

**CHAPTER 557**  
**Alarm Systems**

557.01	Definitions.	557.08	False alarms prohibited
557.02	Alarm user license required	557.09	Revocation of alarm user license
557.03	Application for alarm user license.	557.10	Appeal from revocation of alarm user license.
557.04	Renewal	557.11	Alarm connection directly to the Police and Fire Departments
557.05	System standards.	557.12	Revenue
557.06	Alarm validity determination	557.99	Penalty
557.07	Appeal of false alarm determination		

557.01           DEFINITIONS

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section:

- (a)     “Alarm user license” means a license issued by the City allowing the operation of an alarm system.
- (b)     “Alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal audibly, visibly or electronically to a location outside the structures protected by the system or to a monitoring station which in turn notifies the appropriate agency, the occurrence of an illegal entry or other activity requiring urgent attention to which the Police Department or the Fire Department is expected to respond, but shall not include alarms installed in motor vehicles.
- (c)     “Alarm user” means the person, partnership, corporation or any other entity in control of any building, structure or facility, or any portion thereof, which is intended to be protected by an alarm system.
- (d)     “Audible alarm” means any alarm system which is designed to emit its signal by bell, whistle, siren or other device to the immediate area near the structure which it protects. An audible alarm shall be considered as such whether or not it transmits a signal to an additional location.
- (e)     “Automatic dialer” means any alarm system which is designed to emit its signal directly to the Fire Department or Police Department by means of dialing a telephone number at either the Fire Department or Police Department or both, and giving a tape recorded message or synthesized voice message intended to elicit a response.
- (f)     “False alarm” means an alarm system a signal or message eliciting an urgent response by the Fire Department or Police Department when a situation requiring such response by the Police or Fire Department does not in fact exist; but does not include an alarm signal caused by unusually violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. An alarm which has been activated as a result of testing or repair shall not be considered as a false alarm if prior notification has been given as to the time and day of such repairs or test to the agency which the alarm would signal. An alarm which has been activated shall not be considered as a false alarm if the responding Department receives a request to cancel. Such request shall be made to the same location as the request for service and shall be received prior to the arrival of the first responding police unit or prior to the dispatch of a fire unit. (Ord. 86-22. Passed 3-24-86.)

557.02 ALARM USER LICENSE REQUIRED

- (a) No person or other entity shall operate or permit on premises under his control the operation of an alarm system unless such person first obtains a valid alarm user license. A newly installed alarm system shall not be subject to the provisions of this chapter for thirty calendar days following the date of installation.
- (b) If an alarm user has more than one alarm system protecting two or more separate structures having different addresses, a separate license shall be required for each system. All addresses shall be stated on the user permit application.
- (c) No posting of the alarm user license or the posting of any other evidence of registration shall be required. (Ord. 86-22. Passed 3-24-86.)

557.03 APPLICATION FOR ALARM USER LICENSES

- (a) Applications for alarm user licenses shall be made on forms provided by the Police Department. The application shall include the name, address, and telephone number of the applicant and name, address and telephone number of the property to be serviced by the alarm.
- (b) Each application for an alarm user license for an alarm system which pertains to a residence shall provide at least one other name, address and telephone number of a person to be contacted in case of an emergency when the user is unavailable. Each application for an alarm user license for an alarm system which pertains to a building, structure or facility other than a residence shall provide at least three such names, unless the facility employs less than three persons. An alarm monitoring company name may be substituted for the required names if a contractual arrangement exists between the user and the monitoring company.
- (c) Each holder of an alarm user license shall, within ten days of any change of the information on the alarm user license application, notify the Department in writing of any and all changes in the information on the application.
- (d) Each application for an alarm user license shall contain an agreement to submit to the assessment schedule given in Section 557.08. Failure to agree to this provision shall be cause to deny issuance of an alarm user license, or if one has been issued, shall be cause to revoke any such alarm user license.
- (e) The fee for issuance of an alarm user license shall be ten (\$10.00) each residence and twenty-five (\$25.00) for each business or commercial building.

557.04 RENEWAL

- (a) The Finance Department shall mail to each alarm user license holder a notice of expiration not less than thirty days before the expiration of the alarm user license. This notice shall be sent to the service address provided on the alarm user license application and shall include a form on which renewal may be requested.
- (b) Renewal of an alarm user license shall be accomplished by signing the request for renewal and returning it to the Department with the renewal fee prior to the expiration of such license. The signature shall certify the accuracy of the information currently on file regarding the license or may

correct or update such information, and shall be signed by the alarm system user or any person listed on the application currently on file.

Changes in information given on the application for renewal which were not previously reported at the time of any such change and which had not been ascertained by the Department prior to the time of renewal shall not be subject to any action under Section 557.09.

- (c) All alarm user licenses shall be valid for one year from the date of issuance.
- (d) The fee for renewal shall be ten dollars (\$10.00) for each residence and twenty-five (\$25.00) for each business or commercial building.

#### 557.05 SYSTEM STANDARDS

- (a) After March 24, 1986, no alarm user license shall be issued for any alarm which can be activated by a failure in the electric current from the utility. Systems shall be equipped with a secondary power source which shall hold the alarm readiness for a minimum of fifteen minutes or shall be rendered inoperable by such power interruption. In addition, all fire alarms shall comply with NFPA Code.
- (b) After March 24, 1986, no alarm user license shall be issued or renewed for any audible alarm or automatic dialer alarm system designed to detect an intrusion which does not have an automatic cutoff which discontinues the alarm signal within fifteen minutes after activation.
- (c) After March 24, 1986, no alarm user license shall be issued for any new installation of an automatic dialer alarm system. (Ord. 86-22. Passed 3-24-86.)

#### 557.06 ALARM VALIDITY DETERMINATION

- (a) Whenever an alarm is activated requiring an emergency response to the location by the Fire Department or Police Department, a police officer or firefighter who responds to the alarm address shall inspect the areas protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system.
- (b) If the inspecting police officer or firefighter determines the signal to be a false alarm, the police officer or firefighter shall make a report of the false alarm to the Records Section of the Police Department. A notification of the false alarm report shall be mailed or delivered to the alarm user, at the address of the alarm system, advising the user of the false alarm. (Ord. 86-22. Passed 3-24-86.)

#### 557.07 APPEAL OF FALSE ALARM DETERMINATION

- (a) Upon receipt of any false alarm report from the Police Department, the alarm user may elect to respond in writing to explain the actual cause of such alarm. Such response shall be made to the issuing agency within ten days from the date of the receipt of the false alarm report. If the issuing agency upholds the false alarm determination, the alarm user shall have thirty days from the date of notification in which to request an appeal.
- (b) A hearing officer shall be appointed by the Director of Public Safety to hear appeals from the alarm user on the issue of whether the alarm system in questions activated a false alarm as determined by the police officer or firefighter at the scene of such activated alarm.

- (c) At the hearing, which shall be concluded within fifteen days from the date the request for the hearing is received, the alarm user shall have the right to present evidence and testimony.
- (d) The hearing officer shall make a decision whether to uphold or disallow the false alarm report and shall notify the alarm user and the Records Section of the Police Department within ten days from the date the hearing is concluded. (Ord. 86-22. Passed 3-24-86.)

557.08 FALSE ALARMS PROHIBITED

- (a) Each false alarm response shall constitute a separate false alarm, whether police or fire response is elicited. Any response to a false alarm to a City address by another agency, in lieu of response by City of Delaware agencies, as a result of mutual aid or automatic response agreements, shall constitute a false alarm.
- (b) No service fee shall be assessed for the first three false alarms per calendar year for each residential alarm user license or for the first two false alarms per calendar year for each commercial, business, or other nonresidential alarm user license.
- (c) Each false alarm in a calendar year in excess of three false alarms transmitted by a residential alarm system for which a valid user license is in effect, or in excess of two false alarms and up to and including four false alarms, transmitted by a commercial, business, or other nonresidential alarm system for which a valid alarm user license is in effect, shall be assessed by the Chief of Police or his/her designee a service fee of fifty dollars (\$50.00).
- (d) Each false alarm in a calendar year in excess of four false alarms, transmitted by a commercial, business, or other nonresidential alarm system for which a valid alarm user license is in effect, shall be assessed by the Chief of Police or his/her designee a service fee of one hundred dollars (\$100.00).

557.09 REVOCATION OF ALARM USER LICENSE

An alarm user license may be revoked by a joint decision of the Police Chief and the Fire Chief for any of the following reasons:

- (a) Any false alarm in excess of twelve false alarms in a calendar year.
- (b) Failure to remit the service fee required by Section 557.08 within thirty days of the receipt of the invoice, or within thirty days of a final determination of liability, if appealed.
- (c) Falsification of any information on an application for issuance or renewal of an alarm user license.
- (d) Failure to appear at a hearing regarding the possible revocation of an alarm user license.
- (e) Failure to notify the Police Department of changes in license information as required by Section 557.03.

A hearing shall be conducted by the Chief of Police or his/her designee to determine if an alarm user license shall be revoked. The holder of the alarm user license shall be notified by certified mail or personal service at least ten days in advance of such hearing. The holder of the alarm user license shall have the right to counsel and the right to present evidence and testimony. (Ord. 86-22. Passed 3-24-96.)

557.10 APPEAL FROM REVOCATION OF ALARM USER LICENSE

Any appeal from a decision of the joint Chiefs regarding the revocation of an alarm user license shall be made to the Director of Public Safety. (Ord. 86-22. Passed 3-24-86.)

557.99 PENALTY

- (a) Whoever violates Section 557.02(a) is guilty of a minor misdemeanor. Each subsequent violation shall be a misdemeanor of the fourth degree.
- (b) Whoever violates Section 557.08(c) and (d) shall be assessed the fee stated in that subsection and shall not be subject to any other penalty, but such false alarms shall be included for purposes in Section 557.09.
- (c) All other violations of sections in this chapter shall be grounds for revocation of alarm user license and shall carry no other penalty. (Ord. 86-22. Passed 3-24-86.)