



Legislation Details (With Text)

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**Title:** Ordinance amending the Pittsburgh City Code, Title Six, Conduct, Article I, Regulated Rights and Actions, is hereby amended by repealing the current Chapter 611, Alarms, in its entirety and replacing it with a new Chapter 611, Regulation of Alarms.

**Sponsors:**

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Date	Ver.	Action By	Action	Result
10/8/2014	1	Standing Committees	TABLED	Pass
9/10/2014	1	Standing Committees	Held in Committee	Pass
8/29/2014	1	City Council	Read and referred	

Presented by Ms. Rudiak

Ordinance amending the Pittsburgh City Code, Title Six, Conduct, Article I, Regulated Rights and Actions, is hereby amended by repealing the current Chapter 611, Alarms, in its entirety and replacing it with a new Chapter 611, Regulation of Alarms.

**WHEREAS**, the City finds that the high occurrence of false alarms is a threat to public health, welfare, and safety by resulting in the unnecessary mobilization and diversion of City public safety and emergency personnel and equipment from other locations or activities for which assistance may be needed; and

**WHEREAS**, the City plans to reinstate its enforcement of false alarm penalties in order to encourage responsible ownership and use of alarm systems that will likewise assist in protecting the limited emergency response resources of the City; and

**WHEREAS**, City Council finds that certain revisions to the current Chapter 611 are necessary to provide additional standards to encourage alarm users and businesses to assume responsibility for proper alarm system use and to ensure ample due process for those who receive false alarm determinations;

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.**

The Pittsburgh City Code, Title Six, Conduct, Article I, Regulated Rights and Actions, is hereby amended by repealing current Chapter 611, Alarms, in its entirety and replacing it with a new Chapter 611, Regulation of

Alarms as follows:

## CHAPTER 611: REGULATION OF ALARMS

### § 611.01 DEFINITIONS

### § 611.02 PERMIT AND REGISTRATION REQUIREMENTS

### § 611.03 ANNUAL ALARM SYSTEM REGISTRATION FEES

### § 611.04 REVOCATION OF REGISTRATION AND REINSTATEMENT

### § 611.05 ALARM SYSTEM AND LOCAL ALARM REQUIREMENTS

### § 611.06 CONFIDENTIALITY

### § 611.07 RESPONSE TO ALARM DISPATCH REQUEST

### § 611.08 FALSE ALARMS PROHIBITED; EXCEPTIONS

### § 611.09 APPEALS TO ALARM ADMINISTRATOR

### § 611.10 FALSE ALARM PENALTY FEES

### § 611.11 ADDITIONAL PENALTIES

### § 611.12 LIABILITY

§ 611.01 **DEFINITIONS.** As used in this Chapter, certain terms are defined as follows:

(a) **ALARM ADMINISTRATOR.** Designee of the Department of Finance with the responsibility to manage the administrative provisions of this Chapter, including the issuance of permits and the hearing of appeals authorized hereunder.

(b) **ALARM ADMINISTRATION OFFICE.** Office within the City's Department of Finance in charge of collecting initial and subsequent Alarm Registration forms and issuing Alarm Registration Confirmation Letters.

(c) **ALARM BUSINESS.** A person, partnership, corporation, company, firm or other entity in the business of selling, providing, servicing, leasing, maintaining, repairing, altering, moving, monitoring, and/or installing an Alarm System at an Alarm Site.

(d) **ALARM DISPATCH REQUEST.** A notification to the City's Emergency Operations Center ("911") that an Alarm System has been activated at an Alarm Site.

(e) **ALARM REGISTRATION CONFIRMATION LETTER.** A letter issued to an Alarm User certifying that an Alarm System has been registered with the Alarm Registration Office.

(f) **ALARM SITE.** A single fixed premises or location served by an Alarm System or Systems. In a multi-unit building, each unit, if served by a separate Alarm System, shall be considered a separate Alarm Site and require a separate registration.

(g) **ALARM SYSTEM.** A device or combination of devices designed for the detection of an unauthorized entry on the premises, unlawful act or any emergency, that when activated transmits a signal, either visual, audible or both, or causes to be transmitted a signal to law enforcement officers to respond. This definition is meant to be read consistent with the term "Alarm Devices" set forth in 18 Pa.C.S.A. § 7511, "Control of alarm devices and automatic dialing devices." For purposes of this Chapter, an Alarm System shall not include:

1. An alarm system or device that is installed in a government premises that is specifically exempt from local control by state or federal law;

2. Smoke detectors that do not transmit signals to off-premises control receiving locations;
3. Alarms installed in motor vehicles;
4. Local Alarms as defined in this Chapter; and
5. Personal/medical alarms and domestic violence alarms.

(h) **ALARM USER.** Any person, firm, partnership, association, corporation, company, or organization of any kind who owns or is in control of an Alarm Site.

(i) **BURGLAR ALARM SYSTEM.** An Alarm System designed for the detection of any unauthorized entry on the premises, unlawful act or any emergency and when activated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal to the City's Emergency Operations Center ("911").

(j) **CANCELLATION.** The process where an Alarm Dispatch Request is terminated by an Alarm Business monitoring an Alarm System by notifying the City's Emergency Operations Center ("911") that an emergency situation does not exist for which City fire or police response is required.

(k) **FALSE ALARM.** The activation of an Alarm System when a condition requiring City police, fire, or other emergency response does not in fact exist and which is caused by:

1. Mechanical failure or malfunction of an Alarm System;
2. Improper installation or maintenance of an Alarm System;
3. Negligent use or maintenance of an Alarm System; or
4. By the intentional or negligent actions of an Alarm User or his or her employees or other persons legitimately at an Alarm Site.

(l) **FIRE ALARM SYSTEM.** An Alarm System capable of alerting municipal or other organizations to a fire emergency signal to the City's Emergency Operations Center ("911").

(m) **LOCAL ALARM.** A system that gives a signal, either visual, audible or both, on the interior or exterior portion of the property, but such signal does not leave that structure by wire or radio wave to a control receiving location.

(n) **MULTI-PURPOSE ALARM SYSTEM.** An Alarm System capable of alerting municipal or other organizations of a variety of emergencies, including but not limited to, unlawful intrusions, fire hazards, medical emergencies or any other dangerous condition.

(o) **RESIDENTIAL ALARM SITE.** A site used solely for residential purposes, including a single-family house, condominium, town home, or an occupied apartment or other residential unit located in a multi-unit housing facility. Each occupied apartment or other individual residential unit in which an Alarm System is installed and operated shall be considered a separate Residential Alarm Site. All other Alarm Sites shall be Non-Residential.

## § 611.02 PERMIT AND REGISTRATION REQUIREMENTS.

(a) No Alarm User for a Fire Alarm System shall install, reinstall, have installed, or alter the installation of an Alarm System without obtaining an Installation Permit from the Bureau of Building Inspection when such permit is required pursuant to Title 10 herein. Current fees for such permits are set forth on the Bureau's website.

(b) An Electrical Permit shall be required for installation of a Burglar Alarm System when such permit is

otherwise required pursuant to Title 10 herein.

(c) No Alarm User shall use or possess an Alarm System without: 1) registering it on Alarm System registration forms (fire, burglar, or multi-purpose as applicable) provided by the Alarm Administration Office and 2) maintaining a current annual renewal of such registration upon continued use or possession of an Alarm System. Receipt of a Confirmation Letter shall be deemed to be the written approval from the City to allow use of an Alarm System per 18 Pa.C.S. § 7511(a)(2). For purposes of this Chapter, reference to “registration” shall also include a renewal registration unless otherwise stated.

(d) An Alarm User shall register each Alarm System within seven (7) business days of an installation, conversion, or takeover of maintenance or monitoring by a new Alarm Business. The initial Alarm System registration form shall include the following information, which requirements shall be subject to change at the discretion of the Alarm Administrator:

(1) The name, address and telephone number of the Alarm User who will be responsible for the proper maintenance and operation of the Alarm System, the name, address, and telephone number of the building owner (if different from the Alarm User), and payment of fees assessed under this Chapter and the name and telephone number of an alternate person responsible for maintenance and operation of the Alarm System in the event the Alarm User is unavailable or unreachable;

(2) The classification of the Alarm Site as either residential or commercial;

(3) The designation of each Alarm System located at the Alarm Site as burglary, fire, or multi-purpose.

(4) The certification from the Alarm User or an Alarm Business stating:

(a) the date of installation, conversion or takeover of the Alarm System, whichever is applicable;

(b) the name, address, and phone number of the Alarm Business or Service Provider performing the Alarm System installation, conversion or takeover and responsible for providing repair service to the Alarm System;

(c) the name, address, and phone number of the Alarm Business, Service Provider or entity monitoring the Alarm System if different from the installing Alarm Business;

(d) that a set of written operating instructions for the Alarm System have been left with the applicant;

(e) that the Alarm Business has trained the applicant in proper use of the Alarm System, including instructions on how to avoid false alarms; and

(5) Whether the property is equipped with a rapid entry system (e.g. Knox Box), and how entry may be obtained in the event of emergency.

(6) In the event the Alarm User is a tenant in an apartment complex, he or she must also

provide the name of a representative of the property owner or property manager who can grant access to the Alarm Business providing monitoring and /or maintenance services.

(7) A separate certification that all fees and penalties due and owing to the City under this Chapter by the Alarm User have been paid.

(8) The application for registration shall be signed by the Alarm User/applicant acknowledging that he/she has read the application, affirming the correctness and accuracy of the information provided and authorizing the release of contact information to the City and any agents of the City involved in assisting the City with the registration, renewal process or with the collection of fines and fees relating thereto.

(e) Upon receipt of a completed application for registration or renewal, the Alarm Administration Office shall assign each Alarm System a separate registration number, which shall be included on the Alarm Registration Confirmation Letter provided to the Alarm User/applicant. The Alarm Registration Confirmation Letter shall not be issued if there are outstanding registration fees or false alarm fines for the subject Alarm Site or if an alarm registration for the Alarm Site was revoked and the violation causing it has not been corrected.

(f) An Alarm Registration Confirmation Letter shall expire one year from the date it was issued. It must be renewed annually by submitting a renewal application and renewal fee to the Alarm Administration Office. The Alarm Administrator or his/her designee will notify each Alarm User of the need to renew the registration at least thirty (30) calendar days prior to the expiration of the current Confirmation Letter. It is the Alarm User's responsibility to complete forms and pay necessary fees in advance of the Alarm Registration expiration date. Failure to timely renew will be classified as the use of a non-registered Alarm System, and the Alarm User will be subject to the penalties set forth herein. Past due fees will continue to accrue until payment is made. Such payments shall be applied to the oldest renewal fees first.

(g) Registration shall not be required for Local Alarm systems as defined herein; however Local Alarm Users shall be required to comply with Section 611.05(c) herein.

(h) Alarm System registration forms shall contain information necessary for the enforcement of this Chapter and it shall be the responsibility of the Alarm User to report any changes in registration information to the Alarm Administration Office within seven (7) business days of the change. Alarm System registrations are nontransferable.

(i) All Alarm Businesses shall notify the Alarm Administration Office within seven (7) business days of the installation of any Alarm System within the City. Such notice shall list the owner's name and address, the type of alarm and the date of installation. An updated list of Alarm Business customers subject to this Chapter within the City of Pittsburgh shall be provided to the Alarm Administration Office by each Alarm Business annually on or before March 31 of each calendar year. Such lists will be subject to the confidentiality provisions of Section 611.06 herein.

### **§ 611.03 ANNUAL ALARM SYSTEM REGISTRATION AND RENEWAL FEES**

All annual fees shall be paid with the initial registration application. Renewal fees shall be due during the month of expiration of the prior year's Registration Certificate.

(a) The annual fee for a Burglar Alarm System registration/renewal shall be twenty-five dollars (\$25.00) for Residential properties and seventy-five dollars (\$75.00) for Non-Residential properties.

(b) The annual fee for a Fire Alarm System registration/renewal shall be twenty-five dollars (\$25.00) for Residential properties and one hundred dollars (\$100.00) for Non-Residential properties.

(c) The annual fee for a Multi-Purpose Alarm System registration/renewal shall be twenty-five dollars (\$25.00) for Residential properties and one hundred twenty-five dollars (\$125.00 ) for Non-Residential properties.

(d) Although an annual registration/renewal is required, there shall be no Alarm System registration/renewal fee charged to a property owner who is the sole occupant of a single family residence who is aged sixty-five (65) or older before January 1 of any given year, and who is eligible to participate in the City of Pittsburgh Senior Citizens Property Tax Relief Program set forth in Pittsburgh Code Sections 263.21 through 263.25. This fee waiver does not exempt such property owner from False Alarm penalties set forth herein.

(e) The Alarm System registration/renewal fees set forth in this Section may be adjusted from time to time at the discretion of the Alarm Administrator, who shall annually report any such adjustments to Council. The Installation Permit fees shall be set annually and may be adjusted from time to time at the discretion of the Chief of the Bureau of Building Inspection, who shall annually report such adjustments to Council. All registration and installation permit fees shall be commensurate with the cost of providing services pursuant to this Chapter.

(f) The Alarm Administrator shall have the authority to determine the classification of Residential and Non-Residential properties based on the definitions set forth herein.

#### **§ 611.04 REVOCATION OF REGISTRATION AND REINSTATEMENT.**

1. The Alarm Administrator or his/her designee may revoke any Alarm System registration issued to this Chapter if he/she determines any of the following have occurred:

- (a) The Alarm System registration form contains a statement of material fact which is false;
- (b) The registrant has failed to comply with the provisions of this Chapter or 18 Pa.C.S.A. § 7511 “Control of alarm devices and automatic dialing devices;” or
- (c) An Alarm System is negligently maintained or used. More than three (3) False Alarms within a one (1) year period shall be deemed conclusive evidence of negligent maintenance or use.
- (d) An Alarm User has failed to properly update information relating to the Alarm System as required herein.
- (e) The Alarm User has outstanding registration or false alarm fees or fines more than ninety (90) days' past due.

2. The Alarm User may reapply for registration in accordance with this Chapter at any time after revocation occurs. Registration will be granted upon payment of the annual registration or renewal fee, payment of any outstanding charges, fines or fees, and a certification from an Alarm Business in compliance with this Chapter that the Alarm System is operating properly.

3. Upon revocation of a registration, the Alarm System shall be classified as non-registered and the Alarm User shall be subject to all penalties, fees, fines and/or punishments authorized herein for a non-

registered Alarm System.

4. Upon revocation of an Alarm registration, the Alarm Administrator shall send a Revocation Notice to the Alarm User at the address included in the registration form. The Revocation Notice shall state the reason(s) for the revocation and advise the Alarm User of the right to appeal such decision per Section 611.09 herein.

#### **§ 611.05 ALARM SYSTEM AND LOCAL ALARM REQUIREMENTS.**

(a) All Alarm Systems registered with the Alarm Administration Office shall be installed, maintained, and operated in compliance with the applicable provisions of the Pittsburgh City Code and other applicable laws, including 18 Pa.C.S.A §7511.

(b) Alarm Systems shall be equipped with batteries or some other alternate power system in case of power failure.

(c) Persons, businesses, corporations, or other entities having only Local Alarms shall have some type of device attached to the alarm that will automatically shut the alarm off after thirty (30) minutes or have some other sure means of turning the alarm off.

#### **§ 611.06 CONFIDENTIALITY**

Due to the threat to public safety and the risk that such information could be used for illegal activities and to protect the privacy and personal security of those Alarm System Users affected by any provision of this Chapter, the Alarm System information collected by the City hereunder is intended to and shall remain confidential unless public information is required to be disseminated by applicable law or court order. Absent such required disclosure, the registration and Alarm Business information collected hereunder shall be used solely for the administration of this Chapter, including law enforcement, collection, and judicial proceedings relating hereto.

#### **§ 611.07 RESPONSE TO ALARM DISPATCH REQUEST**

(a) The Public Safety response to an alarm notification shall be governed by the provisions of this Chapter and the rules and regulations promulgated by applicable Bureau Chiefs and the Director of Public Safety.

(b) Whenever an Alarm System is activated and no Cancellation occurs, a police officer, fire officer, or other City emergency personnel on the scene at the Alarm Site shall inspect the area and determine whether an emergency exists or whether a False Alarm occurred.

(c) If the responding officer determines that a False Alarm has occurred, the officer will make a report and Notification of a Finding of False Alarm shall thereafter be sent to the Alarm User by the Alarm Administration Office to indicate that a False Alarm has been recorded against the subject Alarm System. The Notification of a Finding of False Alarm will include the following:

1. The date, location, and time of the City's response to the False Alarm;
2. The identity of the responding officer;
3. A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid further False Alarms and potential penalties; and

4. Information regarding the Alarm User's right to appeal the validity of the finding of a False Alarm as set forth in Section 611.09 of this Chapter.

### § 611.08 FALSE ALARMS PROHIBITED; EXCEPTIONS.

(a) No Alarm User shall cause or permit the giving of repeated False Alarms, whether intentional, accidental or otherwise.

(b) The following shall serve as exceptions to a City finding of a False Alarm:

1. The Alarm Administrator shall observe a thirty (30) day grace period from the date of the installation of an Alarm System before a False Alarm will be counted as having occurred by the City, where the Alarm Administrator can determine that the Alarm User registered the Alarm System within seven (7) business days of the installation.
2. Evidence that a False Alarm was caused by an act of God, including violent conditions of nature such as an earthquake, high intensity winds, or extreme storms;
3. Evidence that a False Alarm was caused by action of a utility company (i.e. electric, telephone, water, gas, etc.);
4. Evidence that a False Alarm was caused by a power outage lasting more than four (4) hours;
5. Evidence that the Alarm Dispatch Request was not a False Alarm (e.g. attempt of crime present); and
6. For purposes of this Chapter, multiple alarms received by the City's Emergency Operations Center ("911") shall be considered a single false alarm if the Alarm System is deactivated or repaired within twenty-four (24) hours of the initial Alarm Dispatch Request.

(c) The exceptions in subsection (b) shall only apply to registered Alarm Systems.

### § 611.09 APPEALS TO ALARM ADMINISTRATOR

(a) Within fifteen (15) calendar days of receipt of a Notification of a Finding of False Alarm recorded against the subject Alarm System or receipt of a Revocation Notice, an Alarm User may file a written notice of appeal with the Alarm Administrator regarding that determination. Appeal procedures and appeal forms shall be established by the Alarm Administrator. Copies of the appeal procedures and appeal forms shall be available at the Alarm Administration Office and on the City's website. A failure to contest the determination of a False Alarm during the appeal period shall result in a conclusive presumption that an alarm was false.

(b) An administrative fee of twenty-five dollars (\$25) will be charged for the appeal process. This fee must be received with the written notice of appeal. The fee will be refunded if the Alarm Administrator upholds the appeal.

(c) Upon receipt of a notice of appeal, the Alarm Administrator shall schedule an administrative hearing to occur within fifteen (15) calendar days after receipt of the written notice of appeal.

(d) After the hearing, the Alarm Administrator shall issue a decision in writing no later than fifteen (15) business days after the hearing specifying the facts and circumstances upon which the decision is based.

(e) An Alarm User or Alarm Business may thereafter appeal any determination by the Alarm Administrator to the Director of Public Safety or his/her designated Hearing Examiner outside of the Police and Fire Bureaus. No additional fee shall be required for this additional review and the Hearing Examiner shall issue written findings and the appeal fee shall be refunded if the Hearing Examiner upholds the appeal. Regulations regarding such appeals shall be promulgated by the Director of Public Safety and available at the Office of Alarm Administration and on the City's website. Appeals from this decision may be taken to a court of law with appropriate jurisdiction of administrative appeals.

(f) All appeals hereunder shall be reviewed by the City using a preponderance of the evidence standard.

### **§ 611.10 FALSE ALARM CRIMINAL FINES**

(a) Pursuant to applicable state law, 18 Pa.C.S.A. § 7511, an Alarm User who permits more than three (3) False Alarms to occur within a consecutive twelve-month period shall, beginning with the fourth False Alarm, commit a summary offense and shall, upon conviction, be sentenced to pay the City a fine of not more than Three Hundred Dollars (\$300.00) for each offense.

(b) Except as otherwise set forth in this Chapter, each day a violation continues or is permitted to continue shall constitute a separate False Alarm for which a separate penalty may be imposed.

### **§ 611.11 ADDITIONAL CIVIL PENALTIES FOR FAILURE TO REGISTER AN ALARM SYSTEM OR OTHERWISE BE IN COMPLIANCE WITH THIS CHAPTER.**

(a) Any Alarm User who fails to obtain a current registration or renewal required by this Chapter, shall be subject to a fine in the amount of Three Hundred dollars (\$300.00).

(b) Failure of an Alarm User to register/renew an Alarm System will be classified as the use of a non-registered Alarm System and shall also subject the Alarm User to repay the entire cost of any false alarm response made by the City.

(c) Any Alarm Business that fails to notify the Alarm Administration Office of the installation of an Alarm System or that fails to provide the annual Alarm User list as required by this Chapter shall be subject to a fine in the amount of Three Hundred dollars (\$300.00) per Alarm Site.

(d) Where non-payment of fines or fees is overdue for a period of at least twenty-four (24) months, the City reserves the right to file in rem liens upon a subject property according to applicable law.

### **§ 611.12 LIABILITY.**

(a) This Chapter is enacted as an exercise of the police powers of the City of Pittsburgh, and no fee or provision herein shall create any duty of the City or its officers or employees to any person, entity, or Alarm User, nor shall the City or any officer or employee be liable for any loss or injury due to alleged untimely response or no response to an alarm signal or for any action or inaction associated with an alarm or any activity under this Chapter.

(b) Nothing contained herein shall be construed as a waiver of immunity or limitation upon the City in

asserting any rights or defense available to it under the Political Subdivision Tort Claims Act, 42 Pa.C.S.A. §§ 8541 *et seq.*