

..Explanation

## **BACKGROUND**

The purpose of this ordinance is to repeal Chapter 597 of the Columbus City Codes, pertaining to alarm users, dealers, and companies, and replace with revised Chapter 597, updating the provisions of the alarm code.

The alarm code was last updated in 2003, and most of the code dates to 1998. Since then, the code has become outdated in terms of user provisions, current and developing technologies, and inefficiencies over time. In order to update the code, the City will replace Chapter 597 in respect to alarm users, alarm agents, and alarm dealers/companies.

Some of the major changes include the renewal process for alarm users. Current code has a two-year renewal period for all users. The new code will decrease the license renewal period from two to one year. This will allow up-to-date information to be maintained in the licensing system, facilitate more efficient billing and collection of fees, and easier resolutions to disputes. It will also bifurcate the licensing fee structure by age, providing a discounted rate for City residents over the age of 70, and eliminating the renewal fees for those residents.

The new code will also eliminate licenses for alarm agents, or those that physically sell alarms to users. No other peer city of Columbus requires this license, and the method by which the City regulates compliance with background checks and reporting guidelines is already accomplished by having the dealers/companies report this information.

Also, alarm dealers/companies license renewal periods will increase from yearly to every two years. The City's License Section has determined that industry checks and balances have been improved to the point where background checks and consumer protection are more prevalent, lessening the need for additional compliance inspection from the City.

Building on Council's past efforts to update the City's licensing code, these additional safeguards further Council's efforts to modernize and streamline the process through which various vendors are regulated, and ensure the health, safety and welfare of Columbus residents.

..Title

To repeal Chapter 597 of the Columbus City Codes and enact new Chapter 597, updating the provisions for the licensing of alarm dealers and users in the City of Columbus.

..Body

**WHEREAS**, licensing for alarm user and dealers was established in the Columbus City Codes in the 1970s, with the last major code revision passed by City Council in 1998; and

**WHEREAS**, the purpose of the alarm user license is to identify the responsible person who is using an alarm system so they may be efficiently contacted by Columbus Public Safety personnel during an emergency situation; and

**WHEREAS**, the purpose of the alarm dealer license is to ensure those companies in the business of

installing, selling, or monitoring alarm systems meet generally accepted industry requirements for the safety of the residents of Columbus; and

**WHEREAS**, the present code is not adapted for current technology, has no provision for aging residents, and describes system standards that are well out of date; and

**WHEREAS**, these changes will recognize technological advancements in the industry, allow for a tiered fee system, and acknowledge current compliance and report guidelines for alarm systems and dealers; and

**WHEREAS**, this ordinance builds on Council's efforts to update the City's licensing code, to modernize and streamline the process through which various vendors are regulated, and ensure the health, safety and welfare of Columbus residents; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Chapter 597 of the Columbus City Codes is hereby repealed, reading as follows:

**SEE ATTACHED FILE**

**SECTION 2.** That new Chapter 597 of the Columbus City Codes is hereby enacted, reading as follows:

CHAPTER 597 - ALARM USER LICENSE & ALARM DEALER LICENSE

**597.01 Definitions**

When used in this Chapter of the Columbus City Code:

(A) "Age exempt" shall mean any residential alarm user age seventy (70) or older that is subject to a special rate for a new or the renewal of an Alarm User License.

(B) "Alarm agent" shall mean any person employed by or working as an independent contractor for an alarm dealer, alarm company, partnership, corporation or other entity, who sells, leases, monitors, maintains, services, repairs, alters, replaces, moves, designs, or installs alarm systems, on/in the premises of the alarm user.

(C) "Alarm dispatch request" shall mean a notification to the 911 emergency response system that an alarm, manual or automatic, audible or silent, has been activated at a particular alarm site.

(D) "Alarm dealer" shall mean any individual, partnership, corporation, or other entity that sells, leases, monitors, maintains, services, repairs, alters, replaces, moves, designs, or installs any alarm system; or causes to be sold, leased, monitored, maintained, serviced, repaired, altered, replaced, moved, designed, or installed, any alarm in or on any building, structure, or facility. (This shall include owners of proprietary alarm systems).

(E) "Alarm monitoring company" shall mean an individual, partnership, corporation, or other entity that engages in the business of monitoring property, burglary, robbery, or panic alarms and reporting activation of the alarm system to a 911 emergency response system.

(F) "Alarm site" shall mean a single fixed premise or location served by an alarm system or systems. Each unit in a multiple dwelling unit or multiple dwelling development shall be considered a separate alarm site. An alarm site shall also include moveable equipment or auxiliary apparatus that is protected by

an alarm system. The alarm site for moveable equipment and auxiliary apparatus is the piece of equipment or apparatus itself, not the location of the equipment or apparatus. An example of moveable equipment and/or auxiliary apparatus shall include construction equipment and/or machinery.

(G) "Alarm system" shall mean any assembly of equipment, mechanical, audible or electrical, designed to signal any occurrence of an illegal entry or other illegal activity requiring emergency response by a police officer, firefighter, or license officer. This does not include alarm systems installed on motor vehicles.

(H) "Alarm user" shall mean any person, partnership, corporation, proprietorship, educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

(I) "ANSI/SIA Control Panel Standard CP-01" shall mean the ANSI - American National Standard Institute approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

(J) "Automatic dialer" shall mean any alarm system which is designed to emit its signal directly to the 911 emergency response system by means of dialing a telephone number and giving a pre-recorded message.

(K) "Cancellation" shall mean the process where a response is terminated when an alarm monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is no longer an existing situation at the alarm site that requires a law enforcement response.

(L) "Commercial property" shall mean a building, structure, or facility used for activities of business, industry, or trade. Commercial property shall also include moveable equipment or auxiliary apparatus used for the purpose of business, industry, or trade.

(M) "Director" shall mean the Director of Public Safety, or the Director's designee.

(N) "Dispatch type" shall mean the type of alarm that is activated, as determined by the alarm monitoring company or 911 emergency response system.

(O) "Emergency contact person" or "Keyholder" shall mean a person listed on the alarm license application by the alarm user, who has a key or other access to the alarm user's property and who will respond, if necessary, when the alarm system is activated.

(P) "False alarm" shall mean an alarm dispatch request to the 911 emergency response system, when the responding police officer or firefighter finds no evidence of a criminal offense or attempted criminal offense after having completed an investigation of the alarm site.

(Q) "False alarm service fee" shall mean penalty charges assessed for false alarms.

(R) "Holdup alarm" shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

(S) “License Section” shall mean the Department of Public Safety, Division of Support Services, License Section and is further defined in Sections 501.02 and 501.03 of the Columbus City Code.

(T) “License year” shall mean each twelve (12) month period following the issue date of a license.

(U) “Medical Emergency Response Systems” shall mean a radio transmitted device that is connected to a telephone, that upon pressing a button, the device sends a signal to a console to contact the alarm monitoring company. Medical Emergency Response Systems are typically worn around your neck, on a wrist band, on a belt, or in your pocket.

(V) “Multiple dwelling unit” shall mean a building with more than one (1) and less than five (5) dwelling units, other than single dwelling units, contained within the same structure and under a common roof system which is not part of a multiple dwelling development.

(W) “Multiple dwelling development” shall mean a development of five (5) or more dwelling units including complexes of mobile homes, apartments, townhouses, and condominiums but not including developments of single dwelling units.

(X) “Panic alarm” shall mean an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response. This shall also include Electronic Satellite Robbery Alert/Alarm Systems.

(Y) “Residential property” shall mean a single dwelling unit.

(Z) “Revoke or Revocation” shall mean that period of time when all rights and privileges of an alarm license have been abolished for noncompliance with provisions of this Chapter. Reinstatement of the license shall occur when all provisions of this Chapter have been met.

(AA) “School” shall mean any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.

(BB) “School building” shall mean any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.

(CC) “School premises” shall mean either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Ohio Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted

on the parcel of real property at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.

(DD) "Term" shall mean length of license validity.

(EE) "Unlicensed alarm user" shall mean any alarm user who does not currently hold a valid City of Columbus Alarm User License. This may include accounts that have been revoked. These accounts are subject to the "unlicensed" false alarm service fees provided in 597.97.

### **597.02 Licensing Requirements of an Alarm User**

(A) No alarm user shall operate an alarm system, monitored or audible, without having been issued a valid Alarm User License. This Alarm User License must be obtained within (thirty) 30 days of the alarm system being installed and activated.

(B) Alarm users are required to obtain one (1) alarm user license per United States Postal Service address. An alarm system installed prior to February 2015 are not required to meet this standard but are encouraged to make the recommended change to reduce the likelihood of receiving false alarm notices for other dwellings.

(C) The property owner shall obtain a license for any operational alarm system housed in a vacant property or a property that is being rented.

(D) No posting of the Alarm User License is required; however, the license shall be made available immediately upon the request of any police officer, firefighter, or license officer.

(E) The issuance of a false alarm notice by the Department Public Safety pursuant to Section 597.28 shall be prima facie evidence that an alarm system is in use, and for the purpose of determining the number of false alarms per year, the date of that false alarm shall be used as the date the Alarm User License is issued.

### **597.03 Exemptions from an Alarm User License Requirement**

This Chapter shall not apply to the following:

(A) Federal, state, county, or municipal government agency;

(B) Medical Emergency Response Systems as defined by 597.01(U); and

(C) No false alarm service fee for false fire alarms shall be imposed upon users of fire alarm systems in facilities defined in the Ohio Basic Building Code use groups of A-1, A-3, A-4, A-5, E, I-1, I-2, I-3, R-1.

### **597.04 Alarm User License Application**

(A) Applications for an Alarm User License shall be made to the Director upon forms provided by the License Section and shall set forth at a minimum:

(1) The name, address, phone number, and email address of the applicant;

(2) Property type: residential, commercial, government, bank (financial institute), or school;

(3) Proof of age if requesting a fee waiver for being age exempt. Appropriate proof of age shall include any primary or secondary document that would be provided to the state of Ohio Bureau of

Motor Vehicles in order to obtain a state identification card or driver's license pursuant to Section 4501:1-1-19, 21, 22 of the Ohio Administrative Code; and

(4) A State ID or Driver's License of the applicant.

(B) The Director has the authority to request additional information to clarify the applicant's application when necessary.

(C) Any change in information provided on the application shall be reported to the License Section within fourteen (14) calendar days of such change.

#### **597.05 Issuance of an Alarm User License**

(A) The Director shall issue a license to eligible applicants upon completion of the following:

- (1) A completed and signed application as required by Section 597.04; and
- (2) Payment of the license fee pursuant to Section 597.97.

#### **597.06 Expiration of an Alarm User License**

All Alarm User Licenses issued pursuant to this Chapter shall expire one (1) year from the date of issuance. At any time prior to the expiration of the Alarm User License, the alarm user may voluntarily surrender the license to the License Section.

#### **597.07 Renewal of an Alarm User License**

All alarm users licensed in accordance with the terms of Chapter 597 shall have their license renewed for each succeeding year prior to the date of expiration, if applicable fee requirements and other requirements of the Columbus City Codes are met.

(A) Alarm User License holders shall receive an invoice through personal mail and/or email notification for renewal fees and request any change in the applicant's information currently on file.

(B) No Alarm User License will be renewed if the license holder has a past due balance that:

- (1) Is currently placed with the City Attorney for collections;
- (2) Is placed with an outside collection agency; or
- (3) Has a past due balance that is over sixty (60) days old.

(C) In the case of an expired Alarm User License, the license holder shall be responsible for any unlicensed alarm fees until a new license is issued.

(D) Any Alarm User License renewed past the expiration date will only be valid from the date of renewal until the date of expiration. No Alarm User License will be backdated.

(E) A renewal may be denied if an alarm user's current license is revoked pursuant to the provisions of Section 597.10.

(F) If at any time the license holder chooses to no longer have an alarm system, the license holder must submit a cancellation notice in writing to the License Section within twenty-one (21) days of the date of cancelation of the alarm.

#### **597.08 Transfer of an Alarm User License**

(A) An Alarm User License may be transferred by the license holder from one property to another property during a license period.

(B) An Alarm User License shall not be transferred from one (1) alarm user license holder to another.

### **597.09 False Alarm Reduction Training for Alarm Users**

(A) The City shall make available to Alarm User License holders a False Alarm Reduction Training. Upon completion of this training, the City shall issue to the alarm user license holder a certificate of completion which may be used as a waiver of fine for any false alarm that occurred within the ninety (90) days prior to the training completion date.

(B) Alarm user license holders are eligible to take the False Alarm Reduction Training providing that:

- (1) The alarm user currently maintains a valid Alarm User License;
- (2) There is not a past due balance on the account of more than sixty (60) days;
- (3) The alarm user account is not currently placed with the City Attorney or an outside collection agency for collection of fines;
- (4) The alarm user registers for the training at least forty-eight (48) hours prior to the start of the training;
- (5) The alarm user pays the required fee for the False Alarm Reduction Training described in 597.97 prior to the beginning of the training;
- (6) The alarm user has not completed the training in the past three hundred sixty five (365) days; and
- (7) The alarm user has not registered for training in the past ninety (90) days and failed to show up for the training.

(C) Upon completion of the False Alarm Reduction Training, alarm users may submit a false alarm notice invoice and a copy of the license holders training certificate or certificate number, to the License Section to waive the false alarm service fee.

### **597.10 Revocation of an Alarm User License**

(A) The Director may revoke the license of any licensed alarm user for any of the following acts or omissions by the alarm user:

- (1) Obtaining a license by making a false statement of the user's application;
- (2) Having more than ten (10) false alarms in a license year;
- (3) Failing to pay the false alarm service fee within thirty (30) calendar days of receipt of a false alarm invoice pursuant to Section 597.97;
- (4) Failing to pay a false alarm service fee within thirty (30) calendar days of a final determination of liability, if appealed, pursuant to Section 597.31(A), (B);
- (5) Failing to pay the renewal fee pursuant to Section 597.07, within thirty (30) days of invoice date;
- (6) Failing to notify the License Section of any change in information provided on the application pursuant to Section 597.04(C);
- (7) Use of any automatic dialer programmed to connect directly to the 911 emergency response system;
- (8) Failure to cooperate with a police officer, firefighter, or license officer when inspecting an alarm system;
- (9) Failure to disconnect or reset an alarm system when ordered to do so by the Director, police officer, firefighter, or license officer;
- (10) Failing to appear before the Director when properly notified to do so pursuant to 597.11(A) ; and

(11)Threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 597.

### **597.11 Appeal Process for an Alarm User License**

(A) If an appeal for an Alarm User License has been submitted to the License Section, a hearing shall be conducted by the Director to determine if the Alarm User License should be revoked. The Alarm User License holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing. The Alarm User License holder shall have the right to present evidence and testimony.

(B) All revocation orders issued by the License Section shall be subject to appeal to the Board of License Appeals pursuant to Chapter 505.

(C) Provisions of Section 501.08(a), shall not apply to this Chapter.

### **597.12 Reinstatement of a Revoked Alarm User License**

(A) Any Alarm User License that has been revoked for any reason shall pay the following fees prior to reinstatement:

- (1) Reinstatement fee pursuant to Section 597.97; and
- (2) All outstanding false alarm service fees pursuant to Section 597.97.

(B) The Director has the authority to require a corrective action plan submitted by the alarm user prior to reinstatement.

### **597.13 Licensing Requirements of an Alarm Dealer License**

No person, company, corporation, partnership, or other entity shall sell, lease, monitor (either by video or audio), install, activate; or cause to be sold, leased, monitored, installed, or activated, an alarm system unless such person, company, corporation, partnership, or other entity has been issued a valid Alarm Dealer License. Each Alarm Dealer License shall be assigned a permanent identification (I.D.) number.

### **597.14 Alarm Dealer License Application**

(A) Applications for an Alarm Dealer License shall be made to the Director on forms provided by the License Section and shall set forth at a minimum:

- (1) The business name, address, phone number, and email address of the applicant;
- (2) The name, address, phone number, and email address of the designated local company representative;
- (3) The certificate from the Ohio Secretary of State demonstrating the company is authorized to transact business in the state of Ohio;
- (4) The identity of the designated agent as required by Section 1703.03 of the Ohio Revised Code;
- (5) A notarized affidavit, on forms provided by the License Section, affirming that there are no outstanding city tax obligations;
- (6) A list of all company names that the alarm dealer does business under; and



(7) An accurate list of all names and identification numbers of other alarm dealers for whom they currently monitor (monitor customer).

(B) Along with each application, all applicants are required to submit affirmation that the applicant will conduct a national, state, and local criminal background check prior to allowing any person to work as an alarm agent pursuant to the requirements set forth in Section 597.15(B), (C), and (D).

(C) The Director has the authority to require additional information to be submitted with the application.

(D) The Director has the authority to request additional information to clarify the applicant's application when necessary.

(E) Any change in information provided on the application shall be reported to the License Section within fourteen (14) calendar days.

(F) The Director has the authority to deny a license based upon a company's misconduct which constitutes a departure from the generally accepted practices of alarm dealers which demonstrates personal, corporate, managerial, ethical, or professional characteristics or disposition of such a nature as to render a company unsuitable to hold an Alarm Dealer License.

#### **597.15 Issuance of an Alarm Dealer License**

(A) The Director shall issue a license to eligible applicants upon completion of the following:

- (1) A completed application pursuant to Section 597.14;
- (2) Payment of the license fee pursuant to Section 597.97; and
- (3) Evidence of insurance coverage as required in Section 597.19.

(B) No license shall be issued to any applicant that has been convicted of any of the following offenses within the past seven (7) years:

- (1) Any theft offense as defined in Chapter 2913 of the Ohio Revised Code;
- (2) Any felony in which physical violence is used;
- (3) Any felony, misdemeanor, or code violation involving a sex offense, trafficking in controlled substance, or any offense of violence as defined in Section 2301.01 of the Columbus City Code;  
and
- (4) Any person convicted of a weapon violation.

(C) No license shall be issued to any applicant that is required to register with the Sheriff's Office in the person's county of residence as a sexual offender or sexual predator pursuant to Section 2950.03 of the Ohio Revised Code.

(D) No license shall be issued to any applicant that is on parole for a felony offense at the time of application.

(E) The Director shall review the application of any person released from a correctional facility within twelve (12) months from the date of application.

(F) Nothing in this Section shall be construed to limit the discretion of the Director to refuse to issue a license for these or other background related issues that may be outside of the above listed look back period.

### **597.16 Expiration of an Alarm Dealer License**

All Alarm Dealer Licenses shall expire two (2) years from the date of issuance. At any time prior to the expiration of the Alarm Dealer License, the alarm dealer may voluntarily surrender the license to the License Section. At no time shall a refund or prorated fee be granted to any alarm dealer that chooses to voluntarily surrender an Alarm Dealer License pursuant to Chapter 501.09(b) and 501.10.

### **597.17 Renewal of an Alarm Dealer License**

All alarm dealers licensed in accordance with the terms of Chapter 597 shall have their license renewed for each succeeding year prior to the date of expiration, if applicable fee requirements and other requirements of the Columbus City Codes are met. Failure to renew an Alarm Dealer License prior to the date of expiration shall result in a late fee in the amount of fifty dollars (\$50.00) and must be paid prior to the issuance of a valid Alarm Dealer License. A renewal may be denied if an alarm dealer's current license is revoked pursuant to the provisions of Section 597.23.

### **597.18 Transfer of an Alarm Dealer License**

No Alarm Dealer License shall be transferred from one (1) alarm dealer to another. If at any time the license holder chooses to no longer operate an alarm dealer or upon sale of the company from one entity to another, the Alarm Dealer License shall revert back to the City of Columbus.

### **597.19 Insurance Requirements for an Alarm Dealer License**

Each alarm dealer shall at all times maintain the following insurance coverage which meets all of the following requirements:

(A) A general liability insurance policy or certificate that shall provide the following minimum coverage for each associated alarm agent of the licensed alarm dealer:

(1) Not less than one million dollars (\$1,000,000.00). Such policy or certificate must be issued by an insurance company that is admitted to do business in the state of Ohio or by an eligible surplus lines company or risk retention group.

(B) The policy or certificate shall provide notice of cancellation of insurance to the Director at least ten (10) days prior to the day of cancellation.

(C) Any cancellation of insurance as provided in Section 597.19(b), shall result in an automatic revocation of the respective Alarm Dealer License.

### **597.20 Approval by City Attorney**

Any general liability insurance policy submitted to the License Section pursuant to Sections 597.19 shall be subject to the approval of the City Attorney as to its compliance with this Chapter and as to its form and legality.

### **597.21 Alarm Dealer License Conditions**

(A) Alarm dealers shall only contract for monitoring of an alarm system with a person or company that holds a valid Alarm Dealer License.

(B) Alarm dealers shall:

- (1) Provide company identification cards for every alarm agent and include the company name, agent name, and agent photograph;
- (2) Completely test each alarm system after installation;
- (3) Provide each customer, in writing, procedures for testing the system;
- (4) Provide each customer, in writing at the time of sale or installation, documentation stating that an Alarm User License is required for the alarm system.

(C) Alarm dealers shall be issued an identification number from the License Section for each company that monitors the alarms installed by the alarm dealer. This number shall be used when the monitoring company requests services from the City of Columbus.

- (1) Identification numbers shall be provided at no charge when an Alarm Dealer License is issued.

(D) Alarm dealers shall conform to all applicable city, state, and federal laws including, but not limited to building and fire codes.

(E) Alarm dealers are required to provide to the Director, upon request, information on any alarm system it monitors, or person it employs. This information may include the following:

- (1) Name, address, phone number, and email of an alarm user;
- (2) A copy of the signed monitoring agreement between the alarm dealer and the alarm user; and
- (3) Any service reports for maintenance performed at the location of a monitored alarm.

(F) Alarm dealers shall only install alarm equipment that meets or exceeds the “ANSI/SIA Control Panel Standard CP-01” standards.

(G) Alarm dealers shall install one (1) alarm system per dwelling and not one (1) alarm system for a multiple dwelling unit or multiple dwelling development.

(H) No alarm company shall within seven (7) days following a new alarm system installation, make a service request with the 911 emergency response system prior to verification.

(I) When requesting a response from the 911 emergency response system, each alarm company shall provide the 911 emergency response dispatcher the following:

- (1) Alarm user license number;
- (2) Nature of the alarm (i.e. fire, hazardous gas, burglary, robbery, panic, duress, silent, audible, etc.);
- (3) Specific location of all alarm signals (i.e. interior or perimeter, north, south, front, back, floor, etc);
- (4) Advise if the alarm user or keyholder is on the way to the alarm site, the estimated time of arrival (ETA), and description of vehicle;
- (5) Alarm monitoring company operator name and identification number;
- (6) Alarm monitoring company telephone call back number; and
- (7) Alarm Dealer identification number issued by the License Section.

**597.22 Records to be Maintained by the Alarm Dealer**

(A) Alarm dealers shall provide to the License Section on the last business day of each month in a format approved by the License Section:

- (1) Information on all new installations and customers;
- (2) Any change in current alarm user information;
- (3) Any new alarm user information;
- (4) Any deletion in alarm user listings;

(B) All Alarm Dealers are required to maintain a current list of active alarm agents. This list must be turned in with the Alarm Dealer application. The alarm dealer must maintain for each alarm agent the following and must provide changes and updates of this information to the License Section, by the final day of March, June, September, and December yearly.

- (1) A national, state, and local criminal background check which is based upon fingerprints completed in the past three hundred sixty-five (365) days pursuant to the standards set forth in Section 597.15(b), (c) and (d);
- (2) A current photo; and
- (3) A current address, phone number, and email address.

### **597.23 Revocation of an Alarm Dealer License**

(A) The Director may revoke the license of any licensed alarm dealer for any of the following acts or omissions by the dealer:

- (1) Obtaining a license by making a false statement on the dealer's application;
- (2) Failing to appear before the Director when properly notified to do so pursuant to Section 597.23(b)(1);
- (3) Failing to notify the License Section of changes in license information pursuant to Section 597.14(e);
- (4) Programming any dialer to connect directly to the 911 emergency response system;
- (5) Failing to maintain the records required by Section 597.22(a);
- (6) Failing to provide the records when requested as required by Section 597.22(a);
- (7) Failing to cooperate with a police officer, firefighter or license officer while inspecting an alarm system;
- (8) Threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 597;
- (9) Engaging in any other form of misconduct, which constitutes a departure from the generally accepted practices of alarm dealers or which demonstrates personal characteristics rendering a person unsuitable to operate as an alarm dealer.
- (10) Violating of any other provision of this Chapter.

(B) A hearing shall be conducted by the Director to determine if an Alarm Dealer License shall be revoked. However, a hearing shall not be required in cases of automatic revocation caused by insurance cancellations as provided in Section 597.19(c).

- (1) The license holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing; and
- (2) The license holder shall have the right to counsel and the right to present evidence and testimony.

(C) Provisions in Chapter 501.08(a), shall not apply to this Chapter.

### **597.24 Appeal Process for an Alarm Dealer License**

(A) If an appeal for an Alarm Dealer License has been submitted to the License Section, a hearing shall be conducted by the Director to determine if the Alarm Dealer License should be revoked. The Alarm Dealer License holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing. The Alarm Dealer License holder shall have the right to present evidence and testimony.

(B) All revocation orders issued by the License Section shall be subject to appeal to the Board of License Appeals pursuant to Chapter 505.

(C) Provisions of Section 501.08(a), shall not apply to this Chapter.

### **597.25 Reinstatement of Revoked Alarm Dealer License**

Any Alarm Dealer License that has been revoked for any reason shall pay a reinstatement fee prior to reinstatement pursuant to Section 597.97.

### **597.26 Alarm System Standards**

(A) Alarm systems capable of being activated by any failure in the electrical current are prohibited.

(1) Systems shall be equipped with a secondary power source which shall hold the alarm readiness for a minimum of four (4) hours or shall be rendered inoperable by such power interruption.

(B) Audible alarm systems which do not have an automatic cutoff within fifteen (15) minutes after initial activation shall be prohibited.

(1) No person shall operate or use any alarm system that emits a sound similar to that of an emergency vehicle siren or a civil defense warning system.

(C) The sensory mechanisms used in connection with alarm systems shall be adjusted so that the device will not be activated by forces unrelated to genuine alarms, including but not limited to the following:

(1) Short flashes of light;

(2) Wind or storm noises, such as the rattling or vibrating of doors or windows; or

(3) Vehicular noise adjacent to the installation.

(D) No automatic dialers shall be programmed to dial the 911 emergency response system.

(E) All fire systems, must at all times, remain within the standards set forth by the State Fire Marshal or the Columbus Division of Fire.

### **597.27 Malfunctioning Audible Alarm Systems**

All licensed alarm users and alarm dealers shall cooperate with the Director by supplying information that may be necessary to disconnect or reset any alarm system that does not conform to the standards set forth in Section 597.26.

### **597.28 False Alarm Determination**

(A) If the responding police officer, firefighter, or license officer determines the alarm dispatch request to be false, that police officer, firefighter, or license officer shall make a report of the false alarm and forward it to the License Section. A notification of the false alarm report shall be delivered to the address of the false alarm occurrence by posted notice or via email notification or US postal service within five (5) business days.

(B) Each false alarm notice shall constitute a separate violation of this Chapter.

(C) A call for a response that is canceled by the 911 emergency response system within ten (10) minutes of the original dispatch time, shall not constitute a false alarm.

(D) If a request for response is made to the emergency contact person or keyholder, the alarm user or a designee of the alarm user shall respond to the premises after being requested to do so by the Department of Public Safety. The response shall be made within a reasonable time and, in any event, not later than thirty (30) minutes after being requested to do so by the Department of Public Safety.

### **597.29 False Alarm Dismissal**

(A) False alarms may be dismissed under the following conditions:

(1) Equipment malfunction, with written verification from the alarm company that such malfunctioning equipment has been repaired;

(a) False alarm notices shall be overturned on appeal if all of the following conditions are met:

(i) One (1) appeal per licensing year;

(ii) Alarms that occurred during the same calendar day; and

(iii) A service ticket signed by an alarm agent of an alarm company, within seven (7) calendar days of the malfunctioning date.

(b) Equipment malfunctions shall not include but are not limited to:

(i) Sensors that are misaligned; or

(ii) Alarm system components that need software upgrades or sensitivity adjustments.

(2) Acts of nature such as earthquakes, flood, or winds greater than fifty-nine (59) mph;

(3) Verifiable power outages greater than four (4) hours; or

(4) Burglary, attempted burglary, or vandalism if a proper police report was filed at the time the crime occurred.

(B) Equipment malfunctions does not include the following:

(1) Low battery;

(2) Premises left unsecured;

(3) Defective locks;

(4) Doors and/or windows that become loose and cause a break in the contacts which activate the alarm;

(5) Improper use of alarm system by the user;

(6) Faulty, defective, or malfunctioning equipment;

(7) Rodent and animal activations;

(8) Improper installation or maintenance by the alarm dealer;

(9) Improper monitoring by the alarm monitoring company; or

(10) Alarm activations that occur while alarm agents are repairing or servicing the alarm system.

### **597.30 Excessive False Alarms**

Excessive false alarm occurrences may result in an on-site inspection by a license officer or in a consultation conducted by the Director. The alarm user and the responsible alarm dealer may be required to be in attendance. Excessive false alarms shall mean seven (7) or more false alarms in a twelve (12) month period.

### **597.31 Appeal of a False Alarm**

(A) Upon receipt of any false alarm notice, the alarm user may appeal by submitting a written explanation as to the actual cause of the alarm within twenty-one (21) calendar days from the date of the false alarm.

(B) If the License Section upholds the original false alarm determination, the appellant will have thirty (30) calendar days from that date to appeal the decision.

(1) A hearing officer shall be appointed by the Director to hear appeals.

(2) A hearing shall be scheduled within twenty one (21) calendar days of receipt of such request by the License Section, unless the alarm user waives this right. The alarm user shall have the right to present evidence and testimony.

### **597.96 Severability**

If any portion of this Chapter, or any portion of a Section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion and be declared invalid. This declaration of invalidity shall not affect or impair the remainder of this Chapter, and to this end, the provisions are severable.

### **597.97 Fees, Terms**

(A) The following schedule sets forth applicable license fees and terms for Alarm User Licenses and Alarm Dealer Licenses:

**SEE ATTACHMENT**

(B) The following schedule sets forth applicable false alarm service fees for licensed and unlicensed alarm users:

**SEE ATTACHMENT**

(C) All fees, once processed, shall be nonrefundable.

(D) Payments made via the City's alarm website, or over the phone will be required to pay a convenience fee of \$2.00 per transaction.

(E) Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

### **597.99 Penalties**

(A) Whoever violates Section 597.02 shall be guilty of a misdemeanor of the fourth degree. Upon subsequent conviction, such person shall be deemed guilty of a misdemeanor of the third degree. Any such violation shall constitute a separate offense on each successive day continued. Alarm User License

(B) Whoever violates Sections 597.13 shall be deemed guilty of a misdemeanor of the third degree. Any violation shall constitute a separate offense for each successive day continued.

(C) A violation of Sections 597.19, 597.21, 597.22, and 597.23 shall be grounds for revocation of the Alarm Dealer License by the Director.

(D) Whoever violates any provision of Section 597.26 shall be guilty of a minor misdemeanor. Upon subsequent conviction, such person shall be deemed guilty of a misdemeanor of the fourth degree. Any violation shall constitute a separate offense for each successive day continued.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.