

## **ARTICLE IV. ALARM SYSTEMS**

### **Sec. 33.94. Purpose.**

- (a) The purpose of this article is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of city law enforcement and emergency service resources.
- (b) This article pertains to burglary, panic and holdup alarm system businesses, alarm systems, alarm system users, establishes permit and registration procedures and service fees, and provides for a system of administration.  
(Ord. No. 36,288, § 1, 12-11-90)

### **Sec. 33-95. Definitions.**

- (a) The term "alarm company operator" means and includes any business which engages in the installation, maintenance, alteration, servicing, repairing, replacing or monitoring of a burglar, panic or holdup alarm system, or which causes any of these activities to take place in the City of Norfolk.
- (b) The term "alarm system" means an assembly of equipment and devices installed in or for commercial or residential premises and arranged to signal the presence of a hazard requiring urgent attention to which police are expected to respond. Such alarm system may be installed, maintained, altered or serviced by an alarm company operator in commercial or residential premises. In this article, the term "alarm system" shall refer to all systems which are designed to attract the attention and response of the city police department, including alarm bells, sirens, horns and strobe lights which are audible or visible beyond the lot lines of the protected property premises.
- (c) The term "alarm system user" means any person on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm system user.
- (d) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect. Such a system shall not be connected to the city emergency services facility.
- (e) The term "chief of police" means the chief of the Norfolk police department, or his designee.
- (f) The word "city" means the City of Norfolk, Virginia.
- (g) The term "city attorney" means the Norfolk city attorney or his designee.

- (h) The term "coordinator of emergency services" means the director of the city's emergency operations center or his designee.
- (i) The term "direct line" means a telephone ring-down line leading directly from an alarm company central station to the city emergency services facility that is used only to report emergency signals on a person-to-person basis.
- (j) The term "false alarm" means any security alarm signal communicated to the police department which is not in response to actual or threatened criminal activity requiring immediate police response. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the police in nonemergency situations; and alarm signals for which the actual cause is not determined. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified and determined by the chief of police to be beyond the control of the alarm system user.
- (k) The term "local alarm system" refers to a signaling system which when activated causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.
- (l) The term "person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (m) The term "proprietary system" means an alarm system sounding and/or recording alarm and supervisory signals only at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a central station, modified central station or answering service, it thereby is an "alarm system" other than proprietary as defined in this article.
- (n) The term "police" or "police department" means the Norfolk police department or any authorized agent thereof.  
(Ord. No. 36,288, § 1, 1211-90)

**Sec. 33-96. Alarm system user registration and permits.**

- (a) Every alarm system user shall, within sixty (60) days after the effective date of this article, obtain an alarm system user permit from the city, for the operation of such alarm system. If the alarm system is to be installed or maintained by an alarm company operator, the alarm company operator may obtain the required permit for the alarm system user. The person applying for the permit required in this section shall state on a permit application form provided by the city the following: name, address of the commercial or residential premises in or for which the alarm system will be installed, telephone number of the alarm system user, the type of alarm system (local or monitored), name of the alarm company operator selling or leasing the new or existing

alarm system equipment or services and the names, addresses and telephone numbers of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an alarm signal and who can open and represent the premises in which the system is installed for reporting and investigative purposes. It shall be the responsibility of the alarm system user to notify the city in writing of any subsequent changes in the information provided on the permit application.

Upon approval by the chief of police of the permit application, the permit shall be issued to the alarm system user.

(b) The information contained in the alarm system permit application required by this section and other information received by the chief of police or the coordinator of emergency services through correspondence or communications with an alarm system user or an alarm company operator shall be securely maintained and restricted to inspection only by the certain officers or city employees specifically assigned the responsibility for handling any processing alarm system user permits in the course of official duties. The release of any information contained in the alarm system permit application or related communications or correspondence to another person for any unlawful purpose shall constitute a class 2 misdemeanor.

(c) Any alarm system user who operates or allows an alarm system to be operated without first obtaining a permit as required by this section, or who, after having a permit revoked, operates or allows the system to be operated, shall be in violation of this article, and subject to fine, as provided by section 33-105. The owner of the alarm system to whom the alarm system user permit is issued shall be the person held in violation.

(Ord. No. 36,288, § 1, 12-11-90)

#### **Sec. 33.97. Duties of alarm system users.**

(a) Alarm system users shall instruct employees, tenants or others who may have occasion to activate an alarm that alarm systems are to be activated only in emergency situations to summon an immediate police response and shall instruct as to the operation of the alarm system, including setting, activation, deactivation and resetting of the alarm. All instructions pertaining to alarm systems and procedures shall be in written form, suitable for distribution and shall be available for inspection by representatives of the police department. The alarm system user shall be responsible for maintaining the alarm system in proper working order.

(b) An alarm system user or person authorized and capable of deactivating the alarm, who allows an alarm to continue to emit an audible signal for thirty (30) minutes after notification of the alarm commencing to emit such signal shall be guilty of a class 4 misdemeanor.

(Ord. No. 36,288, § 1, 12-11-90)

#### **Sec. 33.98. Deliberate false alarms.**

Any person who intentionally or deliberately and without just cause activates an alarm system in a nonemergency situation shall be deemed guilty of a class 2 misdemeanor. Nothing herein contained shall apply to the periodic testing of alarms after prior coordination with and approval of the coordinator of emergency services. Testing the alarm system without such prior coordination and approval is unlawful.  
(Ord. No. 36,288, § 1, 12-11-90)

**Sec. 33.99. Service fees for false alarms.**

Notwithstanding the penalties provided for in section 33-98, the following provisions shall also apply to false alarms:

(a) Schedule of fees. The third false alarm originating from any premises and to which police are dispatched or respond within six (6) consecutive months will result in a service fee being imposed by the city upon the alarm system user which fee must be paid within thirty (30) days after billing. The service fee shall be twenty-five dollars (\$25.00) for the third false alarm and forty-five dollars (\$45.00) for the fourth false alarm and each subsequent false alarm. Fees shall be collected pursuant to section 33.100.

(b) The city will notify an alarm system user upon occurrence of the fifth false alarm within a six-month period that the user's alarm system must be inspected by a registered alarm company operator to identify any problems or defects with the alarm system. The choice of alarm company operator and cost of the inspection are the responsibility of the alarm system user. The alarm company operator shall provide a copy of a report of inspection to the chief of police. The report shall outline the problems or defects found and the actions taken or needed to correct such problems or defects. If no problems or defects are noted, the report will certify the system as operable. If the system is certified as operable, it will be presumed that the false alarm(s) occurred through alarm system user error. The user must then be retrained and/or provide an alarm operator's training program for its employees, tenants and all others having access to the system. A report of this training must be filed by the alarm system user with the chief of police.  
(Ord. No. 36,288, § 1, 12-11-90)

**Sec. 33-100. Payment of fees; revocation of permit for failure to pay fees.**

(a) The city shall on the last day of each month certify to the city treasurer the name of the alarm system user, the address from which false alarms subject to penalty emanated and the amount due the city. The city shall cause billing to be sent and shall in turn notify the city attorney when any account is more than thirty (30) days in arrears.

(b) All service fees assessed against the alarm system user shall be due and owing to the city treasurer. In the event legal action is necessary to collect the service fees, the alarm system user shall be required to pay the service fees and any and all legal fees, attorney's fees and court costs required to collect such monies.

(c) The failure of a permit holder to pay any outstanding service fees and/or expenses of collection shall constitute grounds for the revocation of the alarm system users permit by the chief of police. The continued operation of an alarm system after notification that the permit has been revoked shall constitute a class 4 misdemeanor, and each day of continued operation of the alarm system shall constitute a separate offense.

(d) An alarm system user permit that has been revoked pursuant to subsection (c) of this section may be reinstated by the chief of police upon payment of all outstanding service fees and expenses of collection plus a reinstatement fee of one hundred dollars (\$100.00).

(Ord. No. 36,288, § 1, 12-11-90)

### **Sec. 33.101. Telephone dial alarm systems regulated.**

It shall be unlawful for any person to install, sell, lease or use, or cause or allow to be installed, sold, leased or used an automatic telephone dialing device or system which is set or programmed to directly dial, call or in any other manner make direct contact with any telephone line or radio circuit of the city emergency services facility or the police department. A violation of this section shall constitute a class 1 misdemeanor.

(Ord. No. 36,288, § 1, 12-11-90)

### **Sec. 33-102. Alarm company operator registration.**

(a) Every alarm company operator shall, within thirty (30) days after the effective date of this article, register with the city on forms provided by the city. The application for registration shall include name of the alarm company operator, names of owners and officers and the services offered by the alarm company operator. It shall be the responsibility of the alarm company operator to notify the city in writing of any subsequent changes in the information provided on the application for registration.

(b) Registration applications shall be accompanied by a nonrefundable fee of thirty dollars (\$30.00) to cover the costs of processing the application and investigating the applicant. The registration must be renewed annually thereafter at an annual fee of twenty dollars (\$20.00).

(Ord. No. 36,288, § 1, 12-11-90)

### **Sec. 33-103. Duties of alarm company operators.**

(a) No alarm system shall be installed, monitored, altered, serviced or repaired to a level of operation by an alarm company operator unless the alarm system user has complied with the registration and permit provisions of section 33-96.

(b) Every alarm company operator that installs, monitors, alters, services or repairs an alarm system after the effective date of this article shall certify on the permit required in section 33-96 that the alarm system user has been instructed in the proper use and operation of the alarm system.

(Ord. No. 36,288, § 1, 12-11-90)

**Sec. 33.104. Exceptions.**

This article shall not apply to any alarm system used, operated or installed in any premises owned, leased, occupied or under the control of the city or its school board or any officer, agent or employee of the aforesaid governmental agencies while acting or employed in their official capacity. This article shall not apply to facilities owned or operated by federal or state governments.

(Ord. No. 36,288, § 1, 12-11-90)

**Sec. 33-105. Penalties.**

Except as otherwise provided, any person who violates any section of this article shall be guilty of a class 3 misdemeanor.

(Ord. No. 36,288, § 1, 12-11-90)