

## Chapter 15.48

### ALARM SYSTEMS

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**15.48.010 Title and purpose.** This chapter shall be known as the "Alarm Systems Ordinance." False alarms are a matter of public concern that represent a danger to the citizens and police or fire officers of the city. Alarms necessitate immediate police or fire department response, frequently requiring police or fire officers to proceed through traffic at high rates of speed. Such situations create stress since the officer must immediately prepare mentally and physically for any necessary action at the premises where the alarm is activated. The purpose of this chapter is to deter or eliminate false alarms and the resulting dangers. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(1), 1986).

**15.48.020 Definitions.** Unless the context clearly indicates otherwise, the following definitions apply:

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

B. "Alarm permit" means a permit issued by the city allowing the operation of an alarm system within the city.

C. "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal an occurrence of an illegal entry or other activity requiring urgent attention and to which the police or fire department is expected to respond.

D. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of a building, structure or facility or portion thereof wherein an alarm system is maintained.

E. "Automatic telephone dialing alarm system" means the automatic dialing device or an automatic telephone dialing alarm system. This shall include any system which, upon being activated, automatically transmits by telephone or telephone line to the city police or fire department, a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function is to transmit to the city police or fire department a need for emergency response.

F. "False alarm" means an alarm signal eliciting a response by police or fire department when a

situation requiring a response by the police or fire department does not in fact exist. This definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

G. "Hearing officer" means an employee of the city designated by the chief of police to act as an impartial arbitrator at hearings related to the enforcement of this chapter.

H. "Alarm Service Provider" means the business that receives the alarm signal and transmits the alarm message to the Missoula 911 Center for dispatch of police or fire. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(2), 1986).

#### **15.48.030 Alarm user permits required--Fee--Renewal.**

A. It is unlawful for any person to use or operate an alarm system without a valid alarm user permit. Violation of this section shall be a misdemeanor, punishable by up to a \$500.00 fine.

B. Initial (first) year: Alarm user permits shall be submitted to the city upon application and payment of a twenty-six dollar (26.00) registration fee, or, the alarm company or individual that installs the alarm will be responsible for the paperwork and filing of the initial (first) year's alarm permit application.

C. Such applications must be made to the city police department. The department may issue permits to alarm users after completion of final inspection by police or fire officials as needed, if any, and payment of the twenty-six dollar (26.00) registration fee.

D. No alarm user registration fee shall be required from any unit or agency of the federal government or from any unit, agency or political subdivision of the state.

E. All alarm user permits shall expire the thirtieth day of June of each year and must be renewed within thirty days of the expiration date on the permit. Renewal permits will be issued after completion of an application form and the payment of a twenty-six dollar (26.00) renewal fee. Exception: permits for a premises that has had no false alarms during the preceding alarm permit year will be renewed after completion of an application, but without the necessity of paying any renewal fee.

F. If a business has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit will be required for each structure.

G. Subsections B through E of this section shall not apply in those situations where alarm user permits have been revoked pursuant to the provisions of this chapter. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (3) , 1986) .

#### **15.48.040 Application for alarm permit--Emergency notification and reporting service information.**

Applications for alarm permits shall be made on forms provided by the police department. Each application shall be accompanied by a fee of twenty-six dollars (26.00). The application shall state name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address and telephone number of the applicant's residence, if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address and telephone number of the company. Each permit shall be valid until the thirtieth day of June each year.

A. Each application shall list an emergency telephone number of the user or his representative to permit prompt notification of alarm calls and of facilities assisting the police in the inspection of the property. Changes in emergency telephone numbers shall be kept current, and failure to provide updated information may constitute grounds for revocation of the permit.

B. Reporting Service Information. Each holder of an alarm user permit shall immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit. (Ord. 3325, 2006; Ord.

2496 §2 (4), 1986).

C. The owner of the alarm will provide to their "alarm service provider" the City of Missoula alarm permit number and the days/hours of normal operation. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 52(5), 1986).

**15.48.050 Issuance of permit decals.** A decal with the alarm user's permit number, name of business, or residence owner's name, and permit address will be issued with the alarm user permit. This decal must be prominently posted on or near the front entrance to the premises so that the information provided on the decal is visible from the outside of the structure. (Ord. 3325, 2006; Ord. 3150, 2000)

**15.48.060 Necessary items for alarm systems to qualify for an alarm user permit.**

A. All alarm systems shall have a backup power supply that will become effective in the event of a power failure or outage in the source of electricity from the utility company.

B. All alarm systems will have an automatic reset which silences the enunciator within ten minutes after activation and which will not sound again as a result of the same event that produced the original activation, excluding fire alarms. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (6) , 1986) .

**15.48.070 Response to alarm--Determination of validity**

A. An alarm user will provide the alarm service provider with the days/hours of normal business operation. If an **intrusion** alarm (except robbery/distress alarms) occurs during normal days/hours of business operation, prior to requesting the Missoula 911 dispatch police or fire, the alarm service provider will verify the alarm and need for response. **Exception:** Fire, Robbery, and Distress alarms will be dispatched as agreed between the alarm service provider and the alarm user, regardless of time of day. Verification is still recommended, but not required.

B. Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police or fire department, a police or fire officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether: (a) the emergency response was in fact required as indicated by the alarm system; (b) whether the alarm system malfunctioned in some way and thereby activated a false alarm; or (c) went off even though no bona fide emergency situation existed, thereby resulting in a false alarm situation.

C. If the police or fire officer at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm. Notification shall be mailed or delivered to the alarm user at the address of the said alarm system installation location, advising the alarm user of the false alarm.

D. The chief of police or fire, or his designee, shall have the right to inspect any alarm system on the premises to which a response has been made and he may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

E. Under certain conditions a false alarm is the fault of neither the alarm system nor the alarm user (e.g., inclement weather). In such circumstances, the alarm user will not be found in violation of a false alarm. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(7), 1986) .

**15.48.080 Appeals.**

A. A hearing officer shall be appointed by the chief of police to hear appeals from alarm users on the issue of whether the alarm system in question activated a false alarm, as determined by a police or fire officer at the scene of such activated alarm.

B. Upon the mailing of any false alarm report to the alarm user from the city, the alarm user shall have ten (10) days, orally or in writing, to request a hearing before the said hearing officer.

C. At the hearing, which must be scheduled and concluded within fifteen (15) days from the date the request for same is received, the alarm user shall have the right to present evidence and testimony.

D. The hearing officer shall make written findings available to the alarm user and the chief of police within ten (10) days from the date the hearing is concluded.

E. A decision by the chief of police, or his designee, to uphold or to cancel the false alarm report which is the subject of this section must be made within ten (10) days from the receipt of the above findings by the chief of police.

F. Until all the steps set forth in this section have been completed, the alarm event in question will be considered to be a false alarm and will be considered the basis for the prima facie presumption that the involved alarm system is either malfunctioning or activating itself when no genuine emergency exists (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(8), 1986).

#### **15.48.090 Fee assessment for alarm user permits.**

A. It is found and determined that more than two (2) false alarms within any permit year is excessive and constitutes a public nuisance.

B. The activation of three or more false alarms within a permit year will be handled according to the following schedule: 15.48.110.

C. For the purpose of this section, a permit year will extend from date of issuance to June 30 of each year. False alarms occurring during each permit year shall be handled in the manner set forth in subsection D and E of this section.

D. Each service charge shall be considered a bill owed by the user to the city and collectible through city municipal civil court action if necessary to obtain collection.

E. If an alarm user does not have a valid city alarm permit that is current and in full force and effect, the alarm user should not expect to receive police department response whenever an alarm is activated at any premises where an alarm is in use. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(9), 1986).

#### **15.48.100 Automatic telephone dialing alarm systems prohibited.**

A. It is unlawful for any person, firm, or corporation to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone dialing alarm system over any telephone lines used exclusively by the public to directly request emergency service from the Missoula Police Department.

B. The chief of police, or his designee, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of subsection A of this section shall, in writing, order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order.

C. Any automatic telephone dialing system installed unlawfully, as set forth in subsection A of this section, prior to the effective date of the ordinance codified in this chapter shall be removed within thirty (30) days of the order as contained in subsection B of this section. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(10), 1986).

#### **15.48.110 Summary table of police response guidelines and service charges for false alarm responses.**

The summary table of police response guidelines for false alarm responses shall be as follows:

A. 1<sup>st</sup> false alarm requiring police or fire department response: free.

B. 2<sup>nd</sup> false alarm requiring police or fire department response: \$52.00 service charge. Service charge is waived if the alarm user provides to the Police Department within ten (10) working days a letter of finding, describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

C. 3<sup>rd</sup> false alarm requiring police or fire department response: \$52.00 service charge. Service charge is waived if the alarm user provides to the Police Department within ten (10) working days a letter of finding, describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

D. 4<sup>th</sup> false alarm requiring police or fire department response: \$104.00 service charge and a letter of finding from the alarm company describing the cause of the false alarm and the corrective action taken to eliminate future false alarms.

E. 5<sup>th</sup> false alarm requiring police or fire department response \$208.00 service charge. Requires an onsite inspection with the Missoula Police Department, the owner of the alarm, and the alarm company.

F. 6<sup>th</sup> false alarm requiring police or fire department response: \$416.00 service charge, with an automatic suspension of police response for the remainder of the year. When an alarm has been suspended or revoked, the police will notify the alarm service provider that the Police Department will not respond to alarms for the remainder of the permit year and subsequently will do so only after a new permit has been issued. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 92(11), 1986).

**15.48.120 Equipment standards.** It shall be the responsibility of the owner of the building to have an annual maintenance performed on all alarm systems as required by N.F.P.A. 72. If deficiencies are found during the annual maintenance, it shall be the owner's responsibility to correct them. The owner or occupant shall provide proof of annual maintenance on site. All work on the alarm systems is required to be performed by someone licensed by the State of Montana. All equipment used in installations for which a permit is required shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association or other recognized industry standard. Applicant may be required to submit evidence of the reliability and suitability of the equipment to be installed. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(12), 1986).

**15.48.130 Police or fire department notification prior to installation.** No audible-type burglary and/or robbery and/or fire alarm system shall be installed or maintained on any premises within the city until such time as the police or fire department has been so advised in writing and provided with a list of the telephone numbers and addresses at which the person or persons authorized to enter such premises may be reached. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(13), 1986).

**15.48.140 User response.** Upon the notification of an alarm, and the request of the police or fire department, an alarm user or his agent shall immediately go to the scene of such alarm and assist the police or fire department in determining the possible cause of such alarm.

When a reasonable suspicion exists for the police or fire to require the presence of the alarm user or their representative for inspection of the premise and the response is declined or a responder cannot be located, police response to future alarms will be suspended. It will be resumed only after a meeting between the alarm user and the police hearing officer to ensure that a non response does not recur. The alarm permit may be suspended for the remainder of the permit year. (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2(14), 1986).

**15.48.150 Violation--Penalty.** Operating an alarm system without a valid city alarm user's permit or pursuant to a revoked alarm user's permit shall be a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00). (Ord. 3325, 2006; Ord. 3150, 2000; Ord. 2496 §2 (15) , 1986) .