

ORDINANCE NO. 56-2005

AN ORDINANCE AMENDING SECTION 13-1 OF THE CODE OF ORDINANCES TO DEFINE OR RE-DEFINE THE TERMS ALARM ADMINISTRATOR, ALARM ADVISORY BOARD, ALARM COMPANY, ALARM BUSINESS LICENSE, ALARM DISPATCH REQUEST, ALARM REGISTRATION, ALARM SITE, ALARM SYSTEM, ALARM USER, ALARM USER AWARENESS CLASS, ARMING STATION, AUTOMATIC VOICE DIALER, CANCELLATION OR ALARM DISPATCH CANCELLATION, COMMON CAUSE, CONVERSION, DURESS ALARM, FALSE ALARM, HOLDUP ALARM, LOCAL ALARM SYSTEM, MONITORING, ONE PLUS DURESS ALARM, PANIC ALARM, TRANSFER OR TAKEOVER, VERIFY AND ZONES; AMENDING SECTION 13-71 OF THE CODE TO EXCLUDE STATE, FEDERAL AND LOCAL GOVERNMENTS FROM LICENSING AND PERMIT REQUIREMENTS; AMENDING SECTION 13-72 OF THE CODE TO EXPAND THE INFORMATION REQUIRED IN THE ALARM BUSINESS LICENSE APPLICATION AND TO CREATE A \$15.00 NONREFUNDABLE APPLICATION FEE; AMENDING SECTION 13-72.1 OF THE CODE TO SPECIFY THE GROUNDS TO DENY, SUSPEND OR REVOKE AN ALARM BUSINESS LICENSE; AMENDING SECTION 13-72.2 OF THE CODE TO ESTABLISH THE DUTIES OF AN ALARM COMPANY; AMENDING SECTION 13-72.3 OF THE CODE TO ESTABLISH THE DUTIES OF AN ALARM USER; AMENDING SECTION 13-72.4 OF THE CODE TO REQUIRE EVERY ALARM USER TO OBTAIN A PERMIT AND ESTABLISHING THE GROUNDS FOR DENIAL OF A PERMIT; CREATING SECTION 13-72.5 OF THE CODE TO ESTABLISH THE DUTIES OF A PROPRIETOR ALARM USER; CREATING SECTION 13-72.6 TO ESTABLISH THE POWERS AND DUTIES OF THE ALARM ADMINISTRATOR; AMENDING SECTION 13-73 OF THE CODE TO CLARIFY WHO MUST OBTAIN AN ALARM USER PERMIT; AMENDING SECTION 13-73.1 OF THE CODE TO REQUIRE INFORMATION TO BE MAINTAINED IN A CONFIDENTIAL MANNER CONSISTENT WITH THE KENTUCKY OPEN RECORDS ACT; AMENDING SECTION 13-73.2 OF THE CODE TO PROVIDE FOR ISSUANCE OF A WARNING NOTICE, TO ESTABLISH CIVIL FINES FOR FALSE ALARMS AND FOR FAILING TO VERIFY FALSE ALARMS, TO AUTHORIZE THE ALARM ADMINISTRATOR TO SUSPEND A PERMIT FOR A PERIOD OF UP TO SIXTY DAYS WHEN AN ALARM SYSTEM HAS FIVE (5) OR MORE FALSE ALARMS IN ANY CALENDAR YEAR, TO REQUIRE THE ALARM ADMINISTRATOR TO REVOKE A PERMIT FOR A PERIOD OF UP TO ONE YEAR WHEN AN ALARM SYSTEM HAS TEN (10) OR MORE FALSE ALARMS IN ANY CALENDAR YEAR, TO PROVIDE FOR PERMIT SUSPENSION AND REVOCATION WHEN AN ALARM COMPANY FAILS TO ARRANGE FOR RESPONSE OR AN ALARM USER FAILS TO RESPOND TO AN ALARM SITE, TO RECOGNIZE AFFIRMATIVE DEFENSES TO VIOLATIONS, TO ALLOW ALARM USERS TO ATTEND ALARM USER AWARENESS CLASS IN LIEU OF PAYING A CIVIL FINE, AND TO AUTHORIZE AN ADDITIONAL \$100 CIVIL FINE FOR FALSE ALARMS BY ALARM SYSTEMS OPERATED WITHOUT THE REQUIRED ALARM LICENSE OR PERMIT OR WHICH OCCURS WHILE THE LICENSE OR PERMIT IS SUSPENDED OR REVOKED; AMENDING SECTION 13-73.3 OF THE CODE TO ESTABLISH THE APPEAL PROCESS; AMENDING SECTION 13-73.4 OF THE CODE TO AUTHORIZE REINSTATEMENT OF A SUSPENDED OR REVOKED ALARM BUSINESS LICENSE OR ALARM USER PERMIT AND TO CREATE A \$15.00 NONREFUNDABLE REINSTATEMENT FEE; AMENDING SECTION 13-73.5 OF THE CODE TO DECREASE THE MEMBERSHIP OF THE ALARM ADVISORY BOARD FROM TWELVE TO FIVE AND TO DESIGNATE THE BOARD AS A CODE ENFORCEMENT BOARD PURSUANT TO THE LOCAL GOVERNMENT CODE ENFORCEMENT

BOARD ACT; AMENDING SECTION 13-74 OF THE CODE TO MAKE TECHNICAL CORRECTIONS; AND, AMENDING SECTION 13-75 OF THE CODE TO PROVIDE FOR CRIMINAL PENALTIES OF NOT LESS THAN \$50.00 NOR MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN TWELVE MONTHS, OR BOTH, AND CIVIL FINES OF NOT LESS THAN \$15.00 NOR MORE THAN \$500.00; PROVIDING A SIX (6) MONTH GRACE PERIOD DURING WHICH NO CIVIL FINES OR CRIMINAL PENALTIES SHALL BE IMPOSED FOR VIOLATIONS OF THIS ORDINANCE; ALL EFFECTIVE JULY 1, 2005.

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 13-1 of the Code of Ordinances be and hereby is amended to read as follows

Sec. 13-1. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates or requires a different meaning:

(1) Alarm Administrator: The person designated by the Urban County Government to administer, control and review the Urban County Government's alarm system ordinances, regulations and procedures. The chief of the division of police or his designee shall be the Alarm Administrator.

(2) Alarm Advisory Board: The five (5) member board created by section 13-73.5 of the Code.

(3) Alarm business: The activity of any individual, partnership, corporation or other entity involving the sale, lease, maintenance, service, repair, alteration, monitoring, movement or installation of any alarm device within or on any building, structure or facility. This definition does not include a business that engages in the manufacture or sale of an alarm system from a fixed location and does not visit the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

(4) Alarm Business License: A license issued to an Alarm Company to sell, lease, install, monitor, maintain, repair, or replace Alarm Systems in the Urban County.

(5) Alarm Company: A person or business entity involved in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System.

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

(7) Alarm Registration: The notification by an Alarm Company or an Alarm User to the Alarm Administrator that an Alarm System has been installed and is in use.

(8) Alarm Site: A single fixed premises or location serviced by an Alarm System or systems. If served by a separate Alarm System, each unit in a multi-unit building or structure shall be considered a separate Alarm Site.

(9) Alarm System: Any mechanical or electrical device or series of devices, designed or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both; and which emit or transmit a remote or local audible, visual or electronic signal or message when activated Alarm Systems include, but are not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, direct-dial telephone devices, audible alarms and Proprietor Alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected buildings, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system. "Alarm System" does not include audible alarms installed or affixed to automobiles or on someone's person.

(10) Alarm User: Any person or business entity who uses or is in control of an Alarm System located on that person's or entity's premises or who has contracted for monitoring, repair or maintenance service from an Alarm Company for an Alarm System.

(11) Alarm User Awareness Class: 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.

(12) Arming Station: A device that allows control of an Alarm System

(13) Automatic Voice Dialer: 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, public safety or emergency service provider requesting dispatch.

(14) Business: An enterprise, activity, profession or undertaking of any nature conducted for gain or profit, whether conducted by an individual, co partnership, association or any other entity, but shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions (or other associations performing the services usually performed by trade associations or unions); community chest funds or foundations; corporations or associations organized and operated exclusively for religious, charitable, scientific, literary, educational or civic purposes, or the prevention of cruelty to children or animals; or clubs or fraternal organizations operated exclusively for social, literary, educational or fraternal purposes, where no part of the earnings of income or receipts of such units, groups or associations inures to the benefit of any private shareholder or individual.

(15) Cancellation or Alarm Dispatch Cancellation: The process by which an Alarm Company providing monitoring services verifies with the Alarm User or

responsible party that a false dispatch has occurred and communicates the verification to the responding law enforcement agency confirming that there is not an existing situation at the Alarm Site requiring law enforcement response.

(16) Common Cause: A common technical difficulty or malfunction which causes an Alarm System to generate a series of False Alarms, all of which occur within a twenty-four (24) hour period. The series of False Alarms shall be counted as one (1) False Alarm only if the cause of the series of False Alarms is repaired before it generates additional False Alarms, documentation of the repair is provided to the Alarm Administrator, and during the seven (7) day period following the repair the Alarm System generates no additional False Alarms from the documented cause.

(17) Conversion: The transaction or process by which one Alarm Company begins servicing, maintaining or monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced or monitored by another Alarm Company.

(18) Direct line: A telephone line leading directly from a location to the communication center of the division of police, where said line is used only to report emergency signals.

(19) Duress Alarm: A silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response. A Duress Alarm signal is generally not verified.

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

(21) Holdup Alarm: A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress. A Holdup Alarm is generally not verified.

(22) Licensee: Any person, whether an individual, partnership, association, corporation or other legal entity, required to file an occupational license fee return or pay occupational license fees on net profits or wages or withhold an occupational license fee on employee wages to the urban county government under this chapter.

(23) Local Alarm System: Any Alarm System that annunciates an alarm only by a local or external audio device.

(24) Monitoring: The process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the responding local law enforcement agency for the purpose of summoning law enforcement personnel to the Alarm Site.

(25) One Plus Duress Alarm: The manual activation of a silent alarm signal by entering at an Arming Station a code that adds one digit to the last digit of the normal arm/disarm code (for example, if the normal code is 1234, the One Plus Duress Code is 1235).

(26) Panic Alarm: 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. A Panic Alarm is generally not verified.

(27) Person: Every natural person, sole proprietorship, partnership, fiduciary, association or corporation. Whenever the term "person" is used in any clause prescribing and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to associations, shall mean the partners or members thereof and as applied to corporations, the officers and directors.

(28) Place of business: Any bona fide office (other than a mere statutory office), factory, warehouse, or other space which is occupied and used by the licensee in carrying on any business activity, individually or through one (1) or more of his employees regularly in attendance.

(29) Proprietor alarm: An alarm system which is not serviced by an alarm business.

(30) Resident: An individual, partnership, association, corporation or other entity domiciled or having a business situs in Fayette County

(31) Transfer or Takeover: The transaction or process by which an Alarm User takes over control of an existing Alarm System previously controlled by another Alarm User.

(32) Urban county: Fayette County.

(33) Urban county government: Lexington-Fayette Urban County Government.

(34) Verify: With reference to the monitoring of an Alarm System, means a minimum of two (2) attempts by the Alarm Company, or its representative, to contact the Alarm Site or the Alarm User by telephonic or other electronic means, whether actual contact with a person is made, before requesting law enforcement assistance or dispatch, in an attempt to avoid False Alarms. 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 assistance or dispatch.

(35) Zones: Subdivisions into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

Section 2 – That Section 13-71 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-71. License and permit required.

(1) No person shall engage in, conduct or carry on an alarm business without first applying for and receiving an Alarm Business license in accordance with the provisions of this article.

(2) No person shall install an Alarm System, Proprietor Alarm or panic alarm, or use or possess an operative Alarm System, Proprietor Alarm or panic alarm without first applying for and receiving a permit in accordance with the provisions of section 13-73; provided, however, that this ordinance shall not apply to any Alarm System operated by the state, federal or local government and installed on premises which such entity occupies or uses for governmental purposes.

(3) It shall be unlawful for any person to use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line then reproduces any prerecorded message to report any burglary or any other emergency situation directly by use of said phone lines to the urban county division of police.

Section 3 – That Section 13-72 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-72. Application for Alarm Business license.

(1) Any person conducting an alarm business shall be required to secure the license established in section 13-71 by making application for the same to the Alarm Administrator. Such applications shall be on standard forms furnished by the Alarm Administrator and shall contain all information determined by the Alarm Administrator to be necessary for an evaluation of the applicant's eligibility to be licensed hereunder, which shall include but not be limited to the following:

(a) the name, business address, mailing address and telephone number of the alarm business;

(b) the name of an officer, general partner, or member designated to act as the responsible managing officer if the applicant is a corporation, general or limited partnership, limited liability company or similar legal entity;

(c) the name, mailing address, height, weight, color of eyes and hair, date of birth and two (2) current 2" x 2" color photographs of the applicant and, if the applicant is a legal entity other than a sole proprietorship, each person who has a controlling interest in the applicant;

(d) the employment history of the applicant and each person who has a controlling interest in the applicant for the five (5) year period immediately proceeding the date of filing the application;

(e) information as to whether the applicant or any person who has a controlling interest in the applicant, or the business on behalf of which the license is being sought, has ever been denied any similar license or has had any similar license revoked, canceled or suspended and, if so, the reason for the denial, revocation,

cancellation or suspension and the name of the jurisdiction where same occurred;

(f) information as to whether the applicant or any person who has a controlling interest in the applicant has within the last five (5) years been convicted of any crime or is presently the subject of any pending criminal action, including a description of the violation and the date and jurisdiction where the conviction occurred; and

(g) a criminal record report for the applicant or each person who has a controlling interest in the applicant.

As a part of the application process, the applicant must present proof that if approved for licensure, he can secure an approved indemnity bond in the amount of ten thousand dollars (\$10,000.00), issued by a surety company authorized to transact business within the commonwealth, or can post a cash bond in that amount.

(2) The Alarm Administrator shall, within thirty (30) days of receipt of a completed application form and payment of a nonrefundable administrative application fee of fifteen dollars (\$15.00), review the information contained therein and make a determination to grant or deny the application. If the application is to be granted, the Alarm Administrator shall provide the applicant with such written notification, for presentation to the division of revenue. The division of revenue shall issue the license if the application is granted and if the aforementioned bond is filed with the commissioner of finance or his representative. Licenses issued by the division of revenue shall bear a license number, which has been permanently assigned to that alarm business. If the application is to be denied, the Alarm Administrator shall provide the applicant with such written notification, including a statement of the reasons for denial. An aggrieved applicant shall, within thirty (30) days of such action, have a right to request a hearing before the Alarm Advisory Board.

(3) In addition to the causes listed in section 13-72.1, any license issued under this section may be suspended or revoked by the Alarm Administrator for any violation of sections 13-71 through 13-74 of this Code of Ordinances. However, before any action is taken to suspend or revoke a license, a licensee shall be entitled to notice, a hearing before the Alarm Advisory Board and any other protection required by law.

(4) Licenses issued under this section shall not be transferable. License holders shall be required to post their license or a copy thereof in a conspicuous place in the place of business and shall include their license number in all advertisements.

Section 4 – That Section 13-72.1 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-72.1. License denial, suspension and revocation.

(1) The Alarm Administrator may deny an initial or renewal application for an Alarm Business license if:

(a) all application requirements have not been met, including the provision of criminal record reports;

(b) all fees have not been paid in full;

(c) the applicant, the licensee or any person who has a controlling interest in the applicant has within the last five (5) years been convicted of any felony or any misdemeanor involving fraud, theft, dishonesty, physical violence, assault, indecent exposure, illegal use or possession of a deadly weapon, or the sale, transfer, possession or use of controlled substances;

(d) the applicant filed an application containing or supported by any false or misleading information or failed to fully disclose all information required in the application;

(e) the applicant, the licensee or any person who has a controlling interest in the applicant has had any Alarm System or similar business license suspended, canceled or revoked within the last five (5) years; or

(f) the applicant or any person who has a controlling interest in the applicant has violated any provision of this ordinance.

(2) The Alarm Administrator may suspend or revoke an Alarm Business license if any ground for which the license could be denied occurs or the licensee fails to comply with the requirements of this ordinance.

(3) No person shall apply for an Alarm Business license for a period of one (1) year from the denial of a license application, denial of a renewal license application or revocation of such license unless the cause for denial, revocation or non-renewal has been removed or if the denial was for an administrative, technical or otherwise nonmaterial reason.

Section 5 – That Section 13-72.2 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-72.2. Alarm Company duties and services.

(1) General duties. Every Alarm Company shall comply with the following duties:

(a) upon request, provide the Alarm Administrator with documentation evidencing compliance with the provisions of this ordinance;

(b) after installation of a new Alarm System or Conversion, Takeover or Transfer of an existing Alarm System, provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm System, including but not limited to all instructions necessary to turn the Alarm System on and off and to avoid False Alarms;

(c) after completion of the installation of an Alarm System or Conversion, Takeover or Transfer of an existing Alarm System, review with the Alarm User a False Alarm prevention checklist provided or approved by the Alarm Administrator;

(d) when a Transfer, Takeover or Conversion of an Alarm System occurs or upon request of an Alarm System User for inspection or modification of an Alarm System, remove the One Plus Duress Alarm capability from the Alarm System;

(e) if available and required by the Alarm Administrator, use only alarm control equipment which meets or exceeds the American National Standards Institute (ANSI) approved Security Industry Association (SIA) SIA CP-01 Control Panel Standard, as amended, and is appropriately labeled as meeting such standard by an independent third party testing organization;

(f) require all Alarm System Users to go through a seven (7) day acclimation period following installation of an Alarm System or Conversion, Takeover or Transfer of an existing Alarm System during which period the Alarm Company will not make dispatch requests to the division of police, unless circumstances necessitate immediate requests for response pursuant to regulations adopted by the Alarm Administrator;

(g) within thirty (30) days of assuming responsibility for another Alarm Company's monitored Alarm User, notify the Alarm Administrator of the transfer of responsibility;

(h) collect from each of its Alarm Users the initial and renewal nonrefundable fifteen dollar (\$15.00) administrative fees and remit the fees to the Alarm Administrator with the completed Alarm User permit application and renewal applications, as appropriate, at least fourteen (14) calendar days prior to initial activation of a new system or expiration of the permit for an existing system; and

(i) at least fourteen (14) calendar days prior to a Conversion, verify that the contents of the last Alarm System User permit application is accurate and, if not, submit a new application, which shall not require payment of a new application fee or alter the permit period.

(2) Prohibited system functions. No Alarm Company shall:

(a) program an Alarm System so that it is capable of sending One Plus Duress Alarms;

(b) install a device to activate a Holdup Alarm which is a single action, non-recessed button; or

(c) use automatic voice dialers;

(3) Monitoring service providers. Every Alarm Company that provides monitoring services shall:

(a) report alarm signals by use of a telephone number or numbers provided by the Alarm Administrator;

(b) communicate an Alarm Dispatch Cancellation to the division of police immediately upon determining that a false alarm or a false dispatch has occurred;

(c) except for Duress, Holdup or Panic Alarm signals, attempt to Verify every alarm signal before making an Alarm Dispatch Request;

(d) communicate all Alarm Dispatch Requests to the division of police in the manner directed by the Alarm Administrator;

(e) ensure that all Alarm System Users of Alarm Systems equipped with Duress, Holdup or Panic Alarms are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;

(f) include all available information about the alarm in the Alarm Dispatch Request, which shall include but not be limited to:

1. the location of the activated alarm, including the complete business or residential address, homeowner's name and telephone number;
2. the Alarm User permit or registration number;
3. if the alarm system is zoned, the specific location of the alarm activation such as interior, perimeter, vault, motion detection, north, south, front back, first floor, second floor;
4. the results of the verification procedure;
5. for alarms at nonresidential premises, any available information regarding whether the business is open or closed, if guards or guard dogs are on site, and if dangerous or special conditions exist within the location; and
6. for alarms at residential premises, any available information regarding the presence of pets, handicapped or disabled individuals, or unusual or special conditions.

(g) for a period of one (1) year maintain records relating to Alarm Dispatch Requests, including the Alarm User's name, address and telephone number; the Alarm System zone activated; the time of the Alarm Dispatch Request; and, a detailed description of all attempts made to Verify the alarm;

(h) within three (3) business days of receiving of a request from the Alarm Administrator, furnish the Alarm Administrator with all records for a specific Alarm Dispatch Request made within the past year;

(i) within twenty (20) calendar days of receiving a request from the Alarm Administrator, furnish the Alarm Administrator with all records for a specific Alarm User for the prior year;

(j) arrange for either the Alarm User or other responsible party to go to the premises of an activated alarm within thirty (30) minutes of activation of the alarm in order to be available to assist law enforcement personnel in determining the reason for activation and to secure the premises.

Section 6 – That Section 13-72.3 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-72.3. Alarm User duties.

The Alarm User shall:

- (a) apply for the permit required by Section 13-71(2) at least fourteen (14) calendar days prior to activating the Alarm System;
- (b) maintain the Alarm Site and the Alarm System in good working order and in a manner that will minimize or eliminate False Alarms;
- (c) at the request of the responding law enforcement personnel, respond or make arrangements for a responsible person to respond to the Alarm Site within thirty (30) minutes of the alarm activation in order to (i) deactivate the Alarm System, (ii) provide access to the Alarm Site, and/or (iii) to provide alternate security for the Alarm Site, as appropriate;
- (d) instruct all persons who are authorized to activate the Alarm System in the appropriate method of operation and to maintain at each Alarm Site a set of written operating instructions for the Alarm System; and
- (e) adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the Alarm Site will sound for no longer than ten (10) minutes after being activated.

Section 7 – That Section 13-72.4 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 13-72.4. Application for Alarm User permit.

- (1) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm User permit. A separate application and permit is required for each Alarm Site.
- (2) An Alarm User permit is valid for a period of up to twelve (12) months, commencing on the first day of the month in which the permit is issued and automatically expiring the next calendar year on the last day of the month in which it was originally issued, and may be renewed for additional twelve (12) month periods by filing an application for renewal and payment of the fifteen dollar (\$15.00) nonrefundable administrative fee.
- (3) No Alarm User permit shall be issued or renewed if the applicant has:

- (a) failed to pay the Alarm User permit administrative fee;
- (b) failed to pay any civil fine imposed by section 13-73.2;
- (c) made a material false statement for the purpose of receiving an Alarm User permit; or
- (d) had an Alarm User permit for the Alarm Site suspended or revoked and the violation causing the suspension or revocation has not been corrected.

(4) When the Alarm Administrator has recorded an alarm for an Alarm User who has not applied for, or not renewed, an Alarm User permit, the Alarm Administrator will issue a warning statement to the Alarm User informing the Alarm User that he is in violation of this article and that the Alarm User has ten (10) days from the date of the warning within which to apply for a permit. If the Alarm User fails to apply for the permit within the ten (10) grace period, the Alarm Administrator shall issue an administrative citation initiating an enforcement proceeding before the Alarm Advisory Board.

Section 8 – That Section 13-72.5 of the Code of Ordinances be and hereby is created to read as follows:

#### Sec. 13-72.5. Proprietor Alarms.

Proprietor Alarm owners or users shall:

- (1) comply with the provisions of this article that apply to Alarm Users;
- (2) notify the Alarm Administrator of the name, address and telephone number of the person or persons to be notified in case the alarm is activated;
- (3) if the Alarm System includes an audible alarm, to deactivate or cause to be deactivated the Alarm System within thirty (30) minutes of notification of the Alarm System activation; and
- (4) maintain a current copy of this article and applicable regulations issued by the Alarm Administrator on the premises and make them available to the person or persons identified in subsection (2) above.

Section 9 - That Section 13-72.6 of the Code of Ordinances be and hereby is created to read as follows:

#### Sec. 13-72.6. Alarm Administrator.

- (1) The Alarm Administrator shall have the powers of a “code enforcement officer”, as that term is defined in KRS 65.8805, for purposes of enforcing this article, including but not limited to the authority to issue an administrative citation to initiate enforcement proceedings before the Alarm Advisory Board.
- (2) The Alarm Administrator shall enforce the provisions of this article and may adopt reasonable rules and regulations to implement and enforce this article.

(3) The Alarm Administrator shall approve or develop and implement an Alarm User Awareness Class to educate Alarm Users about the problems created by False Alarms and the responsible use, operation and maintenance of Alarm Systems.

Section 10 – That Section 13-73 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73. Contents of application; fee; validity.

(1) Any person or business entity installing an Alarm System for use upon that person's or entity's premises or using an Alarm System previously installed upon that person's or entity's premises shall submit an application for an Alarm System User's permit to the Alarm Administrator or his designee. Such application shall be on standard forms furnished by the Alarm Administrator and shall contain, but not be limited to, the following information:

(a) Name, address and telephone number of the permittee;

(b) Type of Alarm System and the address of the premises where the Alarm System is installed;

(c) Name, address and telephone number of the individual primarily responsible for maintenance of the Alarm System; and

(d) Name, address and telephone number of the individual who will be responsible for maintenance of the Alarm System if the primary individual should not be available.

(2) The Alarm Administrator shall, upon receipt of properly completed application form, furnish the applicant or the applicant's designated agent or representative with written notification of the approval of the same for presentation to the division of revenue. The division of revenue shall issue an Alarm System User's permit upon presentation of an approval notice from the Alarm Administrator and payment of a nonrefundable administrative fee of fifteen dollars (\$15.00). Federal, state and urban county agencies and facilities shall be exempt from payment of the aforementioned administrative fee.

(3) Whenever any change occurs relating to the written information required by subsection (1) of this section, the applicant or permittee shall give written notice thereof to the Alarm Administrator within fifteen (15) days of such change.

(4) An Alarm User's permit shall not be assigned or transferred without the written approval of the Alarm Administrator.

Section 11 – That Section 13-73.1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.1. Confidentiality of information.

To the extent permitted by KRS 61.878, the information furnished and secured pursuant to sections 13-71 through 13-74 of this Code shall be confidential in character and shall not be subject to public inspection and shall be kept and maintained so that the contents thereof shall not be known except to persons charged with administration of sections 13-71 through 13-74.

Section 12 – That Section 13-73.2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.2. False alarms.

(1) When an Alarm System generates a False Alarm in any calendar year, the Alarm Administrator shall issue a warning notice to the Alarm User and the Alarm Company providing service for that Alarm System informing them that subsequent False Alarms within the same calendar year may subject the Alarm User to civil fine.

(2) Any Alarm System that has four (4) or more False Alarms in any calendar year shall subject the Alarm User to a maximum civil fine as follows:

<u>Violation</u>	<u>Maximum Civil Fine</u>
Fourth	\$50.00
Fifth	\$100.00
Sixth	\$200.00
Seventh	\$300.00
Eighth	\$400.00
Ninth	\$500.00

If the Alarm User does not contest the citation issued for a False Alarm, then the civil fine shall be as follows:

<u>Violation</u>	<u>Uncontested Civil Fine</u>
Fourth	\$25.00
Fifth	\$60.00
Sixth	\$125.00
Seventh	\$200.00
Eighth	\$250.00
Ninth	\$300.00

(3) The Alarm Administrator may suspend the permit for any Alarm System that has five (5) or more False Alarms in any calendar year and shall revoke the permit for any Alarm System that has ten (10) or more False Alarms in any calendar year. The suspension period shall be for a period of up to sixty (60) days and the revocation period shall be for a period of up to one (1) year.

(4) The Alarm Administrator may suspend or revoke a license and/or a permit if the Alarm Company fails to arrange for the Alarm User or other responsible party to go to the premises of an activated alarm, as required by Section 13-72.2(3)(j), or if the Alarm User fails to respond or make arrangements for a responsible party to respond to the Alarm Site, as required by Section 13-73.3(3).

(5) It shall be an affirmative defense to a False Alarm civil fine that the False Alarm was caused by an act of God, common cause, action of a telephone company, telephone line outage, power outage lasting more than the life of a fully charged battery, and other extraordinary circumstances not reasonably subject to control by the Alarm Business or Alarm User.

(6) Alarm Users shall have the option of attending the Alarm User Awareness Class approved or created by the Alarm Administrator in lieu of paying one (1) civil fine. An Alarm System User who elects to attend an Alarm User Awareness Class shall not be eligible to attend the Alarm User Awareness Class again during the same calendar year.

(7) Any person operating an Alarm System without the required license or permit or while the required license or permit is suspended or revoked shall be subject to an additional civil fine of one hundred dollars (\$100.00) for each False Alarm.

(8) If Cancellation occurs before the responding local law enforcement agency arrives at the Alarm Site the alarm will not be considered a False Alarm and no warning notice will be issued and no civil fine will be assessed.

(9) The civil fines imposed against an Alarm User in subsection (2) above may be imposed against the Alarm Company if the Alarm Administrator determines that the Alarm Company did not Verify a False Alarm. A warning notice will not be issued and a civil fine will not be assessed against an Alarm User if an Alarm Company is assessed a civil fine for failing to Verify a False Alarm.

Section 13 – That Section 13-73.3 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.3. Appeal of warning notice, civil fines, suspension and revocation.

(1) Any person who has received a warning notice, a civil fine notice or an order of suspension or revocation shall have a right to appeal such order to the Alarm Advisory Board. Any appeal must be in writing and shall be filed with the Alarm Administrator within ten (10) days of receipt of the notice or order.

(2) A timely written appeal shall stay the notice or order pending determination of the appeal. A notice or an order shall be dissolved immediately if the decision of the Alarm Advisory Board reverses the notice or order of the Alarm Administrator.

Section 14 – That Section 13-73.4 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.4. Reinstatement.

(1) Any person who has received an order of suspension or revocation may petition the Alarm Administrator for a reinstatement conference for the purpose of presenting proof that reinstatement of a suspended or revoked permit or license and renewed use of the Alarm System will not result in excessive false alarms and constitute a public nuisance. The Alarm Administrator may require inspections of an Alarm System as a condition of reinstatement.

(2) If after a reinstatement conference the Alarm Administrator finds that the petitioner has failed to establish that permit or license reinstatement and renewed use of the system will not result in excessive False Alarms and will not constitute a public nuisance, the suspension or revocation shall remain in effect and the petitioner may appeal the ruling to Alarm Advisory Board.

(3) If after an appeal the Alarm Advisory Board finds that the petitioner has failed to establish that permit or license reinstatement and renewed use of the system will not result in excessive False Alarms and will not constitute a public nuisance, the suspension or revocation shall remain in effect. If, after the initial reinstatement conference or after an appeal, the petitioner has established through proof of renewed user training, system maintenance, modification or repair that permit or license reinstatement and use of the system will not result in excessive False Alarms and will not constitute a public nuisance, the order of suspension or revocation shall be dissolved upon submission of a new permit application and payment of a nonrefundable reinstatement fee of fifteen dollars (\$15.00).

(4) Filing of a petition for reinstatement or an appeal of the Alarm Administrator's decision after a reinstatement conference shall not stay an order of suspension or revocation.

Section 15 – That Section 13-73.5 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-73.5. Alarm Advisory Board.

(1) There is hereby created an administrative hearing board pursuant to KRS 65.8801 to KRS 65.8839 (the Local Government Code Enforcement Board Act) to be known as the Alarm Advisory Board. The board shall be composed of five (5) members appointed by the mayor pursuant to the provisions of article 7 of the Urban County Charter and pursuant to KRS 65.8811(c).

(2) The Alarm Advisory Board is a "code enforcement board", pursuant to KRS 65.8805, with the power to issue remedial orders and to impose civil fines as a means of enforcing the provisions of this article, the violation of which is a civil offense.

Section 16 – That Section 13-74 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-74. Shutoff device.

Any Alarm System which is installed or connected on or after April 17, 1983 and which, when activated, generates an audible sound on the premises, shall have as part of the system an automatic shutoff that will deactivate the audible portion of the system within thirty (30) minutes after it is first activated.

Section 17 – That Section 13-75 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 13-75. Penalties and fines for violation of article.

(1) Criminal penalty. Any person violating any of the provisions of sections 13-71 through 13-74 shall, upon conviction thereof, be fined not less than fifty dollars(\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for a period of not more than twelve (12) months, or both so fined and imprisoned.

(2) Civil fine: Except as otherwise provided herein, any person who violates any provision of this article may be subject to civil fines of not less than fifteen dollars (\$15.00) nor more than five hundred dollars (\$500.00), pursuant to the civil fine guidelines for False Alarms set forth in section 13-73.2.

(3) The civil fines provided in this article may be levied in conjunction with, or as an alternative to, the criminal penalties provided in this article or in state law.

Section 18 – That no civil fines or criminal penalties shall be assessed for violations of this Ordinance for a period of six (6) months from its effective date.

Section 19 – That this Ordinance shall become effective on the first day of July 1, 2005.

PASSED URBAN COUNTY COUNCIL: March 10, 2005

/s/ Teresa Ann Isaac  
MAYOR

ATTEST:

/s/ Liz Damrell  
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 16, 2005-1t  
G:ALW/alarmord/final (revised)