

Model Burglar Alarm Ordinance

A Joint Document of
NBFAA / FARA



National Burglar & Fire Alarm Association
8300 Colesville Road #750
Silver Spring, MD 20910
(301) 585-1855
Fax: (301)585-1866
www.alarm.org



False Alarm Reduction Association
10024 Vanderbilt Circle, Unit 4
Rockville, MD 20850
(301) 519-9237
Fax: (301) 519-9508
www.faraonline.org

NBFAA/FARA MODEL BURGLAR ALARM ORDINANCE

INTRODUCTION

The attached Model Burglar Alarm Ordinance (the “Ordinance”) has been prepared through a joint effort between the National Burglar & Fire Alarm Association (NBFAA) and the False Alarm Reduction Association (FARA). The NBFAA is an association that promotes electronic security and life safety services in the United States. The FARA is an organization comprised of law enforcement and fire officials from across the United States and Canada, who administer and implement False Alarm reduction programs.

Both the NBFAA and the FARA strongly believe that false alarm reduction should be a cooperative effort among all parties involved (i.e., the alarm industry, law enforcement officials, and the Alarm User). To that end, we strongly suggest that, **before** attempting to implement any ordinance designed to reduce the incidence of False Alarms, your municipality form an Alarm Advisory Board. The Alarm Advisory Board should be comprised of representatives from the alarm industry, law enforcement officials, community and business groups, and any other entity that has a stake in the reduction of False Alarms. We believe that the Alarm Advisory Board represents a fundamental step in the development and implementation of a good, effective False Alarm reduction ordinance. It fosters cooperative relations and provides every group with ownership of the final product.

The Ordinance is based on a registration system with appropriate controls to facilitate False Alarm reduction. It contains law enforcement control and administration, Alarm Installation Company and Monitoring Company responsibilities, and requires the disciplined use of Alarm Systems by Alarm Users.

Specific amounts of fines and fees are not listed in the text of this document in order to encourage a dialogue among law enforcement, municipal leaders, alarm users and alarm companies on the appropriate fine or fee to fit the circumstances of your jurisdiction. NBFAA, FARA and your state alarm association can assist you in establishing the appropriate fines and fees for your jurisdiction.

PLEASE NOTE: The Ordinance is intended to serve as a **BASE FRAMEWORK** for municipal officials, law enforcement officials and the alarm industry. It contains features that have been proven to reduce False Alarms. Any new standard that is properly certified by the American National Standard Institute or its equivalent, should be considered when creating or revising an ordinance. **It is important that the Ordinance be reviewed carefully before endorsing or recommending that it be adopted either in whole or in part.** There may be aspects of the Ordinance that will pose potential problems in your locale, and you may decide that those characteristics should not be included in your local burglar alarm ordinance. As the Ordinance is intended for use as a guide, it is a working draft, subject to changing times, designed to help you successfully develop and implement a good security alarm ordinance.

Throughout the Ordinance there are italicized notes to aid you in drafting an ordinance that best suits your jurisdiction. Anything italicized should not be adopted as part of your ordinance and should be deleted after being considered.

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NBFAA/FARA MODEL BURGLAR ALARM ORDINANCE

SECTION 1. PURPOSE

(A) The purpose of this Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

(B) This Ordinance governs Alarm Systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

SECTION 2. DEFINITIONS

In this Ordinance the following terms and phrases shall have the following meanings:

(A) **Advisory Board** means Persons designated by a governing authority that should be representative of the community, Alarm Users, the alarm industry, and law enforcement. The Advisory Board should review and recommend False Alarm reduction efforts and report to the governing authority (municipal/township/borough/city council, county board, etc.).

(B) **Alarm Administrator** means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.

(C) **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

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

(E) **Alarm Registration** (or Permits) means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

(F) **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

(G) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

(H) **Alarm User** means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

(I) **Alarm User Awareness Class** means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

(J) **Arming Station** means a device that allows control of an Alarm System.

(K) **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(L) **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

(M) **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

(N) **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

(O) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

(P) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(Q) **Law Enforcement Authority** means the Commissioner, Superintendent, Sheriff, Chief of Police, director or other authorized representative of a law enforcement agency.

(R) **License** means a license issued by the [*identify appropriate governmental agency*] to an Alarm Installation Company and Monitoring Company to sell, install, monitor, repair, or replace Alarm Systems.

Note: Delete all references to the term License in this Ordinance if there is no such license in your state or jurisdiction.

(S) **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

(T) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.

(U) **Monitoring Company** means a Person in the business of providing Monitoring services.

(V) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

(W) **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(X) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(Y) **Responder** means an individual capable of reaching the Alarm Site within [*] minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

** Amount of time to be determined by the local jurisdiction. Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

(Z) **SIA Control Panel Standard CP-01** means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

(AA) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

(BB) **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

(CC) **Zones** means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

SECTION 3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

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

(B) The fee for an Alarm Registration or an Alarm Registration renewal is set forth below and shall be paid by the Alarm User. No refund of a registration or registration renewal fee will be made. The initial Alarm Registration fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System Takeover.

- (1) Registration Fees – **(See Appendix E – Fines and Fees)**
- (2) Renewal Fees – **(See Appendix E – Fines and Fees)**

(C) Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) failed to pay a fine assessed under Section 7; or
- (2) had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each Alarm Registration application must include the following information:

- (1) the name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) the classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (3) for each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
- (4) mailing address, if different from the address of the Alarm Site;
- (5) any dangerous or special conditions present at the Alarm Site;
- (6) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within [*] minutes at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary;

** Amount of time to be determined by the local jurisdiction. Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

- (7) type of business conducted at a commercial Alarm Site;
- (8) signed certification from the Alarm User stating the following:
 - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;

- (b) the name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;
 - (c) the name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;
 - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and
 - (e) that the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.
- (9) that law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

(F) An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.

(G) All fines and fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

SECTION 3.1. ALARM REGISTRATION DURATION AND RENEWAL

An Alarm Registration shall expire [*] from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. A [*] late fee may be assessed if the renewal is more than thirty (30) days late.

** Renewal duration and fees shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample renewal duration schedules that are used by other jurisdictions similar to yours.*

SECTION 4. DUTIES OF THE ALARM USER

(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) make every reasonable effort to have a Responder to the Alarm System's location within [*] minutes when requested by the law enforcement agency in order to:
 - (a) deactivate an Alarm System;
 - (b) provide access to the Alarm Site; and/or
 - (c) provide alternative security for the Alarm Site.

** Amount of time to be determined by the local jurisdiction and equal to the time designated in Section 3(D)(6). Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

- (3) not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User shall 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.

(C) An Alarm User shall have a Licensed Alarm Installation Company inspect the Alarm System after two (2) False Alarms in a one (1) year period. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period, the Alarm User must have a Licensed Alarm Installation Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate. **[See Appendix A for Installers False Alarm Prevention Checklist]**

(D) An Alarm User shall not use Automatic Voice Dialers.

(E) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

(F) All Alarm Users shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first seven (7) days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to and will not respond to any Alarm Signal from the Alarm Site and will not make an Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event.

SECTION 5. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY

(A) The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

(B) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 4(C) of this Ordinance, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(C) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(D) Ninety (90) days after enactment of this Ordinance the Alarm Installation Companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(E) An alarm company shall not use Automatic Voice Dialers.

(F) After completion of the installation of an Alarm System, an Alarm Installation Company employee shall review with the Alarm User the **Customer False Alarm Prevention Checklist (Appendix B) or an equivalent checklist approved by the Alarm Administrator.**

(G) The Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(H) A Monitoring Company shall:

- (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
- (2) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;
- (3) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;
- (4) communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;

- (5) ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;
- (6) communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
- (7) communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) provide an Alarm User registration number when requesting law enforcement dispatch;
- (9) after an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (10) 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; and
- (11) upon the effective date of this Ordinance, Monitoring Companies must 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 an attempt to Verify. 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 Monitoring Company 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 Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(I) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

SECTION 5.1 LICENSE OR LICENSING

All Alarm Installation Companies and Monitoring Companies shall maintain a License. **[See Appendix D for Licensing of Alarm Companies]**

Note: Delete all references to the term License in this Ordinance if there is no such license in your state or jurisdiction.

SECTION 6. DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR

(A) The Alarm Administrator shall:

- (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and

(2) establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

- (1) identification of the registration number for the Alarm Site;
- (2) identification of the Alarm Site;
- (3) date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
- (4) date and time of law enforcement officer arrival at the Alarm Site;
- (5) Zone and Zone description, if available;
- (6) weather conditions;
- (7) name of Alarm User's representative at Alarm Site, if any;
- (8) identification of the responsible Alarm Installation Company or Monitoring Company;
- (9) whether law enforcement officer was unable to locate the address of the Alarm Site;
and
- (10) cause of alarm signal, if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:

- (1) the date and time of law enforcement response to the False Alarm;
- (2) the identification number of the responding law enforcement officer; and
- (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

(E) The Alarm Administrator may create and implement an Alarm User Awareness Class. The Alarm Administrator may request the assistance of Associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms.

(F) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.

(G) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

SECTION 7. FINES

(A) An Alarm User shall be subject to fines, depending on the number of False Alarms within a 12-month period based upon the following schedule: **[See Appendix C for White Paper on Billing – False Alarm Fine Billing Periods]**

(1) False Alarm Fines

# of False Alarms	Fines
1	(See Appendix E – Fines and Fees)
2	(See Appendix E – Fines and Fees)
3	(See Appendix E – Fines and Fees)
4	(See Appendix E – Fines and Fees)
5 or more	(See Appendix E – Fines and Fees)

(B) In addition, any Person operating a non-registered Alarm System will be subject to a fine of **(See Appendix E – Fines and Fees)** for each False Alarm in addition to any other fines. The Alarm Administrator may waive this additional fine for a non-registered system if the Alarm User submits an application for Alarm Registration within ten (10) days after of notification of such violation.

(C) An Alarm User may have the option of attending an Alarm User Awareness Class in lieu of paying one prescribed fine.

(D) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

(E) The Alarm Installation Company shall be assessed a fine of **(See Appendix E – Fines and Fees)** if the officer responding to the False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the Alarm User.

(F) The Monitoring Company shall be issued a fine of **(See Appendix E – Fines and Fees)** for each failure to Verify Alarm System signals as specified in Section 5(H)(2).

(G) The Alarm Installation Company shall be issued a fine of **(See Appendix E – Fines and Fees)** if the Alarm Administrator determines that an Alarm Installation Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

(H) Notice of the right of Appeal under this ordinance will be included with any fines.

SECTION 8. NOTIFICATION

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the amount of the fine for the False Alarm, notice that the Alarm User can attend Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the [*] False Alarm, excluding Duress, Holdup and Panic Alarms, and a description of the appeals procedure available to the Alarm User.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing after alarm response has been suspended, except to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

** Number of False Alarms shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

SECTION 9. SUSPENSION OF RESPONSE

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Registration if it is determined that:

- (1) the Alarm User has [*] or more False Alarms in a twelve (12) month period;

** Number of False Alarms shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

- (2) there is a statement of a material fact known to be false in the application for a registration;
- (3) the Alarm User has failed to make timely payment of a fine assessed under Section 7 or fee assessed under Section 3; or
- (4) the Alarm User has failed to submit a written certification from an Alarm Installation Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which the alarm registration is revoked and is subject to enforcement and penalties set in Sections 7 and 12. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 12.

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is revoked.

(D) If the Alarm Registration is reinstated pursuant to Section 11, the Alarm Administrator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm Registration if it is determined that [*] False Alarms have occurred within [*] days after the reinstatement date.

** Number of False Alarms and number of days shall be determined by each jurisdiction. Please call the NBF AA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

SECTION 10. APPEALS

(A) If the Alarm Administrator assesses a fine or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company.

(B) The Alarm User, Alarm Installation Company or Monitoring Company may appeal an assessment of a fine or the revocation of an Alarm Registration to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Law Enforcement Authority as follows:

- (1) The applicant, Alarm User, Alarm Installation Company or the Monitoring Company may file a written request for a review by paying an appeal fee of [1/2X* (**See Appendix E – Fines and Fees**)] and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator. Appeal fees will be returned to the appealing Alarm User, Alarm Installation Company or Monitoring Company if the appeal is upheld.
- (2) The Law Enforcement Authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Law Enforcement Authority shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days after the date of the hearing. The Law Enforcement Authority shall affirm or reverse the decision of the Alarm Administrator.

[Note: Your municipal attorney should carefully review the stated appeal process to assure compliance with due process]

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Registration or requiring payment of a fine, until the Law Enforcement Authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Law Enforcement Authority may adjust the count of False Alarms based on:

- (1) Evidence that a False Alarm was caused by an Act of God;

- (2) Evidence that a False Alarm was caused by action of the telephone company;
- (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) Evidence that the law enforcement officer response was not completed in a timely fashion; and/or
- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

(F) With respect to fines of an Alarm Installation Company or Monitoring Company the Alarm Administrator or Law Enforcement Authority may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

SECTION 11. REINSTATEMENT

(A) A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Registration reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

- (1) submits a new application and pays a [X* (**See Appendix E – Fines and Fees**)] reinstatement fee;
- (2) pays, or otherwise resolves, all outstanding citations and fines; and
- (3) submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(B) In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:

- (1) proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;
- (2) a certificate showing that the Alarm User has successfully completed the Alarm User Awareness Class as provided under Section 6(E);
- (3) upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
- (4) a written statement from an independent inspector designated by the Law Enforcement Authority that the Alarm System has been inspected and is in good working order;
- (5) confirmation that all motion detectors are “dual technology” type;

- (6) confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company;
- (7) confirmation that the Alarm System requires two independent detectors to trigger before transmitting an alarm signal to the Monitoring Company;
- (8) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a listen-in device;
- (9) certification that the Monitoring Company will not request an Alarm Dispatch unless the need for law enforcement is confirmed by a camera device; or
- (10) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a Person at the Alarm Site.

SECTION 12. ENFORCEMENT AND PENALTIES

Enforcement of this Ordinance may be by civil action as provided in [*], under municipal law.

** Reference appropriate section of your municipal or state penal code.*

SECTION 13. CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 14. GOVERNMENT IMMUNITY

Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. 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. By applying for an Alarm Registration, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.

Appendix A:

INSTALLER FALSE ALARM PREVENTION PROGRAM CHECKLIST

- | Yes | No | |
|-------|-------|---|
| _____ | _____ | 1. If a duress feature was installed, I thoroughly explained it and I did <u>not</u> program the system so that the duress code is only one digit different than the normal code. |
| _____ | _____ | 2. I checked that the control panel has been programmed so that: |
| _____ | _____ | a. it will not transmit more than one (1) alarm signal from the same zone until manually restored at the premises; |
| _____ | _____ | b. it will delay at least fifteen seconds before initiating dialing on intrusion alarm signals; |
| _____ | _____ | c. it has adequate delay time on entry/exit doors (delay of 45 seconds or more is recommended); and |
| _____ | _____ | d. a cancel code can be entered by the customer to cancel accidental alarms. |
| _____ | _____ | 3. I checked that police and fire panic buttons cause a siren or speaker to sound and that medical panic buttons cause an audible signal. |
| _____ | _____ | 4. I checked that the Arming Station(s) emit sound to inform occupants when an entry/exit door sensor has been triggered. |
| _____ | _____ | 5. I installed and tested standby/backup power. |
| _____ | _____ | 6. I reviewed the "Customer False Alarm Prevention Checklist" with the customer. |
| _____ | _____ | 7. I determined whether the customer had special telephone features, such as call waiting or DSL, and took appropriate steps to allow proper control panel dialing and monitoring center verification. (Such as *70 for call waiting, etc.) |
| _____ | _____ | 8. I checked the control panel was properly grounded to the manufacturer's specifications. |
| _____ | _____ | 9. I checked that all door and window contacts were properly selected, installed and tested. I considered loose fitting doors and windows, whether wide gap contacts were needed, and steel doors and windows. I followed the manufacturer's installation instructions. |
| _____ | _____ | 10. I checked all glass breakage sensors were properly selected, installed and tested. I gave consideration to pets, on-site noises and the general environment. I followed the manufacturer's installation instructions. |
| _____ | _____ | 11. All motion type detectors were properly selected, properly installed and tested. I gave consideration to pets, sunlight, other heat sources, and harsh environments. I followed the manufacturer's installation instructions. |

Please explain if you answered "No" to any of the above items: _____

Installation Technician

Printed Name

Signature

Date

Appendix B:

CUSTOMER FALSE ALARM PREVENTION CHECKLIST

- | | | |
|-------|-------|--|
| Yes | No | |
| _____ | _____ | 1. I have been made aware of the applicable alarm ordinance and I will comply with its requirements. |
| _____ | _____ | 2. I understand it is my responsibility to prevent false alarms, and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system. |
| _____ | _____ | 3. I understand that there is a 7-day no dispatch period for intrusion alarms during which time the alarm company will have no obligation to and will not respond to any alarm signal from an alarm site and will not make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event. |
| _____ | _____ | 4. I have been trained in the proper operation of the system and have been given an operating sheet summarizing the proper use of the system, as well as the security system operating manual. |
| _____ | _____ | 5. I know how to turn off motion detectors while leaving other sensors on. (Residential Only) |
| _____ | _____ | 6. I know how to test the system, including the communication link with the monitoring center. |
| _____ | _____ | 7. I understand that my entry time is _____ and my exit time is _____. |
| _____ | _____ | 8. I have the alarm company phone number to request repair service or to ask questions about the alarm system. |
| _____ | _____ | 9. I know how to cancel an accidental alarm activation and have the system cancellation code or code word. |
| _____ | _____ | 10. I understand that indoor pets can cause false alarms and I will contact my alarm company to adjust the system if I acquire any additional indoor pets. |
| _____ | _____ | 11. I understand that the main control panel and transformer are located in _____. |
| _____ | _____ | 12. I have received an alarm sheet, which describes how the alarm company will communicate with me in the event of various alarm signals. |
| _____ | _____ | 13. I understand the importance of: <ul style="list-style-type: none">• keeping my emergency contact information updated and I know how to do this;• immediately advising the alarm company if my phone number changes (including area code changes); and• immediately advising the alarm company of any other changes to my telephone service such as call waiting or a fax line. |
| _____ | _____ | 14. I will advise the alarm company if I do any remodeling (such as painting, moving walls, doors or windows). |
| _____ | _____ | 15. I understand that certain building defects (such as loose fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them. |
| _____ | _____ | 16. The alarm company has given me written false alarm prevention techniques to help me prevent false alarms. |

Comments: _____

ALARM COMPANY

CUSTOMER

Print Name(s)

By: _____

Signature(s)

Date

Appendix C:

NBFAA WHITE PAPER ON BILLING PERIODS

An alarm ordinance typically defines a false alarm and how that false alarm is “counted” against the alarm user for penalties or fees. Most ordinances allow the user one or two false alarms and then a fee or penalty is charged for any additional alarm activations. This document is intended to identify the most commonly used methods for counting and billing false alarms.

In determining what billing period will be used, the jurisdiction should be aware that their means of administrating the ordinance, including the software that will be utilized, would accommodate the method chosen.

- A. Calendar Year (Fixed Period): A majority of ordinances count false alarms on a calendar year basis, from January 1 to December 31. For any alarm activations that occur between January 1 to December 31 that are over the “free” count, the user is charged.

Example: 1-3 False alarms in a calendar year – no charge
 4, 5 & 6 False alarms - \$50.00 each
 7, 8 & 9 False alarms - \$100.00 each

If a user had a false alarm in February 1999 and two false alarms in March 1999, they would be billed for any additional false alarms that occurred through December 31, 1999 of that same year. The user would then “start over” for any false alarm activations occurring in the next calendar year, January 1, 2000 through December 31, 2000.

- B. Calendar Quarter: This is a variation of the calendar year. (May also be used for a 60 day or 180 day period.)

Example: 1st false alarm in a calendar quarter - free
 2nd, 3rd & 4th - \$50.00
 5th and over - \$100.00

If a user had a false alarm in February 1999 and a second false alarm in March 1999, they would be billed \$50.00 for the March false alarm activation. Since the counting would start over again with the next calendar quarter, if the user generated the next false alarm in July 1999 it would be their first activation in that quarter and would not be chargeable.

C. Permit Date Counting Method: Some ordinances count false alarms in a fixed 12-month period from the date of the specific individual alarm user permit date.

Example: Permit date May 9th, 1999. If the user has a false alarm on September 3, 1999 and three more false alarms in December 1999, they would have a total of four false alarms for the time period of May 9, 1999 through May 8, 2000. If the ordinance used a fee schedule, which allowed for 1-3 free false alarms and a fee of \$50 for the fourth false alarm, the fourth false alarm (which occurred in December) would be charged as \$50.00.

D. Rolling Method: Some ordinances define the counting period as the number of false alarms that have occurred in a rolling period of time (typically 12 months) prior to any false alarm.

Example: A false alarm occurs on March 17, 2000. To determine what number the March 17, 2000 activation is, you would count the number of false alarm activations that had occurred from March 18, 1999 to March 17, 2000.

If a user had false alarms on June 15, 1999, July 13, 1999 and October 4, 1999, the false alarm on March 17, 2000 would be the fourth false alarm and would be subject to the penalties prescribed by the ordinance for the fourth false alarm.

E. Sliding Method: Some ordinances define the counting period within a sliding time period beginning with the first false alarm activation.

Example: A false alarm occurs on March 17, 2000. Any false alarm activations occurring after March 17, 2000, but before March 17, 2001 would be counted.

If a user had false alarms on March 17, 2000, May 1, 2000, July 28, 2000 and September 23, 2000, the false alarm on September 23, 2000 would be the fourth false alarm and would be subject to the penalties prescribed by the ordinance for the fourth false alarm.

Again, in determining what billing period will be used, the jurisdiction should be aware that their means of administrating the ordinance, including the software that will be utilized, would accommodate the method chosen.

Appendix D:

LICENSING OF ALARM COMPANIES

NBFAA and FARA agree that licensing of alarm companies is an important part of the fight against false alarms.

Requirements included within the NBFAA/FARA Model Alarm Ordinance strike an appropriate balance between detection and false alarm prevention by focusing on abusers of alarm systems. Fines, restricted response and alarm user schools have all proven effective as false alarm reduction techniques at the local level. These techniques have proven reliable in a joint project of the alarm industry and the International Association of Chiefs of Police (IACP) in reducing false alarms.

NBFAA and FARA have found that during the discussion of regulation at the local municipal level, methods to certify the installation, service and monitoring of burglar alarms is often discussed. Some suggest that certification or listing by a testing laboratory such as Underwriters Laboratories is the best way to achieve the objectives of a local ordinance. It has been found however, that the benefits of a UL listing or certification are often misunderstood. While UL is currently conducting a debate on the incorporation of false alarm reduction technologies into its standards the UL standards are developed with detection of intrusion or fire and the reduction of losses as the primary objectives. It is not uncommon that efforts to verify that an alarm is in fact real are found to be contrary to a UL standard or requirement. When such standards are adopted at a state or local level, then some safeguards that are put in place to prevent false dispatches are prohibited.

NBFAA has reached the following conclusions on which government entities are best equipped to regulate which industry activities, after extensive review of existing requirements and discussion with public officials, code enforcement officials and industry representatives.

- NBFAA encourages the adoption and enforcement of state licensing for the electronic security and life safety systems industry to require appropriate training, background checks and sufficient insurance.
- NBFAA encourages inter-state recognition or reciprocity of state licenses.
- NBFAA supports the adoption and enforcement of municipal ordinances designed to reduce the incidence of false alarms and consequently reduce unnecessary dispatches of public safety personnel.

NBFAA feels that language included in the International Association of Security and Investigative Regulators (IASIR) Model Security Systems Licensing Act sets out appropriate and effective requirements that can be adopted at the state level. NBFAA believes that it is inappropriate and unwise to try to duplicate the level of detail required for equitable and reasonable regulation of this area at the local level. Statewide regulation reduces consumer costs by eliminating redundant requirements and establishes an adequate pool of licensees to provide appropriate funding for enforcement of the regulations.

FARA's formal position on alarm company licensing is that alarm companies should be licensed at some level, and each municipality has the right to decide at what level alarm company licensing should be required.

Appendix E:

FINES AND FEES

Specific amounts of fines and fees are not listed in the text of this document in order to encourage a dialogue among law enforcement, municipal leaders, alarm users and alarm companies on the appropriate fine or fee to fit the circumstances of your jurisdiction.

FARA, NBFSA and your state alarm association can assist you in establishing the appropriate fines and fees for your jurisdiction.

Administration of the ordinance will be simpler if the jurisdiction adopts a uniform period of time (i.e. one year) for the counting of multiple occurrences and the length of the registration period.

FINES

Fines are one of several tools to discourage false alarms, encourage compliance and hasten the application of corrective actions to avoid false alarms. In general;

- Fines should be directed at the individual or company whose behavior you desire to change, even if fining another would be more efficient or easier (i.e. fine the user if the user caused the false alarm not the alarm company)
- Each fine should be high enough to discourage the behavior that resulted in the fine, but reasonable enough so as to not create an undue hardship on the violator.
- Fines for false alarms should begin after the first false alarm. Allowing a greater number of “free” false alarms will only postpone the resolution of the problem(s) causing the false alarm. However, if there are currently numerous “free” false alarms it might be advisable to reduce them in increments over period of time until you reach the desired amount.
- Fines that are attached to multiple occurrences of the same act (i.e. multiple false alarms) should escalate after each occurrence. This will further encourage the violator to correct the problem.
- Some jurisdictions only allow cost recovery to be used as the basis for the fine, in other cases additional fines may be allowed.

FEES

Alarm registration and renewal fees can allow a jurisdiction to recoup some or all of the cost of administering the ordinance and/or providing response. Some jurisdictions only allow cost recovery to be used as the basis for the fee, in other cases additional fees may be allowed.

Decisions Required on Fines and Fees

We believe that adopting a consistent ratio of fees and fines will enhance the acceptance of your ordinance and make it more defensible over any objections. We have considered the severity of an offense and the difficulty involved in an action in applying our ratios. As with all other sections of the ordinance you are encouraged to modify this approach to meet the local needs. In the suggested ratios below “X” is used to represent a number selected by the local jurisdiction. A multiplier is used to establish the ratio.

Description	Reference	Suggested Ratio	Example
Registration fee	3-B-1	Admin Cost	N/A
Renewal Fee	3-B-2	Admin Cost	N/A
Late Fee	3.1	½ X	\$25
Fine – 1 st False Alarm	7-A-1	0	\$0
Fine – 2 nd False Alarm	7-A-1	X	\$50
Fine – 3 rd False Alarm	7-A-1	1.5 X	\$75
Fine – 4 th False Alarm	7-A-1	2 X	\$100
Fine – 5 th or more False Alarm (s)	7-A-1	4 X	\$200
Operation of a Non Registered Alarm System	7-B	2 X	\$100
False Alarm Caused By On Site Alarm Company Employee	7-E	2 X	\$100
Monitoring Company Failure to Verify	7-F	2 X	\$100
False Statement by an Alarm Co. Employee Making an On-Site Inspection	7-G	4 X	\$200
Appeal Fee	10-C-1	½ X	\$25
Reinstatement Fee	11-A-1	X	\$50