

ORDINANCE NO. 2024-18

AN ORDINANCE UPDATING STANDARDS FOR ALARM SYSTEMS INCLUDING UPDATED FEES AND PENALTIES, AND MISCELLANEOUS UPDATES FOR CLARITY, THEREBY AMENDING CHAPTER 14 AND APPENDIX A OF THE CITY CODE

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE IV: BUSINESS LICENSES AND REGULATIONS

DIVISION A. ALARM SYSTEMS

§ 14.138. PURPOSE AND FINDINGS.

The purpose of this Division A is to encourage alarm users and alarm companies to maintain the operational effectiveness and reliability of alarm systems and to foster the proper use of these systems in order to reduce or eliminate unnecessary responses by the Bloomington Police Department ~~[and Bloomington Fire Department]~~ to false alarms. Nothing herein stated should be construed as imposing or implying any duty upon the Bloomington Police Department to respond to alarm dispatch requests, as limiting the discretion of the police chief in establishing response policies, or as waiving otherwise applicable governmental immunities. The City Council of the City of Bloomington makes the following findings regarding the need to regulate alarm system operating within the City:

- (a) The number of false alarms ~~[to which]~~ the Bloomington Police Department ~~[and Bloomington Fire Department now]~~ responds to has reached a level which places an intolerable burden upon the time and resources of the City.
- (b) False alarm responses, by unduly diverting law enforcement resources from criminal law prevention and enforcement, threaten the safety of the police officers and the public.

§ 14.139. DEFINITIONS.

The following words and terms, when used in this Division, shall have the following meanings unless the context clearly indicates otherwise:

ALARM ADMINISTRATOR. A person designated by the City Manager to administer, control and review the city's false alarm reduction efforts.

ALARM COMPANY. The business of any individual, partnership, corporation, or other entity involving the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring or installing any alarm system at an alarm site located within the city or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in or on any building, structure facility or other alarm site located within the city. Specifically included in this definition and the provisions of this Division A are individuals, partnerships, corporations, or other entities performing alarm system monitoring services.

ALARM DISPATCH REQUEST. Notification to a law enforcement [~~or fire-fighting~~] agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

ALARM SITE. A single, fixed premises, building, structure, facility or location served by an alarm system. Each tenant's space within a multi-tenant building or complex, if served by a separate alarm system, shall be considered a separate **ALARM SITE**.

ALARM SYSTEM. An assembly of equipment devices, including but not limited to systems interconnected with a radio frequency method such as cellular or private radio signal, arranged to emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition to which the police [~~or fire-fighting personnel~~] are expected to respond, including but not limited to burglary, hold-up, panic, and fire alarm systems. **ALARM SYSTEMS** to monitor temperature, carbon monoxide, humidity, medical emergencies, or any other condition not related to the detection of a fire, a criminal intrusion into an alarm site or an attempted robbery at an alarm site are specifically excluded from the provisions of this Division A. **ALARM SYSTEMS** installed on a vehicle or person are also excluded unless the alarm is permanently affixed to a specific location.

ALARM USER. The person, firm, partnership, association, corporation, company, or organization of any kind which uses or is in control of an alarm system at an alarm site, regardless of whether it owns or leases the system.

ALARM VERIFICATION PROCESS. An independent method by which an alarm company attempts to verify with the alarm user or responsible party that a signal from an alarm system requires an immediate dispatch of police [~~or fire-fighting personnel~~]. ~~In the case of a fire alarm, failure to obtain a response from an alarm site, alarm user or responsible party will result in an immediate dispatch of fire-fighting~~ personnel.

AUTOMATIC VOICE DIALER. An electrical, electronic, mechanical or other device capable of being programmed to automatically send a pre-recorded message, when activated, over a telephone line, radio, or other communication system[.] to a law enforcement [~~or fire-fighting~~] agency.

BURGLARY ALARM. Any system, device, or mechanism for the detection and reporting of criminal intrusion, or attempted intrusion upon an alarm site to a remote receiving station for the purpose of dispatching law enforcement personnel.

FALSE ALARM. An alarm signal eliciting notification to and a response by police where the responding police officer, having completed a timely investigation of the alarm site, is unable to find any evidence of a crime, or attempted crime.

HOLD-UP ALARM. A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress to law enforcement personnel.

LOCAL ALARM SYSTEM. Any alarm system that enunciates an alarm only by an interior and/or exterior audible sounding device and is not monitored by an alarm company.

PANIC ALARM. An audible or silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring the dispatch of law enforcement personnel, including, but not limited to [;], duress and ambush alarms.

§ 14.140. DUTIES OF ALARM USERS.

Alarm users whose alarm site is located within the city shall:

(a) Maintain the premises and alarm system in a manner that will minimize or eliminate false alarms [~~including but not limited to having their alarm system inspected by a properly license alarm company technician at least once every two (2) years~~];

(b) Maintain a current key-holder list with their alarm company [;];

(c) Notify the alarm company of a false alarm activation as soon as the user is aware of the false alarm; and

(d) Not manually activate an alarm except when in need of an immediate dispatch of law enforcement [~~or firefighting~~] personnel to an emergency situation;

[~~(e) Provide to the City's Alarm Administrator [; upon the occurrence of the system's first false alarm, the following information:~~

(1) ~~the names, addresses and telephone numbers of the alarm user, alarm owner (if different than the alarm user) and the alarm servicer;~~

(2) ~~the type of alarm system being used;~~

(3) ~~the person designated by the alarm user as its contact person for purposes of alarm-related matters;~~

(4) ~~any additions or changes to the abovesaid information.~~

~~Failure to provide this information will be considered relevant in any decision to suspend police response to alarm dispatch requests.]~~

§ 14.141. LICENSE RESTRICTIONS.

(a) *Local exterior sounding burglary alarms prohibited.* The installation of local exterior burglary system-sounding devices shall not be permitted [~~after January 1, 1996. Local exterior burglary system-sounding devices installed prior to January 1, 1996, shall not sound for a period exceeding fifteen (15) minutes. All existing exterior burglary system-sounding devices must be re-programmed to interior sounding devices on or before January 1, 2002~~].

(b) *Automatic dialing devices.* The use of automatic dialing devices is permitted, except that such devices shall not be set or programmed to dial "911" [~~the Bloomington Police Department or the Bloomington Fire Department~~].

(c) *Required access to site.* The [City] [P]police [D]department will only respond to a burglary alarm site once within a 24-hour period unless the alarm company is able to locate a key-holder who will provide police officers access to the site.

§ 14.142. ~~[ALARM EQUIPMENT SPECIFICATIONS. RESERVED.~~

~~[Except as otherwise provided herein, no alarm equipment shall be installed which is not listed on the Burglary Protection Equipment List of the Underwriters Laboratory. Non-UL listed alarm equipment may continue to be used if said equipment was installed and in use upon the effective date of this Division or if the Bloomington Police Department or City's Alarm Administrator has determined that the specifications of the equipment are substantially equivalent to or exceed the UL standards. All equipment shall be installed according to UL standards or approved equal. None of the above shall be construed as requiring UL certification of an alarm system. Equipment of a type or category for which no UL standards have been established shall not be subject to the requirements of this Division A.]~~

§ 14.143. FALSE ALARMS.

~~[(a) **Signed statement.** In addition to the information required pursuant to Section 14.140(e), the alarm user shall within five (5) days of each false alarm, submit a signed statement to the City's Alarm Administrator stating the apparent cause of the false alarm and the measure(s) taken or to be taken to remedy the problem.]~~

~~[(b)] (a) *Penalties - alarm user.* A penalty shall be paid by the alarm user to the city for each false alarm in excess of ~~two~~ one (1) per calendar year. The penalty shall be as set forth in City Code Appendix A and shall increase by the sum set forth in City Code Appendix A for each succeeding false alarm thereafter within the calendar year. ~~The penalty for false hold-up or panic alarms shall be as set forth in City Code Appendix A for the second false alarm and shall increase by the sum set forth in City Code Appendix A for each succeeding false alarm thereafter within the calendar year.~~ Payment of these penalties may be enforced by civil action.~~

~~[(c)] (b) *Penalties - alarm company.* Where the responding police officer determines that a false alarm was caused by the on-site actions of an employee of the alarm company, a penalty as set forth in City Code Appendix A shall be assessed against the alarm company with no corresponding fine being assessed against the alarm user.~~

~~[(d)] (c) *Exceptions.* No penalty shall be due and no alarm shall be credited as a false alarm if it is shown that the false alarm was the result of damage to utility lines, tornadoes, lightning, earthquakes, or other such severe weather conditions: or due to the activation of a medical alarm device.~~

§ 14.144. DUTIES OF ALARM COMPANY.

Alarm companies shall:

(a) Not install a device that activates a hold-up alarm by the depression of a single-action non-recessed button at alarm sites within the city ~~[and shall remove existing non-recessed button alarms on or before January 1, 2003];~~

(b) Not install any panic or hold-up alarm system in residential sites that activates a silent alarm signal by alteration of the last digit of the normal arm/disarm code at alarm sites within the city ~~[and shall deactivate such systems currently in existence on or before January 1, 2003];~~

(c) Not install any silent burglary alarm system at alarm sites within the city [~~and shall convert existing systems into an interior audible system on or before January 1, 2003~~];

(d) Not install any burglary control panel failing to meet Security Industry Association standards with false alarm prevention feature programmed to the factory default;

(e) Complete an alarm verification process for all residential alarm signals prior to requesting a response by the police [~~or fire~~] department;

(f) Complete an alarm verification process for all commercial burglary alarm signals prior to requesting a response by the police department;

(g) Maintain a current record [~~, accessible to the Alarm Administrator at all times,~~] that includes: the names of alarm users serviced by the company; the addresses of the protected properties; the type of alarm system, the original installation date and subsequent modifications, if any for each protected property; [~~a record of the date and time of alarm dispatch requests to each protected property; record of the false alarms at each property with evidence of the company's attempt to verify the alarm and its explanation of the cause of the false alarm;~~] and provide this record to the Alarm Administrator upon request.

(h) Provide each of its alarm system users with: operating instructions for their alarm system, including an explanation of the company's alarm verification process; a telephone number to call for assistance in operating the system; and a summary of the provisions of this Ordinance relating to penalties for false alarms and the possibility of no police response to alarm systems experiencing excessive false alarms;

(i) Work cooperatively with the alarm system user and the Alarm Administrator to determine the cause of any false alarm and to prevent recurrences;

(j) Establish a training period during the first seven (7) days following the installation of any burglary alarm system during which the alarm user will be trained on the proper use of the system and during which no request for an immediate dispatch of police personnel will be made by the alarm company without independent factual support. [~~Based upon the information provided, including the fact of the training period, the Bloomington Police Department will make an independent determination of the nature and priority of their response.~~]

Violation of any of these duties will be subject to a civil penalty [~~of \$100.00~~] for each separate violation as set forth in City Code Appendix A [~~. Each day of non-compliance shall constitute a separate offense.~~]

§ 14.145. SUSPENSION OF POLICE RESPONSE.

(a) *Notice of Suspension of Police Response.* Upon [~~the occurrence of the fourth false burglary alarm from a residential alarm site of the sixth false burglary alarm from a commercial alarm site within a calendar year,~~] an excessive number of false burglary alarms as determined by the Chief of Police or designee, or where the alarm user is more than one hundred and twenty (120) days overdue in their payment of alarm fines, the city's Alarm Administrator shall serve [~~in person or by U.S. certified mail,~~] the alarm user's designated contact person with written notification that effective fourteen (14) days from the date of the notice, the [City][P] police [D] department will not be responding to burglary alarm dispatch requests

from that site for the remainder of the calendar year unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response.

- (b) *Written appeal of suspension notice.*
 - (1) Within seven (7) days from the date of the suspension notice the alarm user may file with the city's Alarm Administrator a written appeal of the proposed suspension of police response explaining the steps taken to correct the problem, any facts pertaining to the overdue payment of fines, the facts and circumstances of the false alarms from this alarm site and any other information relevant to the Alarm Administrator's proposed suspension of police response.
 - (2) Within five (5) days of the Alarm Administrator's receipt of the written appeal and after reviewing the city's files for the alarm site, alarm user and alarm company and all of the submissions of the alarm user, the Alarm Administrator shall issue a decision to confirm, suspend or rescind the suspension notice and serve a written copy thereof on the alarm user's contact person by mail.
- (c) *Suspension of police response.* Where an alarm user has failed to properly file a timely appeal of a notice to suspend or where the Alarm Administrator has issued a decision confirming a notice to suspend, the ~~[City]~~ [P]police ~~[D]~~ department in determining whether to make an immediate police dispatch in response to notification of a signal from that alarm user's alarm system, may disregard that burglary alarm dispatch request when the alarm signal is the only basis for making the dispatch request. Where there is, in addition to the alarm dispatch request, an in-person call, verification from a person at or near the premises or other independent evidence shows a need for police dispatch to the alarm site, police may consider the suspension of police response as an additional factor in the decision to order an immediate response.

* * *

Section 2. That Appendix A of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

* * *

<i>CODE SECTION</i>	<i>CROSS-REF</i>	<i>DESCRIPTION</i>	<i>FEE</i>
<i>Chapter 14: Licenses and Permits</i>			

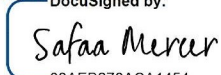
<i>CODE SECTION</i>	<i>CROSS-REF</i>	<i>DESCRIPTION</i>	<i>FEE</i>
§ 14.143(b)		False Alarm Penalties – Alarm Users	Penalty for [third] <u>second and subsequent</u> false [burglary] alarms [shall be \$125 and increase by \$50 for each succeeding false alarm thereafter] within the calendar year <u>shall be:</u> <u>First Event: \$0</u> <u>Second Event: \$100</u> <u>Third Event: \$150</u> <u>Fourth Event: \$225</u> <u>Fifth and subsequent events: \$325</u>
[§ 14.143(e)]		[False Hold-up or Panic Alarm Penalties – Alarm Users]	Penalty for false hold-up or panic alarms shall be \$250 for the second false alarm and shall increase by \$100 for each succeeding false alarm thereafter within the calendar year.
§ 14.143(c) § 14.144		False Alarm Penalties - Alarm Company	\$100 fine assessed against the alarm company.

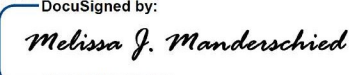
Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 22nd day of July, 2024.

DocuSigned by:

 531490D391D44BF...
 Mayor

ATTEST:
 DocuSigned by:

 03AEB276ACA1454...
 Secretary to the Council

APPROVED:
 DocuSigned by:

 5664A00FA896406...
 City Attorney