrator or the Board. Such records may include any documents, photographs and information stored on computer related medium that refer or relate to the information contemplated in Sections 4, 7, 8, and 9 of this Ordinance.

(c) The Alarm Administrator may request, at any time, copies of records maintained by an individual Alarm User at no cost to the Alarm Administrator or the Board. Such records may include any documents, photographs and information stored on computer related medium that refer or relate to the information contemplated in Sections 5, 6, and 9 of this Ordinance.

## **Section 18. Confidentiality of Records**

In the interest of public safety, all information, and documents received by the Alarm Administrator as a result of any provision of this Ordinance shall be held in confidence by all employees or representatives of the County and by any third-party administrator or employees of a third-party administrator with access to such information. Such

information and documents shall be considered confidential and shall not be subject to public disclosure.

### **Section 19. Exemptions**

(a) Except as set forth hereinafter, federal, state, county, or municipal government entities that own or operate an Alarm Site are exempt from any fines under this Ordinance, but will be subject to all other provisions of the Ordinance.

(b) The Board of County Commissioners may operate an Alarm Site without using the services of an Alarm System Contractor.

### **Section 20. Effective Dates**

(a) Alarm Users and Alarm Companies must register before January 1, 2010.

(b) Fines will take effect on January 1, 2010.

(c) In calculating cumulative fines, false alarms occurring before January 1, 2010 will not be counted.

### **Section 21. Severability**

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.