

ARLINGTON COUNTY CODE

Chapter 33

SECURITY ALARMS*

* **Editors Note:** Ord. No. 00-27, adopted Nov. 1, 2000, repealed former Ch. 33, §§ 33-1--33-5, and enacted provisions designated as a new Ch. 33 to read as herein set out as §§ 33-1--33-17.

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ARTICLE I.

IN GENERAL

§ 33-1. Declaration of Findings and Policy.

It is hereby declared that false alarm calls within Arlington County results in an inefficient use of police resources, reduces faith in security alarm signals, and promotes complacency in police investigation of alarm signals. This creates a general safety hazard detrimental to protection of property and to the health, safety and welfare of citizens, and to the police personnel responsible for the investigation of alarm signals.
(Ord. No. 00-27, 11-1-00)

§ 33-2. Severability.

If any of the articles, sections, paragraphs, sentences, clauses or phrases of this chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the chapter in its entirety, or any of the remaining articles, sections, paragraphs, sentences, clauses and phrases.
(Ord. No. 00-27, 11-1-00)

§ 33-3. Administration and Enforcement.

The Arlington County Police Department shall be responsible for the administration and enforcement of this chapter.
(Ord. No. 00-27, 11-1-00)

ARTICLE II.

DEFINITIONS.

§ 33-4. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Alarm company” means any corporation, partnership, business or individual, operated for profit, engaged in the business of the installation, maintenance, alteration, servicing, or monitoring of an alarm system or which responds to such alarm systems.

“Alarm registration” means a registration issued by the County to an alarm user allowing the operation of an alarm system within the County.

“Alarm response” means any response to a premise by the Police Department as a result of an alarm signal.

“Alarm signal” means the activation of an alarm system resulting in a request for an alarm response regardless of cause.

“Alarm system” means any assembly of equipment, mechanical or electrical, designed to signal an occurrence of robbery, burglary, unauthorized entry, or any other circumstance requiring urgent attention and to which police are expected to respond. Alarm system does not include fire alarms, or alarms installed in motor vehicles, boats, or aircraft, except those motor vehicles permanently located at a site such as office or storage trailers.

“Alarm user” means any person, firm, partnership, association, corporation, company or organization of any kind who or which purchases, leases, contracts for, or otherwise obtains an alarm system, or the servicing, maintenance or monitoring of an alarm system from an alarm company.

“Automatic dialing device” means a device which is interconnected to a telephone line and is programmed to a predetermined telephone number and which automatically transmits by recorded voice message or signal the existence of a hazard requiring urgent attention and to which police or fire fighters are expected to respond.

“County Manager” means the County Manager or his designee.

“False alarm” means any alarm signal:

- (a) Which elicits a response by police personnel; and
- (b) For which there is no evidence of criminal activity to justify a police response.

False alarm shall not include police response to an alarm signal that is canceled by the alarm user or his agent prior to the arrival of police personnel at the alarm location.

“Person” means any individual, group of persons, firm, partnership, association of any kind, company or corporation.

“Police Department” means the Arlington County Police Department.

“Protected premise” means the premises upon which an alarm system has been placed for the purpose of detecting a hazard.

“Twelve month calculation period” means the twelve (12) month period of time, commencing with the date of registration issuance, or for non-registered alarm systems, the date of the first false alarm response, that shall be used for calculating violations of §§ 33-14 and 33-15.
(Ord. No. 00-27, 11-1-00)

ARTICLE III.

SECURITY ALARM SYSTEMS

§ 33-5. Intentional False Alarm Prohibited.

Any person who knowingly and willfully activates a security alarm system to summon police or fire fighters when there is no actual or threatened emergency or criminal activity shall be deemed guilty of a Class 1 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-6. Automatic Dialing Device Restrictions.

Any person who installs, operates or maintains an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a 911 telephone number shall be deemed guilty of a Class 4 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-7. Automatic Dialing Service Restrictions.

Any person who possesses or controls an automatic dialing device which transmits a prerecorded message or code signal directly to a 911 telephone number where there is no actual or threatened emergency or criminal activity shall be deemed guilty of a Class 2 misdemeanor.
(Ord. No. 00-27, 11-1-00)

§ 33-8. Alarm Company Registration and Licensing.

All alarm companies operating in Arlington County shall be licensed to do business within Arlington County and shall comply with all the licensing, registration, certification, and training requirements established by the Commonwealth of Virginia Department of Criminal Justice Services pursuant to §§ 9-182 and 9-183 of the Code of Virginia.
(Ord. No. 00-27, 11-1-00)

§ 33-9. Required Equipment.

- A. Alarm systems installed after January 1, 2001, shall meet the following installation standards.
 - 1. An alarm system operated within the County shall be equipped in such a manner so as to prevent false alarms due to interruptions in electrical power.

2. An alarm system within the County which is equipped with a horn, bell, siren or other noise device audible beyond the confines of the premise shall be adjusted in such a manner that it will not sound for longer than fifteen (15) minutes before silencing itself.
- B. Alarm systems installed after July 1, 2001, shall meet the following additional installation standards.
1. Every alarm system must have secondary or back-up power sufficient to operate the system in a non-alarm status for a minimum of four (4) hours. An alarm activation shall not occur during switchovers between primary and secondary power.
 2. All alarm system equipment must be UL listed, used only for the purpose intended by the manufacturer, and installed per manufacturer's specification.
 3. Every alarm system must be installed under National Electric Code (NEC) and manufacturers standards.
 4. Any hold-up alarm requiring push button activation must use simultaneous two-button activation, or conform to UL standards.
- C. Any alarm system that is required to be upgraded pursuant to § 33-15 shall be brought into compliance with the provisions of this section regardless of installation date.
(Ord. No. 00-27, 11-1-00)

§ 33-10. Alarm System Registration.

- A. Every alarm user shall, on a form provided by the Police Department, register the alarm with the Police Department before the user begins using the system, and must pay the alarm registration fee established by this ordinance. The registration form shall contain the name of two (2) persons who are able to respond to the alarm site within one (1) hour, grant access to the alarm site, and deactivate the alarm system if such becomes necessary. If at any time there is a change in the information provided on the registration form, the correct information must be provided to the Police Department within thirty (30) days of the change.
- B. An alarm company that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaced, services or monitors any alarm system shall meet the following requirements:
1. An alarm company shall ensure that an alarm user has registered the alarm system with the Police Department or designee before the alarm system is activated or placed into service. An alarm company must provide the alarm user registration form to all of its current and future residential and non-residential alarm users, collect the form and registration fee from the alarm user and deliver the completed alarm registration form and registration fee to the Police Department or designee in the required format before the system is activated or placed into service.
 2. An alarm company shall provide to the Police Department, when requested to do so, a list which contains the name, address, telephone number and registration number of all of its current alarm users in Arlington County.
 3. An alarm company shall notify the Police Department or designee of any alarm user, who has a service contract with or is monitored or maintained by the alarm business, who has canceled or otherwise terminated their alarm services with the alarm company.
- C. A separate registration is required for each tenant of a multi-tenant residential or commercial building using an alarm system. This section shall not apply to systems in apartment complexes registered pursuant to § 33-11.

D. 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 availability of police units, staffing levels, priority of pending requests for police services, weather conditions, traffic conditions, emergency conditions, and the recent activation history of the alarm in question.

E. Each registration remains in effect until the registrant relinquishes control of the alarm site or the registration is suspended or revoked.

F. A registration is valid only for the premises registered and is not transferable to another alarm user or premises. A separate registration must be obtained for each premise that a single alarm user protects with an alarm system, and a new alarm user must obtain a new registration upon acquiring an alarm system previously registered by a different alarm user, in accordance with this section.

G. All information submitted to a third party administrator in compliance with this regulation must be held in strict confidence and must not be disclosed without approval of the Arlington County Police Department and the alarm company of record. Any person found guilty of the unauthorized release of such information shall be guilty of a Class 1 misdemeanor.

H. Alarm users with alarm systems installed prior to January 1, 2001 shall comply with this section prior to July 1, 2001.

I. Any alarm user who allows an alarm response to an alarm signal initiated by an alarm system which is not in compliance with the registration requirements for this section shall be in violation of this section and subject to an administrative service fee of fifty dollars (\$50.00).

J. Prior to January 1, 2001, the Police Department shall make registration forms available to alarm companies and alarm users.

K. All nonresidential alarm users shall pay a registration fee of thirty dollars (\$30.00). A ten dollar (\$10.00) fee shall be assessed against any alarm user to reinstate a suspended registration.

L. The twelve (12) month period used to calculate violations of §§ 33-14 and 33-15 shall commence with the date of registration issuance.
(Ord. No. 00-27, 11-1-00)

§ 33-11. Alarm System Registration-Apartment Complexes.

A. If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, the owner or property manager shall obtain a separate alarm registration for each individual unit in the complex. The owner or property manager shall be considered the alarm user, except for the purposes of § 33-5. The fee shall be one dollar (\$1.00) per unit, but in no case shall be less than thirty dollars (\$30.00). The registration procedure shall be as described in § 33-10.

B. For purposes of assessing fees and enforcing this chapter, the owner or property manager is responsible for payment of fees resulting from false alarm dispatches to individual apartments.
(Ord. No. 00-27, 11-1-00)

§ 33-12. Alarm Company Procedures to Request Police Assistance.

A. Before requesting a police response to an alarm signal, an alarm company shall attempt to verify every alarm signal, except a hold-up alarm activation, by a telephone call to the alarm user or other person(s) designated by the alarm user. In the case of a hold-up alarm activation, the alarm company shall not attempt to

verify the alarm signal, but shall instead provide the Police Department with the appropriate phone number for the alarm user and allow the Police Department to verify the signal.

B. An alarm company shall not request a police response to an alarm signal until the alarm system has been properly registered with the Police Department or designee.

C. An alarm company shall provide the following information when contacting the Police Department Emergency Communications Center (ECC), to report an activated alarm signal and to request a police response.

1. Name and Virginia Department of Criminal Justice Services license number of the alarm company reporting the activated alarm, name or employee number of the alarm company, employee making the report, and a call-back telephone number.
2. Registration number issued to the alarm user.
3. Location of the activated alarm, including complete business or homeowner's name, street address and telephone number
4. Type of alarm (such as audible or silent, robbery, hold-up, duress, panic, burglary), and if the alarm system is zoned, the specific location of the alarm activation (such as interior, perimeter, vault, motion detection).
5. The results of the verification procedure, i.e. person without code on the premises.
6. For activation at nonresidential premises, any available information regarding whether the business is open or closed, if guards or guard dogs are on site, and if dangerous or special conditions exist within the location.
7. For activation at residential premises, any available information regarding presence of pets, handicapped individuals, or unusual or special conditions.
8. If a representative of the alarm user or alarm company is responding and their estimated time of arrival.

D. An alarm company shall not request a police response to an alarm signal if the alarm business has been notified by the Police Department or designee that the alarm user registration has been suspended or revoked:

1. Due to unpaid alarm response fee due under § 33-14; or
2. Because the alarm user did not comply with the inspection requirements under § 33-15.

E. An alarm company shall cancel any request for police response immediately when the alarm company determines that the alarm signal is a false alarm.
(Ord. No. 00-27, 11-1-00)

§ 33-13. Police Response to Alarm; Determination of Validity; Appeals.

A. Whenever an alarm is activated in the County and the Police Department does respond, a police officer on the scene of the activated alarm shall inspect the premises and shall determine whether the police response was in fact necessary or whether the alarm was a false alarm. If the officer determines that the alarm activation was caused by electrical storm, hurricane, tornado, blizzard or other acts of God, the alarm activation shall not be considered a false alarm.

B. The Police Department shall provide written notice to alarm users when responses are determined

to be false alarms. The notice will provide the following information:

1. Date and time of alarm response.
2. Officer's name and business telephone number.
3. Brief synopsis of the alarm ordinance, including a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid fines.

Such notice shall be delivered to the user in a manner to be determined by the Police Department.

C. The alarm user may, within ten (10) business days of the receipt of the false alarm notification make a written request for a review by the Chief of Police or his designee of the determination that an alarm was false. The request shall include the following information:

1. Alarm user name;
2. Alarm user registration number;
3. Address at which the alarm is installed;
4. Date of false alarm that is being contested; and
5. The facts upon which the request for review of the false alarm determination is made.

D. The Chief of Police or his designee shall consider the circumstances of the contested false alarm determination and provide a written response to the alarm user.

E. Response to alarm activations shall not be counted as false for the purpose of calculating violations of § 33-14 until the expiration of the ten (10) day appeal period.
(Ord. No. 00-27, 11-1-00)

§ 33-14. Excessive False Alarm Responses Prohibited; Penalties.

A. It shall be unlawful for any alarm user in the County to allow an excessive number of false alarm responses to occur at a protected premise for which they are responsible. It is hereby found and determined that false alarm responses to a protected premise in excess of two (2) in a twelve (12) month calculation period are deemed to be an excessive number and shall be a violation of this chapter. When involving apartment complexes, a protected premise shall be determined on a "per unit" basis. The first twelve (12) month period shall commence on the date of original registration issuance. Subsequent twelve (12) month periods shall be established successively.

B. A false alarm response fee shall be assessed against the alarm user for false alarm responses in excess of two (2) in a twelve (12) month calculation period, in accordance with the following false alarm response fee schedule:

1. Third response \$100.00
2. Fourth response \$150.00
3. Fifth response \$200.00
4. Sixth response \$250.00
5. Seventh response \$300.00

- 6. Eighth response. . . . \$400.00
- 7. Ninth response and each response thereafter \$500.00

C. The failure of an alarm user to make payment of any fee imposed under this section within sixty (60) days from the date of receipt may result in the suspension of the alarm user registration and a discontinuance of police response to alarms that may occur at the protected premises described in the alarm user's registration until such time that payment is received.

D. To ensure that the assessed amounts are representative of the costs incurred by the County to provide alarm responses and to administer this chapter, the amounts contained in the false alarm response fee schedule shall be evaluated and amended, as necessary, on an annual basis.
(Ord. No. 00-27, 11-1-00; Ord. No. 08-06, 4-19-08, effective 7-1-08)

§ 33-15. Inspection of Alarm Systems.

A. In the event that three (3) or more false alarms occur at a protected premises within any twelve (12) month calculation period, the Chief of Police or his designee may require that the alarm user, at the alarm user's expense, cause their alarm system to be inspected by an alarm company licensed to conduct business in Arlington County. The inspection shall entail a complete examination of the alarm system including, but not limited to, satisfactory design and installation of the equipment, proper functioning of the equipment, and user education in the operation of the equipment. The alarm company shall record the details of the inspection and certify that the alarm system is operating properly and that the appropriate persons have been re-educated in the proper operations of the system on a form provided by the Police Department for this purpose. The completed inspection report shall be returned to the Police Department within thirty (30) days of the initial notification to the alarm user.

B. In the event that eight (8) or more false alarms occur at a protected premise within any twelve (12) month calculation period, the Chief of Police or his designee may require that the alarm user cause their alarm system to be upgraded to be in compliance with equipment installation standards. An alarm company licensed to do business in Arlington County shall certify that the system has been upgraded to meet the standards listed in § 33-9 of this ordinance. Such certification shall be made on a form provided by the Police Department for this purpose. The completed certification form shall be returned to the Police Department within thirty (30) days of initial notification to the alarm user.

C. If the Police Department does not receive the completed inspection report or upgrade certification report within thirty (30) days of notification, an administrative fee of one hundred dollars (\$100.00) shall be assessed against that alarm user. The alarm user registration may be suspended for failure to comply with the inspection or upgrade requirements or pay the administrative fee. The Police Department may discontinue response to alarm activations that may occur at the premises described in the alarm user's registration until such time as the inspection report, upgrade certification report and/or administrative fees are received by the Police Department.
(Ord. No. 00-27, 11-1-00)

ARTICLE IV.

ADMINISTRATIVE APPEAL HEARING

§ 33-16. Administrative Appeal Hearing.

A. In the event an inspection order is issued to an alarm user, administrative fees are assessed, or the registration of an alarm user is suspended, the alarm user may request an appeal hearing to determine whether there is just cause for such action.

B. The hearing shall be held before a hearing officer who shall have been appointed by the County Manager. The hearing shall be held within seventy-two (72) hours after the request is filed with the Police Department unless an extension has been agreed upon by both the alarm user and the Police Department.

C. The alarm user shall have the right to appear and present witnesses and other evidence, but there shall be no formal rules of procedure required for the conduct of the hearing and the hearing officer shall not have the power to compel the attendance of witnesses or the production of other evidence.

D. The hearing officer shall proceed forthwith to hear the matter and to determine by a preponderance of the evidence whether there is probable cause to believe that the provision of this chapter have been applied, fairly and impartially. The hearing officer shall have authority, if he determines that there is insufficient evidence to fully support imposition of an inspection requirement, registration suspension, or administrative service fees, to order that any inspection requirements, registration suspension, or fees imposed under this chapter be waived or rescinded in whole or in part.

E. The provisions of this section shall not apply to the imposition of false alarm response fees assessed pursuant to §§ 33-13 and 33-14 of this chapter.
(Ord. No. 00-27, 11-1-00)

§ 33-17. Grounds for Rescinding, Waiving or Reduction Service Fees.

A. Administrative hearing officers shall consider the following factors in reaching a determination as to the modification or waiving of an administrative fee, inspection order, or registration suspension order:

1. Evidence of attempts by the alarm user to eliminate the cause of false alarms, such as:
 - a. Installation of new equipment
 - b. Replacement of defective equipment
 - c. Inspection and repair of the system by an alarm technician
 - d. Specific formal training of alarm users.
2. Written evidence that the alarm system which caused the alarm responses has been disconnected and removed from the protected premises.

B. Nothing in this section shall be interpreted to require that all appeals which meet any or all of these circumstances will be granted. These are intended as guidelines for the hearing officer and shall not prevent the hearing officer from granting appeals for additional reasons.
(Ord. No. 00-27, 11-1-00)