

St. Louis City Ordinance 62305

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 13

INTRODUCED BY ALDERMAN PAUL M. BECKERLE

An ordinance to repeal Ordinance 58553 regulating burglar and robbery alarm systems, alarm business, alarm agents, alarm subscribers and enacting in lieu thereof a new ordinance relating to the same subject matter and containing penalty, severability and emergency clauses.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

Section One - Ordinance 58553 is hereby repealed in its entirety and enacted in lieu thereof is the following:

Definitions - For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Where not inconsistent with the text, words used in the present tense include the past tense, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) The term "alarm agent" means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing in any building, structure, or facility any alarm system.

(2) The term "business" means and includes any business engaged in any of the activities of selling, maintaining, replacing, moving, monitoring, responding to a burglar alarm or holdup alarm system, or causing any of these activities to take place.

(3) The term "alarm identification number" means a number issued to an alarm subscriber by the Police Department for the purpose of identifying the alarm system for dispatching and record keeping purposes.

(4) The term "alarm subscriber" means any person that leases, contracts for, buys or otherwise obtains and operates an alarm system for the purpose of obtaining response to the alarm from the police, and on whose premises an alarm system is maintained, excluding audible alarms on motor vehicles and medical alarms.

(5) The term "burglary alarm system" means any device, which is designed or used for the detection of burglary or attempted burglary, or for alerting others of the commission of a burglary within a building, structure, facility or enclosure and which emits a sound or transmits a signal or message when activated for the purpose of deterring the intruder or notifying another person of the happening, or both.

(6) The term "robbery alarm system" means any device which protects a business and is designed or used for alerting others of the commission of a robbery or attempted robbery within a building, structure, facility or both, and which emits a sound or transmits a signal or message when activated for the purpose of deterring the intruder or notifying another person of the happening, or both.

(7) The term "panic alarm" means a device used for residential applications only with a pre-determined type of alarm transmission and used only with the approval of the Crime Prevention Section of the St. Louis Metropolitan Police Department.

(8) The term "monitored alarm" refers to a device for the detection of unauthorized entry in premises, and which, when activated, generates an inaudible signal to a monitoring station. A monitored alarm may also generate an audible sound on the premises.

(9) The term "automatic dialing device" refers to an alarm system, which automatically sends over the telephone switching network, a prerecorded voice message or coded signal indicating the existence of an unlawful act to which a police response is required.

(10) The term "False alarm" means the activation of a burglary or robbery alarm, whereby the police are summoned to a location, and neither of these crimes is occurring nor is there any evidence of these crimes having occurred, or having been attempted. Alarms due to severe weather conditions, due to vandalism, destruction of property, or attributable to telephone line faults, as so determined by the Police Department, shall not be counted as false alarms under Section 4 of this ordinance.

(11) The term "person" means an individual, firm, partnership, association, corporation, company or organization of any kind.

(12) The term "telephone company" means the utility that furnishes telephone service to the St. Louis Metropolitan area.

(13) The term "Communications Permit" refers to a license granted by the Electrical Inspector's Office to an applicant which authorizes said applicant to perform the installation of an alarm system at a specific location.

(14) The term "Chief of Police" means the Chief of the St. Louis Metropolitan Police Department or his designated representative.

(16) The term "local alarm" refers to a device which, when activated, emits a sound of limited duration for the purpose of obtaining police response to the alarm.

Section Two - Alarm Identification Number

(1) Prior to reporting any alarm sounding to the Police Department, an alarm identification number for each separate system must be obtained by the subscriber from the St. Louis Metropolitan Police Department.

(2) Application for the alarm identification number by the alarm subscriber shall be made to the Chief of Police in a manner and form prescribed by the Chief of Police.

(3) The information contained in the application for the alarm identification number shall be confidential and securely maintained by the Police Department and restricted to use in the implementation and enforcement of this ordinance and shall not be subject to public inspection.

(4) Panic alarms will be identified as a separate alarm system and are subject to application for registration as set out in Section Two of this ordinance.

(5) All users of local alarms must have affixed to the premise, a sticker bearing the alarm identification number which is issued by the St. Louis Metropolitan Police Department. The sticker must be affixed to a window or door on or near the main entrance in a manner easily visible to a police officer. Failure to display this identification sticker shall constitute a violation of this ordinance.

(6) The Identification Number which is assigned to an alarm system at a specific location shall remain active for the duration of the existence of the alarm system. If the occupant of a business or residence which houses a lawfully registered alarm system should change, the new occupant must notify the Crime Prevention Section of the St. Louis Metropolitan Police Department in writing. This notice should contain, if a business, new business name, phone number, new owner or person responsible for the alarm's operation and his or

her home phone number and two people to be contacted in an emergency. If a residence, new occupant's name, phone number, person responsible for alarm's operation (if not the owner) and his or her phone number and two people to be contacted in an emergency. This notice must be submitted within 30 days of new occupancy.

Section Three - Alarm Reporting - All alarm soundings reported to the Police Department, either directly or indirectly or by relay, shall be done in a manner prescribed by the Chief of Police.

Section Four - Responsibility - It shall be the responsibility of the alarm subscriber to:

- (1) Maintain premises containing an alarm system in a manner that ensures proper operation of the alarm system.
- (2) Maintain the alarm system in a manner that will minimize false alarm notification.
- (3) Not manually activate an alarm for any reason other than the occurrence of an event the alarm system was intended to report.
- (4) Instruct all personnel who are authorized to place the system or device into operation of the appropriate method of operation.

Section Five - False Alarms -

(1) False alarms include those caused by:

- a. Mistake or error by any person, firm or corporation or other entity or agent thereof, owning or operating any dwelling, building or place which results in the activation of any burglary, robbery or panic alarm when no emergency exists.
- b. Malfunction of any burglary, robbery or panic alarm caused by a flaw in the normal operation, design, installation, maintenance of the system, by faulty equipment, or by a change in the environment or premises upon or within which the alarm system is operating.
- c. Intentional activation of an alarm system when no burglary, robbery or other emergency exists.

(2) An alarm will not be considered false alarm if it is determined that the alarm was caused by:

- a. Natural or man-made catastrophe, or an act of God. Such events include tornadoes, earthquakes or other violent conditions.
- b. Vandalism resulting in physical damage to the premises.
- c. Telephone line or Power line outages.
- d. Attempted entry of a location resulting in visible, physical or other damage or other indications which substantiate the occurrence of said incident.
- e. The crimes of burglary or robbery as defined by Missouri State Statute.

(3) 90 days after the effective date of this ordinance, the following provisions shall apply to each system:

- a. For the first thirty days after the registration of an alarm system, the subscriber will not be charged for false alarms.
- b. On the thirty-first day after the registration of an alarm system, each alarm sounding determined to be false shall be considered chargeable under the ordinance.
- c. Upon receipt of the third (3rd) false alarm within a twelve-month period, a warning notice shall be issued to the subscriber by the Police Department.
- d. Upon receipt of the fourth (4th) false alarm from a residence within a twelve-month period, the subscriber shall be fined the sum of Ten Dollars (\$10.00). The subscriber shall be fined the same amount for each additional false alarm sounding up to and including the seventh (7th) false alarm sounding within a twelve-month period.
- e. Upon receipt of the eighth (8th) false alarm from a residence within a twelve-month period, the subscriber shall be fined the sum of Fifteen Dollars (\$15.00). This fine shall be charged for every false alarm received during the remainder of the twelve-month period.
- f. Upon receipt of the fourth (4th) false alarm from a business within a twelve-month period, the subscriber shall be fined the sum of Fifteen Dollars (\$15.00). The subscriber shall be fined the same amount for each additional false alarm

up to and including the seventh (7th) false alarm sounding within a twelve-month period.

g. Upon receipt of the eight (8th) false alarm from a business within a twelve-month period, the subscriber shall be fined the sum of Twenty-Five Dollars (\$25.00). This fine shall be charged for every false alarm sounding received during the remainder of the twelve-month period.

h. Failure to pay the aforesaid false alarm fines within ten days from the date of notification shall constitute a violation of this ordinance and result in prosecution of the subscriber.

i. At the end of each twelve-month period, the false alarm count will revert to zero, provided all fines have been paid.

Section Six - Order to Disconnect -

(1) An order to disconnect an alarm system may be issued by the Chief of Police if:

a. It is determined the alarm's operation is a nuisance to the community or the St. Louis Metropolitan Police Department.

Section Seven - Termination of Alarm Registration

(1) Termination of alarm registrations shall be done at the discretion of the Chief of Police. Circumstances may result in termination include:

a. Removal of alarm or discontinuance of alarm service.

b. Failure of subscriber to pay outstanding fines owed to the City of St. Louis for false alarms accrued during the twelve-month period.

c. Failure of subscriber to appear in City Court after being lawfully summoned.

(2) No alarm identification number will be issued for automatic dialing devices that terminate on Police Department telephones. Any alarm user presently using such a device must remove, alter, modify, re-program or change such device. The Crime Prevention Section will notify person(s) presently owning such devices of these requirements by mail. Persons so notified will have 90 days from the effective date of this ordinance to comply.

Section Eight - Noise Limits -

(1) All bells, sirens or other noise sources that sound in the event of a residential alarm must stop automatically within fifteen (15) minutes after the alarm has been activated. Commercial alarms must stop within thirty (30) minutes after the alarm has been activated.

Section Nine - Identification Cards -

(1) Upon the effective date of this ordinance, any persons engaging in the alarm business in the City shall be responsible for issuing each alarm agent a valid identification card, as hereinafter set forth, and each alarm agent is required to maintain on his/her person a valid identification card while acting in the scope of his/her employment and to produce the identification card upon request of any customer, prospective customer, or lawful authority.

(2) The alarm identification card must contain, as a minimum, the following information:

- a. Full face photo, head size not less than one inch vertical (to be supplied by applicant).
- b. Name, height, weight, date of birth.
- c. Name of employing company and capacity with that company.
- d. Signature of holder.

(3) An alarm agent identification card shall be valid for a period of two (2) years from the date of issuance or until the agent terminates employment with the alarm company, if less than two (2) years.

Section Ten - Alarm Alteration Disclosure - It shall be unlawful for any person engaging in the alarm business, or any alarm agent, to adjust, alter, fix or change any alarm system or part thereof without written disclosure to the alarm subscriber.

Section Eleven - Contracts for Sale - No alarm agent or alarm business shall sell, lease or install any alarm system without first furnishing the alarm subscriber or prospective alarm subscriber with a written offer in which each opening, item or area to be protected is identified and the device to be used is described in generic terms. Upon the sale or lease of an alarm system, the alarm agent or business shall furnish the alarm subscriber with instructions on the operation of the system, and shall provide the alarm subscriber a form containing the following statement: " I _____ the

undersigned have read this offer and fully understand what protection this system will provide and the specific areas, openings and items it will protect. I have received instruction on how to operate this system. I understand that I must register this alarm with the St. Louis Metropolitan Police Department who will assign me an Alarm Identification Number before I can operate this system, and that misuse, neglect or other conditions that result in false alarms will result in fines imposed against me by the City of St. Louis. The operation of alarm systems is governed by the St. Louis City Ordinances and violations of the provisions of these ordinances can result in a minimum fine of not less than Twenty-Five Dollars (\$25.00) plus court costs and not more than Five Hundred Dollars (\$500.00) plus court costs and/or 30 days imprisonment."

Section Twelve - Contracts for Purchase - An alarm subscriber shall not enter into an agreement with any person engaged in the alarm business or alarm monitoring business including subcontractors unless said persons are licensed by the City of St. Louis.

Section Thirteen - Alarm Business Information Disclosure

Any person engaged in the Alarm Business as set out in this ordinance must submit to the St. Louis Metropolitan Police Department the following information:

- a. The proper business or trade name, address and telephone number.
- b. All other names, addresses and phone numbers under which the company or corporation conducts business.
- c. If an unincorporated association, the name of owner and responsible associates.
- d. If a corporation, the name and address of the Registered Agent.
- e. If a corporation, the names and positions of officers in the corporation.

Section Fourteen - Exemptions

The provisions of this ordinance do not apply to:

- (1) Persons engaged solely in the manufacture or sale of the alarm systems or components from a fixed location who do not install, maintain, service or plan the alarm system for any location.

(2) Persons engaged in the repair of alarm systems or components from a fixed location, and who do not, either personally or through an agent, visit the building, structure or facility in which the alarm system is installed.

Section Fifteen - Penalties

Any person or firm or corporation engaging in or attempting to engage, conduct or carry on the business defined in this ordinance as "Business or Residential Burglary or Robbery Alarms", without conforming with the requirements of this ordinance and any alarm subscriber who operates an alarm system without conforming to the provisions contained herein shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) plus court costs and not to exceed Five Hundred Dollars (\$500.00) plus court costs and/or 30 days imprisonment.

Section Sixteen - Severability

If any provision, section, paragraph, sentence or clause of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance, and to this and the provisions are held to be severable. The Board of Aldermen declares that it would have passed this ordinance, section, provision, paragraph, sentence and clause hereof, irrespective of the fact that any one or more of the provisions, sections, paragraphs, sentences, clauses hereof be declared invalid or unconstitutional.

Section Seventeen - Liability of the City of St. Louis

The Police Department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, neither the City of St. Louis nor the St. Louis Metropolitan Police Department shall be liable for any failure or neglect to respond to an alarm sounding generated from an alarm system that is under a disconnect order or registration revocation as imposed by the Chief of Police.

Section Eighteen - Emergency Clause.

This Ordinance is hereby declared to be an emergency measure as defined by Section 20 of Article IV of the City Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

Legislative History

1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/26/91	04/26/91	PS		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/07/91			06/14/91	06/14/91
ORDINANCE	VETOED		VETO OVR	
62305				