

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER LANGWORTHY
Council Bill No. 12
Ordinance No. 1574

Series of 2015

**TITLE: AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 19
OF THE WHEAT RIDGE CODE OF LAWS CONCERNING
ALARM SYSTEMS**

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), acting through its City Council (the "Council"), possesses the authority to enact ordinances for the protection of the public health, safety and welfare and for the regulation of businesses within the City; and

WHEREAS, pursuant to the City's home rule authority and C.R.S. §§ 31-15-401 and 31-15-501, the Council previously adopted regulations concerning alarm systems, codified as Article V of Chapter 19 of the Wheat Ridge Code of Laws (the "Code"); and

WHEREAS, said Article currently requires the Police Department to administer a licensing program for alarm providers and to assess and collect false alarm charges; and

WHEREAS, the Police Department has advised that it does not believe that such a licensing and charge-collection program is currently necessary to protect the public health, safety and welfare based on its observations that alarm providers are generally legitimate operations and that repetitive false alarms may be adequately addressed through municipal court prosecutions; and

WHEREAS, the City Council therefore desires to amend Article V of Chapter 19 to eliminate the references to licensing and collection of false alarm charges.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Article V of Chapter 19 of the Wheat Ridge Code of Laws, concerning alarm systems, is hereby amended as follows:

ARTICLE V. - POLICE ALARM SYSTEMS

Sec. 19-111. - Definitions.

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

Alarm provider means any person who provides, whether or not for profit, a central alarm station or which provides, whether or not for profit, a police alarm device or which receives signals from a police alarm device and reports receipt of said signals to the police department.

Alarm user means any person who causes to be located upon property wherein it has any interest, whether ownership or leasehold or other interest, a police alarm device or an audible alarm device.

Audible alarm device means any alarm device which produces an audible signal at the premises where it is installed, whether by means of bells, horns, sirens, or other mechanisms, thereby notifying persons within audible range of the signal that police should be notified. Smoke detectors or fire detectors located in individual residences or businesses are expressly excluded from this category of audible alarm device.

Central alarm station means any facility which is manned at all times by trained operators employed to receive, record, and validate alarm signals and to relay information about validated signals to the police radio dispatch room when appropriate.

Direct alarm device means any police alarm device or system which transmits, by whatever means, its alarm signal ~~from~~ FROM the location of the alarm to the police radio dispatch room or other police dispatch facility without the last step in the transmission process being a live voice capable of two-way communication. This definition includes automatic telephone alarm devices connected to emergency line 911 or other telephone numbers.

False alarm means any alarm signal originating from a police alarm device or audible alarm device, to which the police respond and which results from:

- (1) False activation, including reporting a robbery where no actual or attempted robbery has occurred, or reporting a burglar alarm where there is no evidence to substantiate an attempted or forced entry to the premises;
- (2) Alarm malfunction, including mechanical failure or electrical failure;
- (3) Alarm triggered by subscriber's negligence, including overly sensitive settings.

Provided, however, that false alarms shall not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

Police alarm device means any device which, when activated by the victim of a holdup or robbery at a specific location, by forced entry into premises, or by other

stimuli, transmits a prerecorded message or other signal by telephone, radio, or other means to a central alarm station or directly to the police radio dispatch room requiring a police response.

Sec. 19-112. - Purpose.

The purpose of this article is to establish standards and controls for the various types of automatic alarm devices which require police response, investigation, and safeguarding of property and persons at the location where such device is in operation and those who may be jeopardized by the necessity of the police department to respond to such an emergency situation.

Sec. 19-113. - Penalty.

Upon conviction of any action or omission declared to be unlawful by this article, a person shall be subject to the penalties set forth in section 1-5 of this Code. In addition, ~~any alarm provider who fails or refuses~~ FAILURE OR REFUSAL to comply with the rules and regulations authorized by section 19-144114 hereof shall be subject to having his license revoked, following a hearing conducted before the city council at which hearing due process will be afforded CONSTITUTE GROUNDS TO REVOKE AN ALARM PROVIDER'S BUSINESS LICENSE PURSUANT TO CODE SECTION 11-31(5)..

Sec. 19-114. - Rules and regulations.

The chief of police may promulgate rules and regulations that may reasonably be necessary for purposes of assuring the quality, efficiency, and effectiveness of THE VARIOUS TYPES OF AUTOMATIC ALARM DEVICES WHICH REQUIRE POLICE RESPONSE ~~police alarm devices and alarm installations owned, operated, maintained, installed, or sold under this article,~~ and for administering and enforcing the provisions of this article. Such rules and regulations shall be approved by the city council and shall be published prior to the time they go into effect, and shall have the same force and effect as this article of the Code of Laws.

Sec. 19-115. - Direct alarms prohibited; exceptions.

(a) It shall be unlawful for any person to sell, lease, install, maintain or have in operation on his premises in the city any direct alarm device.

(b) The provisions of subsection (a) shall not apply to nursing homes, day care centers, hospitals, schools, or treatment centers, or where the use of such device is required by virtue of federal, state or city regulations, law or ordinance such as an FDIC-insured institution, or where the chief of police in his discretion determines that a pattern of crimes or the reoccurrence of criminal activity justifies installing direct alarm devices in specific locations until the chief further

determines that the criminal pattern or reoccurring criminal activity has ceased, or that maintenance of such direct alarm devices is no longer necessary.

Sec. 19-116. - False alarms unlawful.

(a) It shall be unlawful for any person to intentionally cause the transmission of an alarm he knows to be false.

(b) It shall be unlawful for any alarm user to allow the transmission of a false alarm, as above defined. ~~Transmission of a false alarm by a permittee pursuant to this subsection shall subject the permittee to a charge as specified in section 19-119~~

Sec. 19-117. - Responsibility of alarm user.

IT IS UNLAWFUL FOR An alarm user shall TO:

(1) FAIL TO Respond to the location to where an alarm originated within one (1) hour after a request by the police department, or shall TO contractually provide for such response to such request by an alarm provider. ~~Failure to respond within a reasonable time after such a request by the police department, unless necessitated by a legitimate reason made known to and accepted by the police department, shall constitute grounds for revocation of authority to maintain either a police alarm device or audible alarm device upon the premises;~~

(2) ~~In the event any alarm or warning signal is audible to others not on the premises where the audible alarm device is maintained, FAIL TO terminate, or cause to be terminated, any audible alarm signal at a time no later than fifteen (15) minutes after the activation of the audible signal WHEN SUCH SIGNAL IS AUDIBLE TO OTHERS NOT ON THE PREMISES WHERE THE ALARM DEVICE IS MAINTAINED.~~

Sec. 19-118. - Charges for false alarms.

~~No alarm user shall be charged for any of the first twelve (12) false alarms in any one (1) calendar year, provided that not more than three (3) such false alarms occur in any calendar month. The first false alarm after twelve (12) in any one (1) year or three (3) in any calendar month shall result in a charge being imposed in the amount of twenty five dollars (\$25.00), the second false alarm shall result in a charge of fifty dollars (\$50.00) and all subsequent false alarms shall result in a charge of one hundred dollars (\$100.00).~~

Sec. 19-119. - Collection of charges.

~~(a) For the purposes of this section, an alarm user who is lessee, occupant, or tenant of the premises from which the false alarm originated shall be deemed agent of the owner thereof.~~

~~(b) Whenever the police department determines a charge shall be made pursuant to section 19-118, a bill and notice shall be sent to the alarm user at his last known address, stating the assessment which has been made, the reason therefor, the date payment is due, and notifying the alarm user that he has a right to a hearing before the chief of police if a request therefor is made before the due date.~~

~~(c) All assessments are due and payable to the city within fifteen (15) days of mailing of the notice required in subsection (b), except, if a hearing is timely requested, the assessment is due within ten (10) days after an adverse decision at such hearing.~~

~~(d) If the alarm user shall fail to pay the assessment within thirty (30) days after the same becomes due, the treasure shall certify such assessment to the county treasurer to be levied on the premises and collected the same as general taxes. Ten (10) percent of the amount shall be added to the assessment to pay the cost of collection.~~

~~Sec. 19-120. – Grace period after installation.~~

~~For the first thirty (30) calendar days following installation of a police alarm device or audible alarm device, no charge shall be made for any false alarms in order to allow for proper installation and adjustments of the alarm systems.~~

~~Sec. 19-121. – Licensing of alarm providers.~~

~~Any alarm provider as above described shall register with the chief of police, or his designee, and, at the time of registration shall pay a license fee in the amount established by resolution, and shall provide such information as may reasonably be required by the chief of police pursuant to the rules and regulations authorized hereinafter, which information shall be used for the purpose of checking the character and references of the alarm provider and its employees so as to assure the residents of the city that reputable persons will be providing the alarm service herein contemplated.~~

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of June, 2015, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for June 22, 2015, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 22nd day of June, 2015.

SIGNED by the Mayor on this 22nd day of June, 2015.



ATTEST:

Janelle Shaver

Janelle Shaver, City Clerk

Joyce Jay

Joyce Jay, Mayor

Approved As To Form

Gerald E. Dahl

Gerald E. Dahl, City Attorney

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