

Chapter 6 - ALARM SYSTEMS¹¹

Footnotes:

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Editor's note— Ord. No. 2007-02, adopted Feb. 27, 2007, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6, §§ 6-1—6-11, pertained to similar subject matter, and derived from Code 1985, §§ 6-12-1—6-12-10, 7-2-17; Ord. No. 96-14, §§ 6-12-1—6-12-10, adopted Sept. 10, 1996.

Cross reference— Buildings and building regulations, ch. 22; businesses, ch. 26; civil emergencies, ch. 30; fire prevention and protection, ch. 42; false alarms, § 58-41.

Sec. 6-1. - Intent and purpose of chapter.

- (a) The intent and purpose of this chapter is to promote and protect the welfare of the citizens of the village by:
- (1) Regulating the activities and establishing responsibilities of persons who install or use alarm devices or alarm systems; engage in the business of selling, leasing, installing, servicing or maintaining alarm devices or systems; or engage in the business of providing services incidental to alarm devices or alarm systems such as telephone alarm relay services, telephone answering services, or fire, burglar or protective services incident to or in response to an alarm device or alarm system; and
 - (2) Setting standards for alarm devices and alarm services and encouraging improvement in the reliability of alarm devices and alarm systems, to eliminate undue burdens on public resources and ensure that police, fire and other personnel are not unduly diverted from normal activities to respond to false alarms.
- (b) It is not the intent or purpose of this chapter to regulate any private alarm devices or alarm systems which will not be seen or heard by the general public and which will not be communicated or transmitted, directly or indirectly, to the police department or fire department.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-2. - Definitions.

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

Alarm device includes but is not limited to any device, instrument, alarm, siren, light, signal, appliance, equipment or item, whether self-contained and/or powered otherwise, which transmits, communicates or emits directly or indirectly, by telephone, wire, radio or other media, any signal, light, sound, notice or warning of fire, flood, burglary, theft, robbery, criminal activity or emergency to the general public, the police department or the fire department.

Alarm system means one or more alarm devices connected or interacting with each other.

Duress or holdup alarm means an alarm activated by a person rather than a remote sensing device.

False alarm means any communication or activation of an alarm device or alarm system eliciting a response by the village police or fire department, whether by unintentional activation or equipment malfunction or any circumstance, where there is no evidence of emergency of the type for which the alarm device or alarm system was designed to give notice. This does not include activation caused by

violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm system business or the alarm user.

First responder/key holder means a person who has been designated and authorized by the owner of the alarm device or alarm system to respond to the site of the alarm in order to determine whether or not it is a valid alarm and, if so, contact the police or fire department or, if a false alarm, reset the device or system and contact the alarm maintenance company if required.

Licensed alarm service means any business licensed as such by the village which complies with the licensing requirements.

Owner means the legal property owner or the person acting as agent for the owner who has been given control of the property by the owner.

Person shall not include the village, but shall include any other person, firm, corporation, partnership, organization or other entity.

(Ord. No. 2007-02, 2-27-07)

Cross reference— Definitions generally, § 1-2.

Sec. 6-3. - Penalty.

- (a) Any person who violates any provision of this chapter shall be punished as provided in section 1-6.
- (b) Should either the fire department or the police department respond to what proves to be a false alarm, the owner may be charged a penalty as set forth in Appendix A to this Code.

(Ord. No. 2007-02, 2-27-07; Ord. No. 2007-09, 9-11-07)

Sec. 6-4. - Automatic dialing devices and certain audible alarms prohibited.

It is unlawful for any person to install or permit to be installed any alarm device or alarm system which:

- (1) Automatically dials any telephone line into the village police or fire department;
- (2) Emits, broadcasts or sounds an audible alarm of more than 15 minutes duration;
- (3) Automatically repeats its alarm signal without having been reset manually; or
- (4) Does not have a first responder/key holder on call 24 hours a day who has the ability to respond to the location of the alarm within 15 minutes.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-5. - Direct transmission of signals to police or fire department.

- (a) Any alarm device or alarm system which transmits an alarm notification directly to the village police or fire department, other than one required by state or federal law, is prohibited.
- (b) A financial institution required to have an alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 USC 1882) may install, with the permission of the police chief, a signal line directly to the police department for the purpose of reporting burglaries and robberies.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-6. - Business license required.

- (a) No person shall sell, install, maintain or cause or permit to be sold, installed or maintained an alarm device or alarm system which is subject to the conditions of this chapter unless such person has obtained a Village of Ruidoso business license.
- (b) In addition to the usual information required to obtain a business license, no person shall be issued a business license by the village to sell, install, maintain or cause or permit to be sold, installed or maintained an alarm device or alarm system which is subject to the conditions of this chapter unless the person provides to the village the following information:
 - (1) Local address and telephone number(s) where the person may be reached 24 hours a day; and
 - (2) Proof of licensure from the state for the installation of the alarm device or alarm system.
- (c) The business license holder or designee shall notify the village of any change of the information required in the application for a business license within 20 days of the change.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-7. - Disconnection of alarm or revocation of business license; violations by alarm owners or installers.

- (a) If the owner of the alarm device or alarm system does not comply with the requirements set forth in this chapter, the village planning administrator shall cause to be sent to the owner one written warning, mailed certified/return receipt requested. The warning shall contain details of the incident that prompted the warning and specific requirements with timelines for correcting the situation. Thereafter, if there are false alarms or if there is failure to comply with the conditions contained in this chapter, the village may impose such fines and penalties as set forth in this chapter or ask the court to order disconnection of the alarm system.
- (b) For any person who has been issued a business license by the village for the purpose of selling, installing or maintaining alarm devices or alarm systems which are subject to the provisions of this chapter, the planning administrator shall cause the person's business license to be revoked if the person fails to comply with the terms and conditions contained in this chapter after being given one written notice, mailed certified/return receipt requested. The notice shall contain details of the incident that prompted the notice and specific requirements with timelines for correcting the situation.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-8. - Appeals.

- (a) A business license holder under this chapter may appeal the revocation of a business license by submitting an appeal, in writing, delivered to the village manager not more than ten days after notice of revocation is received.
- (b) The village manager shall conduct a hearing and make the final determination on the matter. The appealing party shall have an opportunity to present its evidence and make arguments on its behalf. The formal rules of evidence do not apply to an appeal hearing under this section.
- (c) The village manager shall sustain or reverse the action of the planning administrator on the basis of a preponderance of evidence. The decision of the village manager is final.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-9. - Use of prohibited alarms.

- (a) No person shall install, cause to be installed, permit the installation of or permit the operation of an alarm system installed on his property which is contrary to the provisions of this chapter or applicable state law.
- (b) No employee of the village shall respond to any alarm or alarm system installed, operated or maintained in conflict with the provisions of this chapter.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-10. - Responsibilities of alarm owners and alarm services.

- (a) Any person owning an alarm device or alarm system which is subject to the conditions of this chapter shall be responsible for the installation, operation, maintenance and monitoring of the device or system to ensure compliance with this chapter and with state law. That person may enter into a customer contract with a licensed alarm service for provision of any or all alarm services. The alarm owner, the owner's designee or the licensed alarm service shall have legal access to the property where the alarm is installed or located and shall come to the alarm site within 15 minutes of the alarm activation.
- (b) Upon arrival at the property where the alarm is installed or located, the alarm owner, the owner's designee or the licensed alarm service shall determine whether or not it was a valid alarm and, if a valid alarm, notify the village police or fire department.
- (c) The police or fire department, upon receiving live voice communication of a verified alarm or emergency situation, shall respond to such request expeditiously and take necessary actions to protect life and property.
- (d) Delay in notifying the police department while awaiting onsite verification is not applicable for duress or holdup alarm activation. If, upon arrival at the site of the duress or holdup alarm, the key holder/first responder determines that it is a false alarm, the police department shall immediately be notified to cancel the alarm response.
- (e) Delay in notifying the fire department while awaiting onsite verification is not applicable for a fire alarm. If, upon arrival at the site of the fire alarm, the key holder/first responder determines that it is a false alarm, the fire department shall immediately be notified to cancel the alarm response.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-11. - Alarm services and monitoring services to be licensed; personnel; compliance with chapter.

- (a) No person other than a licensed alarm service or a licensed monitoring service, or an agency of the United States, the state or the village, shall engage in the business of receiving signals from alarm devices or alarm systems.
- (b) Licensed alarm services and licensed monitoring services shall have trained personnel available at all times for alarm services to respond to alarm signals and for monitoring services to relay the necessary information. Companies and personnel employed by companies providing alarm services shall possess all required licenses and registrations.
- (c) Licensed alarm services and licensed monitoring services shall comply with all provisions of this chapter.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-12. - Prohibition of installation of alarm device or alarm system without maintenance, monitoring and on-site response.

- (a) No person shall sell, install, maintain or cause or permit to be sold, installed or maintained an alarm device or alarm system which is subject to the conditions of this chapter unless such person has arranged with the owner of the alarm device or alarm system to provide maintenance, 24-hour monitoring and first responder/key holder services. Verification of compliance with this requirement shall be accomplished by registration of the alarm device or alarm system with the Village of Ruidoso.
- (b) Failure to comply with the above requirements shall be cause to revoke the person's Village of Ruidoso business license to sell, install or maintain alarm devices or alarm systems.

(Ord. No. 2007-02, 2-27-07)

Sec. 6-13. - Registration of alarm device or system.

- (a) The person owning an alarm device or alarm system which is subject to the conditions of this chapter shall register the alarm device or alarm system with the Village of Ruidoso planning administrator on a form supplied by the village. The registration shall be renewed annually within 30 days of the anniversary of the initial registration.
- (b) The information supplied to the village shall include information on the owner, the installer, the maintenance company, the monitoring company and the first responder/key holder(s).
- (c) There is a fee for processing an initial alarm device or alarm system registration or the annual renewal. The amount of the fee is listed in the fee schedule in appendix A to this Code.
- (d) Failure to maintain a current registration will be cause for the village to ask the court to order disconnection of the alarm.

(Ord. No. 2007-02, 2-27-07)