

Chapter 47
BURGLAR AND HOLDUP ALARMS

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§47-1. Definitions [Amended 10-3-11, effective 10-23-11]

“Alarm Business” means any business which sells, installs, leases, maintains, repairs, replaces, alters, services, monitors, or responds to an alarm system.

“Alarm signal” means the activation of an alarm system.

“Alarm site” means a signal premises or location served by an alarm system. Each tenancy, if served by a separate alarm system, in a multi-tenant building shall be considered a separate alarm system.

“Alarm System” means a device or series of devices, including, but not limited to, systems interconnected with radio signals, which are designed to emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition. Alarm System includes devices activated automatically, such as burglar alarms, and devices activated manually, such as holdup or duress alarms. Alarm Systems does not include Fire Alarm Systems and Alarm Systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises, an alarm installed on a vehicle, or an

alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the premises.

“Alarm User” means the person who [has the primary control over the residence or commercial premises in which a burglar or holdup alarm is installed or the person who contracts for alarm service] uses an alarm system at the person's alarm site.

“Automatic Dialing System” means any device which is interconnected to a telephone line and is programmed to select a predetermined telephone number, then transmit a prerecorded voice or code message signaling the existence of entry or criminal activity at the protected site.

“Burglar and Holdup Alarm” means an assembly of equipment and devices (or a signal device such as a solid state unit which plugs directly into a 110 volt AC line) arranged to signal response of a hazard requiring urgent attention and to which police are normally expected to respond. Burglar and Holdup Alarms include "Automatic Holdup Alarm Systems," "Burglar Alarm Systems," "Holdup Alarm Systems." and "Manual Holdup Alarm Systems." Fire Alarm Systems and Alarm Systems which monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this Chapter.

“Central Monitoring Station” means a commercial company whose primary business is monitoring alarm signals and performing contracted services for alarm users.

“Certification of Certified” means the system has been inspected by a licenses burglar and holdup alarm contractor or technician licensed in the State of Maryland and/or Prince George's County, and that the system meets all the requirements of this Chapter and all other applicable national or local codes.

“Chief of Police or Chief” means the Chief of the Riverdale Park Police Department or his/her designee unless otherwise stated.

“Control Panel” means the central processing unit designed to manage and control an alarm system.

“Direct Connection(hard-wired)” means an alarm system, either silent or audible, that transmits an alarm signal via interconnecting wires to a remote location dedicated to that purpose.

“Duel Technology Sensor” means a signal device that is manufactured to require two simultaneous inputs by two different technologies to cause alarm activation.

“Duress Alarm” means the deliberate activation of a silent alarm by entering at a touchpad a code different from the normal arm/disarm code, or by a separate deliberate act at other device(s).

“False Alarm” means any request for immediate Police Department assistance which is not in response to actual or threatened criminal activity or activation of an alarm system which results in an emergency response by the police to an alarm site for which the responding police officer finds no evidence of a criminal offense or attempted criminal offense at the alarm site. **An emergency response to an alarm signal which is cancelled by the alarm user or alarm business prior to the time the responding police officer reaches the alarm site shall not be considered a false alarm.** False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; or signals which are purposely activated to summon the police in no emergency situations. **False alarms shall not include signals for which the actual cause cannot be determined, such as those activated by unusually severe weather conditions or by causes which are beyond the control of the alarm or alarm business. If there is any doubt as the cause of the alarm signal, such doubt shall be resolved in favor of the alarm user.**

“Holdup Alarm” means a silent alarm generated by the deliberate activation of a holdup alarm.

“License or permit” means a license or permit issued to an alarm business or an alarm system user by the Riverdale Park Chief of Police or his/her designee.

“Local” means an alarm system that sounds audibly at the protected premises.

“Nonresidential or Commercial Alarm User” means any alarm user that is not a residential alarm user.

“Panic Alarm” means the deliberate activation of an audible alarm.

“Police Connection” means direct connection in which the remote location is a police facility.

“Residential Alarm User” means the occupant of any dwelling unit with an alarm system.

“Silent Alarm” means an alarm system that has no audible sound at the protected premises.

“Touchpad” means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

“Wireless System” means those types of systems which transmit electromagnetic waves or messages through the air from remote sensor devices to the control panel to indicate a condition exists for which an alarm signal should be sounded or from a control device to arm/disarm the system, activate the alarm signal or reset the system.

All terms not defined in this section shall have their common meaning.

§47-2. Installation Standards and Requirements

The Town of Riverdale Park herein adopts by incorporation the provisions of sections 9-131 and 9-132 of the Prince George's County Code relating to installation standards and requirements for burglar and holdup alarm systems.

§47-3. Burglar and Holdup Alarm User Permits [Amended 10-3-11, effective 10-23-11]

(a) Requirement of Permit

Every alarm user shall obtain an alarm user permit for each alarm system he operates on commercial or residential premises with the Town of Riverdale Park from the Chief of Police or his/her designee. No permit shall be issued for any system utilizing an Automatic Dialing Device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the Town of Riverdale Park Police department.

(b) Disclaimer

Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either express 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 registering an alarm system, the alarm user acknowledges that police response may be based on factors such as the availability of police units; priority of calls; weather conditions; traffic conditions; emergency conditions; or staffing levels.

(c) Residential Alarm User Permit Application

Each application or application for renewal for the residential alarm permit must contain, but is not limited to, the following information:

- (1) Registration number(if a renewal)
- (2) Name, address, and telephone number of alarm user.
- (3) Dangerous or special conditions information at the alarm site.

- (4) Type of alarm system (Burglary, robbery, panic, duress, medical alert, etc.
- (5) Names, addresses, and telephone numbers of two (2) persons who are able to, and have agreed to: receive notification of an alarm activation at any time; respond to the site within one (1) hour; and grant access to the alarm site and deactivate the alarm system if such becomes necessary.
- (6) Name, address and telephone number of alarm business that installed and/or monitors the alarm system, if applicable.
- (7) A statement as to whether the alarm user has ever registered an alarm with the Town of Riverdale Park, and if so, under what alarm user name and address of alarm site.
- (8) An acknowledgment that they must keep a copy of the alarm permit application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the Chief of Police or his/her designee.
- (9) Any other information deemed necessary by the Chief of Police.

(d) Commercial or Nonresidential Alarm User Permit Application

Each application or application for renewal for a commercial or nonresidential alarm user permit must contain, but is not limited to:

- (1) Registration number (if a renewal)
- (2) Nonresidential alarm user's name and trade name (if different).
- (3) Employer Identification Number (EIN).
- (4) Street address where alarm system is located, including room or suite number.
- (5) Telephone number(s) at the alarm site.
- (6) Type of business or activity conducted at the alarm site.
- (7) Parent company name, address, and telephone number.
- (8) Name and telephone number of person responsible at the parent company location for the alarm system at the alarm site.

(9) Names, addresses , and telephone numbers of three(3) persons (an alarm business will be acceptable as one(1) of these persons) who are able to and have agreed to: receive notification of an alarm activation at any time; respond to the alarm site within one-half (½) hour; and grant access to the alarm site and deactivate the alarm system if such becomes necessary.

(10) Name, address, and telephone number of alarm business that installed and/or monitors the alarm system, if applicable.

(11) Type of alarm system (robbery, burglary, duress, panic, etc.)

(12) Dangerous or special conditions information at the alarm site.

(13) A statement as to whether the alarm user had ever previously registered an alarm system or been issued a permit in Prince George's County, or any county in the Washington Metropolitan area that requires such a permit.

(14) An acknowledgment that they must keep a copy of the alarm permit application form and installation certificate at the alarm site and must produce such registration information for inspection upon reasonable request by the Chief of Police or his/her designee.

(15) Any other information deemed necessary by the Chief of Police.

(e) Requirements for All Applications and Permits

(1) Information in the application shall be maintained current at all times. Any changes in the application information must be forwarded to the Chief of Police within ten (10) days of changed information.

(2) Alarm user shall make provision for silencing the local audible alarm within one-half (½) hour from the time the signal is received by the police, either automatically or by one of the authorized persons.

(3) An alarm user permit is valid only for the premises registered and is not transferable to another alarm user or premises. A new permit must be obtained for each alarm site.

(4) Exemptions. Local, state, or federal government facilities are exempt from payment of permit fee and false alarm response fees, but are requested to

register alarm site specified if the Riverdale Park Police Department is normally expected to respond to an alarm at the site.

(f) Alarm User Fees

(1) There shall be a forty dollar (\$40.00) non-refundable nonresidential or commercial alarm permit fee for the initial application. Said permit shall be valid for the balance of the calendar year in which the application is filed. Said permit shall expire on December 31 of the year in which application is made. Payment shall accompany the application.

(2) There shall be a non-refundable annual nonresidential or commercial alarm renewal fee of forty dollars (\$40.00). The fee is due by January 15 of the following expiration of the permit. The fee may be paid by the alarm user or the alarm business. Payment shall accompany the renewal application.

(3) There shall be a ten dollar (\$10.00) fee for duplicate registration stickers.

(4) If an alarm user permit, residential or commercial, has been revoked or suspended, a non-refundable reinstatement fee of one hundred dollars (\$100.00) must accompany an application for reinstatement.

(5) There shall be no permit or renewal fee for a residential alarm permit. However, any application for a residential alarm permit at a site where the resident is the same and at the same site where a permit has been previously revoked or suspended, must be accompanied by the one hundred dollar (\$100.00) reinstatement fee.

(g) Confidentiality of Application Information

All information contained in an alarm user permit application required by this Chapter and any other information received by the Chief of Police through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection by employees of the Riverdale Park Police Department. If any of the aforementioned individuals is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Chapter, or official law enforcement matters, and without the express written consent of the alarm user supplying such information, that individual shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or incarceration for a period not to exceed six months.

(h) Registration Stickers

Upon the issuance of a permit, the alarm user shall be issued a registration sticker with a registration number which shall be posted at the main entry. The sticker must be prominently displayed in such a manner as to be readily seen by police without entry. The sticker must be displayed at least four (4) feet above ground or four (4) feet above the step or landing, whichever is higher.

(i) Registration Violation

It shall be unlawful for any alarm user to operate an alarm system without first obtaining a permit as required by this Chapter, or who, after having a permit revoked or suspended, or who is indebted to the Town of Riverdale Park for false alarm fees and/or fines incurred by the alarm user under the current or any prior permit. First-time violations of the registration requirement shall result in a warning by the Chief of Police or his/her designee, and the alarm system must either be removed or a permit applied for within fifteen (15) days. Failure to comply with such warning shall be deemed a violation of this section. Violations of this section shall be deemed municipal infractions. Violations of which shall carry penalties of \$50.00 for the first violation, and \$100.00 for each subsequent violation. Each twenty-four (24) hour period during which the violative condition exists shall be deemed a separate violation.

§47-4. False Alarms

(a) False alarms shall be deemed municipal infractions. For each false alarm from a user's alarm system, an alarm user shall pay a false alarm response fee, as set forth in the following table:

| <u>False Alarm Signal Occurrence</u> | <u>False Alarm Response Fee</u> |
|--------------------------------------|---------------------------------|
| 1st or 2nd | No fee |
| 3rd | Warning notice |
| 4th, 5th or 6th | \$ 50.00 |
| 7th, 8th or 9th | \$100.00 |
| 10th, 11th or 12th | \$150.00 |
| 13th or greater | \$200.00 |

(b) False alarm response fees are payable with ten (10) days of the receipt of notification that fees are due. The failure to pay the false alarm response fee within 30 days shall be grounds for revocation or suspension of such permit. Failure of alarm user to file notice of intent to defend against such municipal infraction shall result in the Town of Riverdale Park taking such action to the District Court for Prince George's County, Maryland, and seeking such remedies as may be available to it, including quadrupling of fines due, as well as a right of entry to remove alarm system at the expense of the alarm owner,

(c) After an alarm user has six (6) or more false alarms within a twelve (12) month period, the alarm user must have the alarm system recertified by a licensed burglar or holdup alarm contractor. The recertification, along with a twenty-five dollars (\$25.00) recertification fee, shall be submitted to the Chief of Police within thirty (30) days after receipt of the notice that recertification is necessary. Failure to have an alarm system recertified as required by the subsection shall be deemed a municipal infraction punishable by a fine of fifty dollars (\$50.00), and shall be grounds to revoke or suspend alarm user's permit.

(d) After an alarm user's system has twelve (12) or more false alarms in a twelve month period, the alarm user must have the system upgraded to meet existing Prince George's County standards or upgraded to a more reliable system technology which shall include, but is not limited to, the installation of dual technology sensor devices. System upgrading must be accomplished within thirty (30) days after receipt of the notice that system upgrading is required. The system upgrade must be accomplished by a licensed burglar and holdup alarm contractor. The alarm user shall submit a certification of the system upgrade, along with a fifty dollar (\$50.00) certification fee, to the Chief of Police. Failure to have a system upgrade as required by this section shall be deemed a municipal infraction punishable by a fine of fifty dollars (\$50.00), and shall be grounds to revoke or suspend alarm user's permit. Following the certification of the system upgrade, the number of false alarms for the given twelve month period shall be reset to zero.

(e) False Alarm Response Waiver Fee

(1) A false alarm response fee may be waived if the alarm system was activated by an act of God, including violent conditions of nature; such as, blizzard, earthquake, high intensity winds, extreme thunderstorms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the alarm system or alarm users. The request for a waiver of the false alarm fee shall be made in writing and shall include a statement which details the reason, if known, for the false alarm.

(2) If it is determined by the Chief of Police that a false alarm signal was due to an event beyond the reasonable control of the alarm user, the alarm signal shall not be considered a false alarm and the fee shall be waived.

(3) If alarm signals were caused by a malfunctioning alarm system which cause two (2) or more false alarms in a twelve (12) hour period, and the alarm user and the alarm monitoring business exercised their best efforts to limit alarm signals caused by the malfunction, all false alarms within a single twelve (12) hour period will be counted a one (1) false alarm.

(f) False Alarm Appeal Process and Filing Fee

(1) An alarm user may appeal the determination by a police officer that an alarm signal was a false alarm to the Chief of Police within ten (10) days after a notice of a false alarm is received by the alarm user.

(2) The appeal must be in writing and contain sufficient information to determine whether the responding officer's determination that the alarm signal was a false alarm was correct. Any appeal must be accompanied by a twenty-five dollars (\$25.00) filing fee which shall be returned to the alarm user if the alarm signal is not determined to be a false alarm or if the false alarm fee is waived.

(3) The Chief of Police, or his designee, shall review the appeal and render a written decision based on the facts presented in the appeal. The Police Department's daily alarm records shall be prima facie evidence that a false alarm has occurred and shall constitute a presumption that may be rebutted by the alarm preponderance of evidence indicates that the alarm signal was a false alarm.

(4) Any appeal of the Chief of Police's decision to uphold the determination of a false alarm shall be made to the Public Safety Committee of the Riverdale Park Town Council. The appeal shall be based on the record developed by the Chief of Police, consisting of the Police Department's reports, the alarm user's written appeal and any documentation submitted therewith and the Chief of Police's determination.

(5) The amount of the false alarm response fee is not appealable.

(6) The alarm user must pay the false alarm response fee for a false alarm within thirty (30) days after receipt of the Chief of Police's decision upholding the determination that a false alarm has occurred unless the alarm user appeals the determination to the Public Safety Committee.

(7) The Chief of Police shall not hear any appeal regarding a dispute between an alarm user and alarm monitoring business concerning responsibility for a false alarm or a series of false alarms.

(g) Upon receipt of a notice of intent to revoke or suspend an alarm user's permit pursuant to this section, the alarm permit holder may within ten (10) days of such receipt submit a written request by first-class mail, return receipt requested, for a hearing before the Chief of Police setting forth the reasons that his permit should not be revoked or suspended. Written notice of the time and place of the hearing shall be served on the holder of the permit by the

Chief of police or his/her designee by certified mail at least ten (10) days prior to the date set for the hearing.

(h) At the hearing before the Chief of Police, the alarm user, or his authorized representative, shall have the right to confront and examine witnesses, and to present evidence on his own behalf. After the hearing, the Chief of police may either issue an order of revocation, withdraw the notice of revocation, or suspend the permit until reimbursement or such time that he/she is satisfied that the cause or causes of the false alarms have been eliminated.

(i) Any alarm user whose permit has been revoked or suspended pursuant to this section shall have the right, within ten (10) days after receiving the notice or revocation from the Chief of Police, to file a written appeal by first-class mail or hand delivery to the Public Safety Committee Chairman of the Riverdale Park Town Council; and no alarm user shall be required to discontinue use of the alarm system prior to the expiration of the ten (10) day period in which the appeal may be filed. The Public Safety Committee shall hold a hearing on the appeal within thirty (30) days after receipt, and shall cause the appellant to be given at least ten (10) days advance written notice of such a hearing. At the hearing, the appellant or his designated representative shall have the right to present written or oral argument, or both, in support of his appeal. The Public Safety Committee shall issue its written decision within ten (10) days of the hearing.

(j) If an alarm user files an appeal pursuant to subsection (I) of this section, he shall not be required to discontinue the alarm system until a final decision is made on his appeal.

§ 47-5. Enforcement and Penalties

(a) The first failure by any person to obtain an alarm user permit as required by this Chapter, or to obey any order of the Chief of Police of suspension or revocation of an alarm user permit after such person has exhausted his rights to hearings or appeals, constitutes a municipal infraction, the penalty for which shall be one hundred dollars (\$100.00). The second, and any subsequent offense shall be deemed a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) and/or sixty (60) days in jail. Each day that such a violation exists, following the appropriate period of compliance, shall constitute a separate offense.

(b) Compliance periods (first offense). In the event an alarm user receives a citation or warning for failure to obtain a permit for said system, the alarm user shall have ten (10) days to make application for such permit or to remove the alarm system and permit inspection by the Riverdale Park Police Department to verify that it has been removed. The alarm user shall send written notice to the Chief of Police within the ten (10) day period stating that the system has been removed, and providing at least three (3) dates and times with the following two (2) weeks that such an inspection can occur. If the alarm user fails to comply with the requirement of removal or filing application, each day following the expiration of the ten (10) day period shall constitute an offense.

(c) Compliance periods (second offense). In the event the alarm user has received a second or subsequent citation for failure to obtain a permit, or if such permit has been suspended or revoked, there shall be no period during which noncompliance is excusable. Each day shall constitute a separate offense.

§ 47-6. Alarm Business Licenses

The Town of Riverdale Park, through the enactment of Chapter 47 of the Ordinance Code of the Town of Riverdale Park, herein adopts the provisions of Division 6 of Subtitle 9, sections 9-139, 9-140, and 9-141 of the Prince George's County Code. All businesses that install, monitor, or are otherwise engaged in the business of providing alarms or alarm systems within the Town of Riverdale Park, shall comply with the requirements of the Prince George's County Code. Violations of which shall be prosecuted by the Prince George's County government or its individual subdivisions as specified in sections 9-139, 9-140, and 9-141 of the Prince George's County Code.

§ 47-7. Severability of Sections

The provisions of the False Alarm Reduction Act of 1997 (Chapter 47 of the Ordinance Code of the Town of Riverdale Park) are hereby declared to be severable: and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Act, since the remaining portions would have been enacted without incorporation into this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection, or section.

§ 47-8. Effective Date

The provisions of Chapter 47 shall take effect thirty (30) days from the date of enactme