

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. CB-102-1995  
 Chapter No. 75  
 Proposed and Presented by Council Member Estep  
 Introduced by Council Member Estep  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction October 24, 1995

**BILL**

AN ACT concerning

**Burglar and Holdup Alarms**

For the purpose of amending the County Code to establish a comprehensive program to address the rising number of false burglar alarms.

BY repealing:

SUBTITLE 9. ELECTRICITY.  
 Sections 9-133, 9-133.01 and 9-136,  
 The Prince George's County Code  
 (1991 Edition, 1994 Supplement,  
 as amended by CB-29-1995).

BY repealing and reenacting with amendments:

SUBTITLE 9. ELECTRICITY.  
 Sections 9-130, 9-131, 9-132, 9-134,  
 9-135, 9-137 and 9-138,  
 The Prince George's County Code  
 (1991 Edition, 1994 Supplement,  
 as amended by CB-29-1995).

BY adding:

SUBTITLE 9. ELECTRICITY.  
 Sections 9-139, 9-140, and 9-141,

The Prince George's County Code.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 9-133, 9-133.01 and 9-136 of the Prince George's County Code be and the same are hereby repealed.

**Sec. 9-133. [Specific installation requirements.] Reserved.**

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**[Sec.9-133.01. Purpose of Division; exemption of residential premises.**

(a) The provisions of this Division apply only to burglar and holdup alarms installed on commercial premises. No Section of this Division is applicable to a burglar and holdup alarm installed in a dwelling or to the alarm user thereof.]

**Sec. 9-136. [Service by mail.] Reserved.**

[When a person or governmental agency has the right or is required to act or take some proceeding within a prescribed period pursuant to this Division, and service is made by mail, two days shall be added to the prescribed period. Whenever a person, governmental agency is required to make delivery by first class mail, delivery, in lieu thereof, may be made by hand by any person eighteen (18) years of age or older.]

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 9-130, 9-131, 9-132, 9-134, 9-135, 9-137 and 9-138 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 9. ELECTRICITY.**

**DIVISION 2. BURGLAR AND HOLDUP ALARM[S] SYSTEM INSTALLATION STANDARDS.**

**Sec. 9-130. Definitions.**

(a) For the purpose of this Division, and Divisions 3 and 4, the following words, terms, and phrases shall have the meaning given herein:

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

(2) Alarm Signal means the activation of an alarm system.

(3) **Alarm Site** means a single premises or location served by an alarm system. Each tenancy, if served by a separate alarm system, in a multi-tenant building shall be considered a separate alarm system.

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

[(1)] (5) **Alarm user** means the person who [has primary control over the residence or commercial premises in which a burglar or holdup alarm is installed or the person who contracts for alarm service] uses an alarm system at the person's alarm site.

[(2)] (6) **Automatic Dialing Device** means any device which is interconnected to a telephone line and is programmed to select a predetermined telephone number, then transmit a prerecorded voice or code message signaling the existence of entry or criminal activity at the protected premises.

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

[(4)] (7) **Central Monitoring Station** means a commercial company whose primary business is monitoring alarm signals and performing contracted services for alarm users.

(8) **Certification or Certified** means the system has been inspected by a licensed burglar and holdup alarm contractor or technician licensed in Maryland and/or Prince George's County and that the system meets all the requirements of this Code and all other applicable national or local codes.

[(5)] **Connecting Wiring** means conductors in a burglar alarm system used to interconnect Protective Units with each other and the Control Unit.]

(9) **Chief of Police or Chief** means the Chief of the Prince George's County Police Department or designee.

(10) **Control Panel** means the central processing unit designed to manage and control an alarm system.

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

(12) **Dual Technology Sensor** means a single device that is manufactured to require two simultaneous inputs by two different technologies to cause alarm activation.

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

[(7)] (14) **False Alarm** means any request for immediate Police Department assistance which is not in response to actual or threatened criminal activity or activation of an alarm system which results in an emergency response by the police to an alarm site for which the responding police officer finds no evidence of a criminal offense or attempted criminal offense at the alarm site. An emergency response to an alarm signal which is cancelled by the alarm user or alarm business prior to the time the responding police officer reaches the alarm site shall not be considered a false alarm. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; or signals which are purposely activated to summon the

police in nonemergency situations. [False alarms shall not include signals for which the actual cause cannot be determined, such as those activated by unusually severe weather conditions or other causes which are beyond the control of the alarm or alarm business. If there is any doubt as to the cause of the alarm signal, such doubt shall be resolved in favor of the alarm user.]

[(8) **Foil** means frangible current-carrying metallic strips which, when ruptured, interrupt the flow of current; similarly used for the protection of glass and panels in windows and doors, and on walls, floors, and ceilings.]

[(15) **Holdup Alarm** means a silent alarm generated by the deliberate activation of a holdup device.]

[(16) **License or permit** means a license or permit issued to an alarm business or an alarm system user by the Chief of Police.]

[(9)] [(17) **Local** means an alarm system that sounds audibly at the protected premises.]

[(18) **Nonresidential or Commercial Alarm User** means any alarm user that is not a residential alarm user.]

[(10) **Open Wiring** means insulated conductors without mechanical protection; i.e., not protected through use of rigid or flexible conduit, electrical metallic tubing, cable, sheathing, etc.]

[(19) **Panic Alarm** means the deliberate activation of an audible alarm.]

[(11)] [(20) **Police Connection** means direct connection in which the remote location is a police facility.]

[(12) **Protective Unit** means discrete sensor devices and systems such as connectors, switches, invisible ray equipment, and volumetric systems installed to detect intrusion.]

[(13) **Protective Wiring** means any of the various recognized conductor sensor forms such as open-wires, lacing, grooved stripping, and screens used for protecting windows, doors, transoms, vents, skylights, walls, floors, and ceilings.]

[(21) **Residential Alarm User** means the occupant of any dwelling unit with an

alarm system.

[(14)] (22) **Silent Alarm** [shall] means an alarm system that has no audible sound at the protected premises.

(23) **Touchpad** means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

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

**Sec. 9-131. [Installation and maintenance.] Alarm system installation standards.**

(a) All burglar and holdup alarm systems shall be installed and serviced only by persons licensed as burglar and holdup alarm contractors. The contractor shall have a Master Electrician's License or a Master Electrician's License, Limited [for Burglar and Holdup Alarms] in addition to an Alarm Business License[: or the electrical work shall be done by someone having such licenses].

(b) Prior to requesting final inspection approval of an alarm system, the burglar and holdup alarm contractors shall certify that each new burglar and holdup alarm system has been installed in accordance with the provisions of Sections 9-118 and 9-132; that it has been inspected and found to be operating normally; and that the alarm user has been instructed with regard to the system operation.

(c) Each alarm installation shall be thoroughly inspected by a licensed contractor upon request of the Chief [Director] after a false alarm has occurred and there is no explainable reason for the false alarm.

(d) Where an [burglar or holdup] alarm system is malfunctioning, the alarm user shall either turn the alarm system off or have it repaired promptly by a licensed contractor.

**Sec. 9-132. General installation requirements for burglar and holdup systems.**

(a) In addition to the requirement set forth in the National Electrical Code, alarm [Burglar and Holdup S]systems shall be subject to the following requirements. Where there is a conflict with the most recently adopted edition of the NEC, the most stringent requirement will

apply.

(1) Power Supply.

(A) [Systems shall not depend solely on the normal AC power supply at the protected location if the failure thereof causes response by a law enforcement agency or a public alarm.

(B) The foregoing shall be interpreted as requiring standby power to automatically maintain the system in a normal condition for a minimum period of four (4) hours in the event of the interruption of the primary power source. This requirement may be waived in those instances where the central monitoring equipment produces a distinctive signal indicating power failure at the protected premises.] Every alarm system must have standby power sufficient to operate the system in a non-alarm status (without being the cause of an alarm activation) for a minimum of four hours.

(B) Every alarm system must have a U.L. 1449 listed (or better) surge protector installed between the transformer and:

(1) the 110 voltage source used to supply power to the master control panel; and

(2) any power device connected to the system but powered separately. Any alarm system that has a multi-phase power service and a dedicated transformer to that premises (building) only, does not require surge protection as described above.

(C) Every residential alarm system control panel must have either:

(1) push on/pull off connectors to the battery and a description of the transformer location permanently affixed to the inside of the control panel; or

(2) an on/off switch that disconnects the battery and the transformer from the central processing unit inside the control panel.

(D) Transformers must be affixed to an electrical outlet.

(E) Every alarm system must have a supervised standby power supply that causes a local annunciation when standby power falls below the manufacturer's recommended specifications.

(2) Grounding.

(A) [Permanent grounds provided for a system shall be made to cold water pipes or equivalent (e.g., grounding rods) and not to conduits or raceways, unless such conduits are properly grounded.]

(B) Systems shall normally test free of grounds, except those sections of circuits or appliances that are intentionally and permanently grounded in order to secure their normal operation.] Every alarm system must be grounded under NEC (National Electrical Code), NBFAA (National Burglar and Fire Alarm Association), U.L. 681 or manufacturers' standards.

(3) [Entrance to Buildings.

(A) Entrance of overhead outside wires shall be located as inaccessibly as practical. Wires passing through the wall will require noncombustible, nonabsorptive insulating bushing, or conduit, or electrical metallic tubing slanting upward from the outside. If slanting is impossible, suitable drip loops shall be made. Conduit shall be equipped with a service head.]

Sensors, Actuators, and Signal Devices.

(A) Any door or window contact installed for the purpose of activating the alarm system must be hermetically sealed if used on solid state control panels.

(B) Any hold-up alarm (requiring push button activation) must use simultaneous 2 button activation or a keyed manual reset after activation.

(C) Any panic or medical/emergency alarm activation must cause an audible alarm.

(D) All audio detection devices must be either volumetric sound detectors with operator analysis or detectors that require two different inputs within one-half second (or less) to generate an alarm.

(E) Any residential alarm system with an audible alarm must have a sufficient number of sound generating devices to alert or awaken all normal hearing occupants within the alarm user's premises that an alarm has been activated.

(F) Every alarm system using a digital communicator must have a proper phone interface device as required by FCC accessible to the alarm user and mounted within 24" of the control panel.

(G) Any audible alarm must automatically silence the annunciator within 30



minutes after activation.

(4) Alarm Housings and Control Units.

(A) [Alarm housings and control units shall be securely mounted to the building structure to avoid false alarms.] All alarm system equipment shall be either Underwriters Laboratory or Factory Mutual listed.

(B) All alarm system equipment shall be used only for the purpose intended by the manufacturer and installed per manufacturers' specification.

(C) Any alarm system that has a touchpad or other device designed to allow the user to activate the alarm (when in the disarm mode) must be configured as follows:

<u>AUDIBLE</u>	<u>SILENT</u>
<u>(a) Panic</u>	<u>(d) Duress</u>
<u>(b) Fire</u>	<u>(e) Hold-up</u>
<u>(c) Medical/Emergency</u>	

(5) Wiring.

(A) [Connecting wiring shall not be smaller than No. 22 AWG copper wire and shall be of a type listed by the Underwriters Laboratories for burglar alarm system wiring, preferably with an outside jacket to protect it from mechanical injury.

(B) Connecting wires shall be run in a workman-like manner and, where applicable, shall be protected from damage due to sharp corners or projections by at least two (2) layers of UL-approved electrical friction insulating tape or the equivalent. Wires shall not be installed from beam to beam unless protected against damage, such as metal-clad cable, raceway, conduit, or solid backing strip not less than one and one-half (1 1/2) inches wide.

(C) Connecting wires may be attached to plaster or wood by means of acceptable forms of staples, insulated-head brads or nails, porcelain, or other nonabsorptive insulating knobs or cleats, bridle rings or wire ties. For attachment to masonry expansion bolts, fiber plugs and screws, toggle bolts, or the equivalent shall be used. Nonabsorptive and noncombustible supports shall be used to set wires out entirely clear from walls subjected to dampness.

(D) Staples or brads shall be spaced not more than two (2) feet apart on

wood or plaster, except that where wires are run along the top of molding, cabinets, etc., and thereby receive additional mechanical support, brads and staples may be spaced four (4) feet apart; bridle rings, porcelain knobs, or cleats shall be spaced not more than four (4) feet apart and wire ties not more than two (2) feet apart.

(E) All devices shall be mechanically secured. Soldered connections must be properly covered with electrical insulating tape or the equivalent. Connection of wires to terminals or insulating pressure connectors will not require soldering or additional insulation.

(F) Connecting wires intended to carry circuits onto movable openings shall be via a connector listed by the Underwriters Laboratories for burglar alarm system wiring, except in residences where UL listed, stranded, jacketed cable may be used.

(G) Open wires shall be kept at least one-half (1/2) inch from other signal wires, pipes, conduit, fixtures, and other grounded objects or, where necessary to run closer than this, two (2) layers of electrical insulating tape, or the equivalent, shall be provided.

(H) Wires should be run over, rather than under, steam, water, and sprinkler pipes.

(I) Wires shall be spaced at least two (2) inches from conductors of any light, power, or Class I circuits unless one of the circuits is in a raceway, or in metal-sheathed, metal-clad, nonmetallic-sheathed, or Type UF cables, or the circuits are separated by a continuous and firmly fixed insulator.

(J) Porcelain or nonmetallic-flexible tubing extending for two (2) inches beyond the wires and taped at the ends will provide the necessary continuous separation specified. Tape alone is not acceptable protection.] All alarm system wiring must meet NEC (National Electrical Code) standards and be a minimum of 22 gauge, or meet manufacturer's specifications (whichever is the higher standard). Wiring run through plenum ceilings must be plenum rated.

(B) Any wire splice must be "hot" soldered and taped, or "B" connected according to manufacturers' specifications. "B" connectors must not be crimped with other than a tool recommended by the manufacturer.

[(6) Protective wiring.

(A) Protective wiring shall be kept at least one-half (1/2) inch from other

signal wires, pipes, conduit, fixtures, and other ground objects. Where necessary to run closer than this, two (2) layers of UL listed electrical insulating tape, or the equivalent, shall be provided.

(B) Wiring shall be spaced at least two (2) inches from electric light and power lines unless one of the circuits is in a raceway or the circuits are separated by a continuous and firmly fixed insulator.

(C) Porcelain or nonmetallic-flexible tubing extending for two (2) inches beyond the wires and taped at the end will provide the necessary continuous separation specified. Tape alone is not acceptable protection.]

[(7) Foil.

(A) Foil shall be applied evenly and secured to the surface so that it will not blister or loosen in service.

(B) Cracks shall not be bridged with foil. At the junction of glass and frame, foil shall be reinforced to protect it against breakage in normal service.

(C) Small cracks in plate glass may be reinforced and foiled across doubly if a section of the glass cannot be removed without breaking the foil at other points.

(D) Foil shall be completely protected against mechanical damage where necessary.

(E) Reinforcement shall be provided for foil at points of connection and crossover from panel to frame.]

[(8) Stripping.

(A) Grooved stripping may be used on surfaces such as walls and ceilings, over openings, and on doors.

(B) Stripping shall be built out and not curved over obstructions more than two (2) inches high.

(C) On damp surfaces, stripping shall be set on nonabsorptive and noncombustible furring strips spaced not more than three (3) feet apart.

(D) Around sinks and other places where moisture is excessive, stripping shall be set out on nonabsorptive supports or shall be applied direct and be thoroughly moisture-

-proofed.]

[(9) Screens.

(A) Wood screens are fully framed assemblies of wood dowels or half-round molding employed to protect openings. They are constructed of grooved wood having fine wire cemented in the grooves with a hard drying compound. Wood screens shall be coated with waterproof varnish or equivalently treated to exclude moisture.]

### **DIVISION 3. BURGLAR AND HOLDUP ALARM USER'S LICENSE AND REGISTRATION.**

**Sec. 9-134. Alarm user permits.**

(a) Permit [-]. Every alarm user shall obtain an alarm user permit for each alarm system he operates on commercial or residential premises within this County from the [Director of the Office of Business and Regulatory Affairs] Chief of Police. [This Subsection does not require that alarm businesses obtain a permit under this Section when it leases or provides services to alarm system users. If an alarm business does, however, use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this Section.] No permit will be issued for any system utilizing an Automatic Dialing Device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the Prince George's County Police Department.

(b) Disclaimer. Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that police response may be based on factors such as: the availability of police units; priority of calls; weather conditions; traffic conditions; emergency conditions; or staffing levels.

[(b)] (c) Alarm User Permit Application.

(1) [The alarm user applying for the permit required in Subsection (a) of this Section shall state on a permit application form to be prepared by the Office of Business and Regulatory Affairs and approved by the County Attorney: his name, the address of the business or

businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local audible, direct connect, silent, central station, etc.), the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least one other person (in the case of a corporate alarm user applicant, at least two persons) who can be reached at any time, day or night, and who is authorized to respond to an alarm signal and who can open the premises in which the system is installed.] Residential Alarm User Permit Application. Each application or application for renewal for a residential alarm user permit must contain, but is not limited to, the following information:

Registration Number assigned by the County (if renewal).

Name, address, telephone number of the alarm user.

Dangerous or special conditions information at the alarm site.

Type of alarm system: burglary, robbery, panic, duress medical alert, etc.

Names, addresses, and telephone numbers of two (2) persons (an alarm business will be acceptable in lieu of one (1) person) who are able to and have agreed to:

Receive notification of an alarm activation at any time;

Respond to the alarm site within one (1) hour; and

Grant access to the alarm site and deactivate the alarm system if such becomes necessary.

Name, address, and telephone number of alarm business that installed and/or monitors the alarm system, if applicable. A statement as to whether the alarm user had ever previously registered an alarm system in Prince George's County.

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

Any other information deemed necessary by the Chief of Police.

(2) [The application shall further specify whether the audible local alarm signal will automatically stop ringing within 1/2 hour or whether it must be silenced by one of the authorized persons.] Commercial or Nonresidential Alarm User Permit Application. Each application or application for renewal for a commercial or nonresidential alarm user permit must contain, but is not limited to, the following information:

Registration Number assigned by the County (if renewal).

Nonresidential alarm user's name and trade name, if different.

Employer ID number (EIN).

Street address where alarm system is located, including room or suite number.

Telephone number at the alarmed location.

Type of business or activity conducted at the alarmed location.

Type of alarm system: burglary, robbery, duress, panic, etc.

Dangerous or special conditions information at location.

Parent company name, address and telephone number.

Name and telephone number of person responsible at the parent company location for the alarm system at the alarm site.

Names, addresses, and telephone numbers of three (3) persons (an alarm business will be acceptable in lieu of one (1) person) who are able to and have agreed to:

Receive notification of an alarm activation at any time;

Respond to the alarm site within one-half (1/2) hour; and

Grant access to the alarm site and deactivate the alarm system if such becomes necessary.

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

A statement as to whether the alarm user had ever previously registered an alarm system or been issued a permit in Prince George's County.

An acknowledgment that they must keep a copy of the alarm permit

application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the Chief of Police.

Any other information deemed necessary by the Chief of Police.

(3) The information in the application shall be maintained current at all times. Any changes in the application information which must be forwarded to the Chief within ten (10) days. [Changes shall be forwarded to the Office of Business and Regulatory Affairs.]

(4) The alarm user shall make provision for silencing the local audible alarm within [one] 1/2 hour from the time the signal is received by the Police Department, either automatically or by one of the authorized persons.

(5) It shall be the responsibility of the [holder of the] alarm user [permit] to insure that the system is properly operated, maintained, inspected, and repaired as required herein.

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

(7)Exemptions. Local, State, or Federal government facilities are exempt from payment of permit fees and false alarm response fees, but are requested to register alarm site specified in this Division if Prince George's County police personnel are normally expected to respond to alarms at these facilities.

(c) Alarm User Permit Fees.

(1) There shall be a [Thirty Dollar (\$30.00)] Fifty Dollar (\$50.00) non-refundable commercial alarm permit fee for the first two years. The fee may be paid by the alarm user or the alarm business. Payment shall accompany the application.

(2) There shall be a non-refundable biennial commercial alarm renewal fee of [Thirty Dollars (\$30.00)] Fifty Dollars (\$50.00). The fee may be paid by the alarm user or the alarm business. Payment shall accompany the application.

(3) There shall be a [Three Dollar (\$3.00)] Twenty-five Dollar (\$25.00) fee for duplicate registration stickers.

(4) If an alarm user permit has been revoked or suspended, a reinstatement fee of

One Hundred Dollars (\$100.00) must accompany a reinstatement application.

(5) There shall be no permit fee or renewal fee for a residential alarm permit.

(d) The information contained in an alarm user permit application required by this Section and other information received by the [Director of the Office of Business and Regulatory Affairs] Chief of Police through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by police officers or County employees specifically assigned the responsibility for handling and processing alarm user permits in the course of official duties. If any employee of the County is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Subtitle or official law enforcement matters and without the express written consent of the alarm user supplying such information, the County employee shall be guilty of a misdemeanor.

(e) Upon the issuance of a permit, the permittee shall be given a registration sticker with a registration number which shall be posted at the main entrance of the [building] alarm site in such a manner as to be readily seen by police without entry. [The permit information and registration number shall be forwarded to the Police Department in such form and manner as the Departments concur in. The registration number shall be used by the Police Department to report all false alarms to the Office of Business and Regulatory Affairs on a daily basis.]

(f) Any alarm [system] user who operates an alarm system without first obtaining a permit as required by this Section, or who, after having a permit revoked or suspended, or is indebted to the County for false alarm fees and/or fines incurred by the alarm user under the current or a previous permit and after exhausting his rights to hearing and appeal, fails to disconnect [his] the alarm system, shall be in violation of this Division.

**Sec. 9-135. False alarms.**

(a) [More than eight (8) false alarms in a calendar year from any alarm system for which an alarm user permit has been obtained may constitute grounds for revocation of such permit, subject to the provisions of this Section.] For each false alarm from the alarm user's alarm system, an alarm user shall pay a false alarm response fee, as set forth in the following table:

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

(b) False alarm response fees are payable within ten (10) days of the receipt of the notification that fees are due. The failure to pay the false alarm response fee within thirty (30) days of notification [reimburse the County the cost of responding to each false alarm over six (6), in any one calendar year,] shall be grounds for revocation or suspension of such permit. [The rate of reimbursement shall be Thirty Dollars (\$30.00) per alarm and shall be paid within thirty (30) days of receipt of the bill from the County.] Fees not paid within sixty (60) days shall be referred to the County Attorney for collection.

[(c) After the Office of Business and Regulatory Affairs has eight (8) "false alarms" within a calendar year from any alarm user permit holder, or has failed to receive reimbursement for costs on false alarms, it shall notify the permit holder in writing by first class mail of such fact setting forth the dates of each reported false alarm and require that the permit holder submit a report to the Office of Business and Regulatory Affairs within fifteen (15) days after receipt of such notice, describing efforts to discover and eliminate the cause or causes of the false alarms or the reason for failure to reimburse. If, however, the alarm user, by reason of absence from the County or on any other reasonable basis requests an extension of time to file the report, the Office of Business and Regulatory Affairs shall extend the fifteen (15) day period for a reasonable period. If the permit holder fails to submit such a report within fifteen (15) days or within any such extended period, the Office of Business and Regulatory Affairs may revoke the user's permit and under such circumstances the user shall not be entitled to a hearing or appeal under this Section.

(d) If the alarm user submits a report as required by Subsection (c) of this Section, but the Office of Business and Regulatory Affairs determines that the reimbursement costs have not been paid, that the report is unsatisfactory or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Director may issue written notice by first class mail of his intent to revoke or suspend the alarm user's permit.

(e) If after submission of a report required by Subsection (c) of this Section which is satisfactory to the Director, the alarm system of the permit holder incurs one or more false alarms during the same calendar year, the Director of the Office of Business and Regulatory Affairs may issue written notice by first class mail of his intention to revoke or suspend the alarm user's permit.]

(c) After an alarm user's alarm system has six (6) or more false alarms in a twelve month period, the alarm user must have the alarm system recertified by a licensed burglar and holdup alarm contractor. This recertification, along with a Twenty-Five Dollar (\$25.00) recertification fee, shall be submitted to the Chief within thirty (30) days after receipt of the notice that recertification is necessary. Failure to have an alarm system recertified as required by this Section shall be grounds to place the alarm user's system in a police non-response status or to revoke or suspend the alarm user's permit.

(d) After an alarm user's alarm system has twelve (12) or more false alarms in a twelve month period, the alarm user must have the system upgraded to meet current County standards or upgraded to a more reliable system technology which shall include, but not be limited to, the installation of dual technology sensor devices. System upgrading must be accomplished within thirty (30) days after receipt of the notice that system upgrading is required. The system upgrade must be accomplished by a licensed burglar and holdup alarm contractor. The alarm system user shall submit a certification of the system upgrade, along with a Fifty Dollar (\$50.00) certification fee, to the Chief. Failure to have a system upgraded as required by this Section shall be grounds to place the alarm user's system in a police non-response status or to revoke or suspend the alarm user's permit.

(e) False alarm response fee waiver.

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

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

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

(f) False alarm appeal process and filing fee.

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

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

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

(4) Any appeal of the Chief's decision of the Chief to uphold the determination of a false alarm shall be made to the Prince George's County Board of Administrative Appeals. The appeal shall be based on the record developed by the Chief, consisting of the Police Department's reports, the alarm user's written appeal and any documentation submitted therewith and the Chief's determination.

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

(6) The alarm user must pay the false alarm response fee for a false alarm within thirty (30) days after receipt of the Chief's decision upholding the determination that a false alarm has

occurred unless the alarm user appeals the determination to the Board of Administrative Appeals.

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

[(f)](g) Upon receipt of a notice of intent to revoke or suspend an alarm user's permit pursuant to Subsections [(d)](e) and [(e)](f) of this Section, the alarm permit holder may within ten (10) days of such receipt submit a written request by first class mail, return receipt requested, for a hearing before the [Director of the Office of Business and Regulatory Affairs] Chief of Police setting forth the reasons that his permit should not be revoked or suspended.

[(g)] Written notice of the time and place of the hearing shall be served on the holder of the permit by the [Director] Chief of Police by certified mail at least ten (10) days prior to the date set for the hearing.

(h) At the hearing before the [Director or his designee] Chief of Police, the [holder of the permit] alarm user, or his authorized representative, shall have the right to confront and examine witnesses, and to present evidence on his own behalf. [The introduction into evidence of a police report indicating a false alarm did occur will be prima facie evidence of a false alarm unless the holder of the permit or his agent has submitted in writing under Subsection (c) a denial of such fact. The burden of proving the reason for an alarm shall be on the holder of the permit.] After the hearing, the [Director] Chief of Police may either issue an order of revocation, withdraw the notice of revocation, or suspend the permit until reimbursement or such time that he is satisfied that the cause or causes of the false alarms have been eliminated.

(i) Any [person] alarm user whose permit has been revoked or suspended pursuant to this Section shall have the right, within ten (10) days after receiving notice of revocation from the [Director] Chief of Police, to file a written appeal by first class mail or hand delivery with the Board of Appeals; and no alarm user shall be required to discontinue use of his alarm system prior to the expiration of such ten (10) day period. Such appeal shall set forth the specific ground or grounds on which it is based. The Board of Appeals shall hold a hearing on the appeal within thirty (30) days after its receipt, and shall cause the appellant to be given at least ten (10) days written notice of such hearing. At the hearing, the appellant or his designated representative shall

have the right to present written or oral argument, or both, in support of his appeal. The Board of Appeals shall issue its decision within ten (10) days after the hearing.

(j) If an alarm user [permit holder] files an appeal pursuant to Subsection (i) of this Section, he shall not be required to discontinue the alarm system until a final decision is made on his appeal.

(k) If a monitored alarm system user permit is revoked or suspended, the alarm user's alarm business or monitoring company will be notified by the Chief to not request police dispatch on any alarm signal to the alarm user's location until the alarm user permit is reissued or the suspension is lifted.

[(k) An alarm system user whose permit has been revoked is not precluded under this Section from applying for a new permit. The Director, however, is not required to issue a new permit unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected and the County has been reimbursed for false alarms. The Director may impose reasonable restrictions and conditions upon issuing a new permit to an alarm user with respect to the particular system for which the permit was revoked.]

**Sec. 9-137. [Penalties for violation.] Enforcement and penalty.**

(a) The failure of any person to obtain an alarm [system] user permit as required in Sections 9-132 and 9-134 or obey any order of the [Director] Chief of Police of suspension or revocation of an alarm user permit after such person has exhausted his rights to hearings or appeals constitutes a misdemeanor punishable by a court of competent jurisdiction by a fine of up to [Two Hundred Dollars (\$200.00)] Five Hundred Dollars (\$500.00) and/or 60 days in jail. Each day that such violation continues after the expiration of the period allowed for compliance under the provisions of this Subtitle shall constitute a separate offense.

(b) In lieu of a violation notice, the Chief of Police may issue a citation pursuant to Subtitle 28, Division 3, to any person or persons who operate, monitor, install, modify, certify, sell, or use a burglar or holdup alarm system in violation of this Division or Subtitle 9, Division 2. The citation shall serve as notification to the person that he has committed a civil violation and must pay to the County a monetary fine, subject to the person's right to trial under Section 28-257 of the County Code.

(c) The person issued the civil citation shall be subject to a monetary fine of Two Hundred Fifty Dollars (\$250.00) for each violation of this Division and/or Subtitle 9, Division 2.

(d) Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(e) In addition to the other remedies provided herein, the County Attorney, on behalf of the County, may institute an injunction, mandamus, or other appropriate action or proceeding to enforce the provisions of this Division or Subtitle 9, Division 2.

**Sec. 9-138. Exemptions within Municipalities.**

(a) Any municipality within Prince George's County may, by the adoption of an Ordinance or Resolution, exempt burglar alarm users within the municipal boundaries from the licensing [and other] requirements of Division 3 provided that such municipality provides 24-hour per day, 7-day per week on-duty police coverage, and meets such other standards insuring adequate municipal police coverage as the [Director of the Office of Business and Regulatory Affairs] Chief of Police may establish by regulation.

(b) The exemption shall be effective upon delivery of a copy of such Ordinance or Resolution to the [County Director of the Office of Business and Regulatory Affairs and the County] Chief of Police.

(c) When a municipality has exempted burglar alarm users from the application of Division 3, the County Police shall not be required to respond to burglar alarms within the municipal limits, but may do so at their discretion.

SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 9-139, 9-140, and 9-141 of the Prince George's County Code be and the same are hereby added:

**SUBTITLE 9. ELECTRICITY.**

**DIVISION 4. ALARM BUSINESS LICENSE.**

**Sec. 9-139. Alarm business license requirements.**

(a) Any person engaging in an alarm business in Prince George's County must apply to the Chief of Police for a license to operate as an alarm business. Such application must be signed by either a) the owner of the business for a sole proprietorship, b) one partner for a

partnership, or c) a corporate officer for a corporation, and must be approved by the Chief.

(b) The license application must include:

(1) The name, address, Fax and telephone number of the alarm business, it's business organization (Sole Proprietorship, Partnership, or Corporation), and Employer ID number [EIN].

(2) The number of active residential and nonresidential alarm customers in Prince George's County with which the alarm business conducts business.

(3) The name, address, and telephone number of the official responsible for the operation of the alarm business in Prince George's County.

(4) Background criminal history information.

(5) Complete list of associated (contracted) alarm businesses, including name, address, telephone number and alarm business license number, that may alter, install, lease, maintain, monitor, repair, replace, sell at retail, service, or respond to an alarm system in Prince George's County.

(6) An alarm business that is incorporated in a state other than Maryland, must include on the alarm business license application form the name and address of the Resident Agent located in Maryland.

(c) License applications must be accompanied by a biennial, non-refundable processing fee of Three Hundred Dollars (\$300.00), which will be due and payable biennially on the anniversary of the issuance of the alarm business license. If the alarm business license has been revoked or suspended, a reinstatement fee of One Hundred Dollars (\$100.00) plus the regular fee must accompany a reinstatement application.

(1) An applicant must not conduct business in Prince George's County until the alarm business license is approved.

(2) An applicant must give written notice of any changes to the information contained in the application to the Chief within ten (10) days of the change.

(d) Should an alarm business license be suspended, revoked or refused, the alarm business must notify, by first class mail, within five (5) days, each of its alarm users that the alarm business is unable to request Prince George's County Police dispatch to the user's alarm

system for the duration of the suspension, revocation or refusal. The alarm business must also provide the Chief, by first class mail, within five (5) days, a list containing the name and complete address of the alarm business's registered alarm users.

(e) A licensed alarm business must not enter into a contract regarding their business in the County with an alarm business that does not have a valid County alarm business license.

(f) The owner, partner or corporate officer of an alarm business must conduct a criminal history background check on all employees of the alarm business involved in the sale, installation, monitoring or maintenance of an alarm system. The background check must cover the past seven (7) years.

(g) Any licensee or applicant who requests a hearing before the Chief to show cause why an alarm business license should not be revoked or suspended or the license application should be granted or renewed must include an appeal filing fee of \$150.00.

(h) An alarm business without a current County license must not request a police response to an alarm signal from an alarm system in the County.

**Sec. 9-140. Alarm business license revocation and appeals.**

(a) The Chief of Police may refuse to grant a license under this Division to an alarm business, and may suspend, revoke, or refuse to renew the license of an alarm business, if he finds that the alarm business:

(1) fails to perform installation, repairs, maintenance, or other work in a workmanlike manner;

(2) regularly provides customers with faulty, defective or malfunctioning equipment;

(3) requests a police response to an alarm signal when the alarm user has not authorized the alarm business to make the request;

(4) requests a police response to an alarm signal when the alarm business has been notified that the alarm user has not:

(A) registered the user's alarm system as required under Section 9-134;

(B) paid an alarm response fee due under Section 9-135 or appealed the false alarm;

(C) conformed their alarm system to County installation standards under



Section 9-132;

(5) does not comply with procedures for requesting a police response to an alarm signal established under Section 9-141;

(6) submits false information on an alarm business license application;

(7) enters into a contract regarding their business in the County with an alarm business that does not have a valid alarm business license;

(8) had a similar license suspended, revoked, or refused in another jurisdiction;

(9) knowingly, after reasonable inquiry, has an officer, manager, agent, or employee involved in the sale, installation, monitoring, or maintenance of alarm systems who has been convicted of a felony, or a misdemeanor involving theft, within the past 7 years; or

(10) violates any other provision of this Division, Subtitle 9, Division 3, or any other law or regulation relating to the sale installation, monitoring, or maintenance of alarm systems.

(b) Before revoking, suspending or refusing to grant or renew a license under this Section, the Chief must give the licensee an opportunity for a hearing to show cause why the license should not be revoked or suspended, or the license application should be granted or renewed. The licensee or applicant must be given 15 days written notice of the hearing, by personal service or certified mail delivered to the last address provided by the licensee or applicant. The notice must specify the time, date, and place of the hearing, and must contain sufficient information to give the licensee or applicant notice of the nature of the complaint. The notice must specify that the licensee or applicant has a right to representation by counsel and that the licensee's license may be suspended or revoked or the applicant's license may not be granted or renewed by the County.

(c) Any appeal of a decision of the Chief to suspend, revoke or deny an alarm business license must be made to the Prince George's County Board of Administrative Appeals within ten (10) days after notification of the Chief's decision.

**Sec. 9-141. Alarm business responsibilities.**

(a) An alarm business that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services or monitors any alarm system must ensure that an alarm

user has obtained a permit for the alarm system before the alarm system is activated or placed into service.

(b) The alarm business must provide a certification to the alarm user that the system has been installed or currently meets the alarm system requirements of Divisions 2 and 3 of this Subtitle. This certification which must be submitted with the permit application, must also state that the person designated by the alarm user as responsible for alarm system operation has received training sufficient to prepare the alarm user to operate the system without false alarms caused by improper operation; and that the alarm user has been informed that they must obtain a permit from the Chief of Police before police dispatch may be requested by an alarm monitoring business.

(c) An alarm business that sells at retail any alarm system or equipment to an alarm user must provide the purchaser the proper alarm user permit information, including but not limited to, a summary of the alarm user law, the application form and fee information, and the requirement that a certification from a licensed burglar and holdup alarm contractor must accompany the permit application.

(d) Procedures to request police response.

(1) Before requesting a police response to an alarm signal, an alarm business must attempt to verify every alarm signal, except a duress alarm activation, by a telephone call to the alarm user or other person(s) designated by the alarm user.

(2) An alarm business must not request a police response to an alarm signal until the alarm system has been properly licensed.

(3) An alarm business must provide the following information when contacting the Police Emergency Communications Center (ECC), to report an activated alarm signal and to request a police response:

(A) Name of the alarm business reporting the activated alarm, name or employee number of the alarm business employee making the report, and a toll-free call-back telephone number.

(B) Registration number issued to the alarm user.

(C) Location of the activated alarm, including complete business or

homeowner's name, street address and telephone number.

(D) Type of alarm (such as audible or silent, robbery, hold-up, duress, panic, burglary). If the alarm system is zoned, give the specific location of the alarm activation (such as interior, perimeter, vault, motion detection).

(E) Any available information about the nonresidential site (such as if the business is open or closed, guards on site, guard dogs, dangerous or special conditions within the location).

(F) Any available information about the residential site (such as if the homeowner is present or out of town, presence of pets, handicapped individuals, etc).

(G) If a representative of the alarm user or alarm monitoring company is responding and their estimated time of arrival.

(4) An alarm monitoring business shall not request a police response to an alarm signal if the alarm business has been notified by the Chief that the alarm user has an unpaid alarm response fee due and has not appealed the false alarm or if the alarm user has been notified that the alarm system does not conform to the installation standards under this Subtitle.

(5) An alarm monitoring business must cancel any request for police response immediately when the alarm business determines that the alarm signal is a false alarm.

(e) An alarm monitoring business must notify the alarm user or his designee in writing within seventy-two (72) hours after the alarm business requests police response to a signal from the user's alarm system.

(f) The alarm monitoring business must keep a record of the date and time for each alarm signal which required a police response and the date, time, and method by which the registered alarm user or designee was notified. Such records must be retained for at least one (1) year and must be made available for inspection within five (5) days, upon request by the Chief or a representative designated to inspect such records.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or

unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 5. BE IT FURTHER ENACTED that the Chief of Police shall submit a written report concerning the viability of the alarm user permit system to the County Council no later than March 1, 1997.

SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect on June 30, 1996.

Adopted this 21st day of November, 1995.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:  
Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY:  
Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.