

ORDINANCE NO. 156, SERIES 2021

AN ORDINANCE AMENDING CHAPTER 127 OF THE LOUISVILLE METRO CODE OF ORDINANCES TO UPDATE REQUIREMENTS RELATING TO BURGLARY AND HOLD-UP ALARM SYSTEMS.

SPONSORED BY: COUNCIL MEMBER MARK FOX

WHEREAS, the provisions of this ordinance detail requirements for alarm users, alarm businesses, and information to be provided to the alarm administrator to enhance public safety; and

WHEREAS, many provisions of this ordinance have not been amended since 2005, and updates to provisions were warranted, to revise the ordinance in keeping with changes in policy and practice.

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Louisville Metro Code of Ordinances (“LMCO”) Sections 127.01 through 127.98 are hereby repealed in their entirety and shall be replaced with the following provisions.

SECTION II: LMCO Section 127.01 shall provide as follows:

§ 127.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ALARM ADMINISTRATOR. The person or persons designated by the Mayor to administer the provisions of this chapter.

ALARM BUSINESS. The business, by an individual, partnership, corporation or other entity, of leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.

ALARM DISPATCH REQUEST. A notification to the police MetroSafe/Emergency Management Agency by the alarm business or alarm user that an alarm, either manual or automatic, has been activated at a particular alarm site.

ALARM SIGNAL. The audible, visual, or electronic signal transmitted by an alarm system to the alarm business that indicates an alarm condition.

ALARM SITE. A single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

ALARM SYSTEM. A device or series of devices, including, but not limited to, systems interconnected with direct wiring or radio frequency signals, which are designed to discourage crime, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. **ALARM SYSTEM** does not include an alarm installed on a vehicle unless the vehicle is permanently located at a site.

ALARM TECHNICIAN. Any person used by an Alarm Business to design, maintain, service, repair, alter, replace, move, or install alarm systems.

ALARM USER. Any non-governmental person, firm, partnership, corporation, or other entity who (which) uses an alarm system or individual alarm at its alarm site, and which is monitored by an alarm business.

CONVERSION. The transaction or process by which one alarm business begins servicing and/or monitoring an alarm system previously monitored by another alarm business.

DIVISION RESOURCE OFFICER. A uniformed assignment responsible for quality-of-life issues and the coordination of division-level community-oriented policing initiatives,

and who serves as the point-of-contact between the LMPD and the Department of Codes & Regulations for matters relating to nuisance properties.

FALSE ALARM DISPATCH. An alarm dispatch request to the MetroSafe/Emergency Management Agency when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site. An alarm dispatch request that is canceled by the alarm business prior to the time the responding officer reaches the alarm site shall not be considered a ***FALSE ALARM DISPATCH.***

FLOATING CALENDAR YEAR. A calendar year that begins from the date of the first notice letter sent regarding a false alarm dispatch after the effective date of this Ordinance.

HOLD-UP ALARM. A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

INDIVIDUAL ALARM. An alarm system purchased and installed by an individual alarm user and that transmits alarm dispatch requests to MetroSafe/Emergency Management Agency.

MONITORING. The process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to Metro Government for the purpose of requesting police response to the alarm site.

PERSON. An individual, corporation, partnership, association, organization or similar entity.

VERIFY. An attempt by the alarm business, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person

is made, utilizing ECV (Enhanced Call Verification) also known as Multiple Call Verification before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. Such verification is a procedure whereby the alarm monitoring company makes at least one call each to different phone numbers in its attempt to reach the alarm user in the event of an alarm activation.

SECTION III: LMCO Section 127.02 shall provide as follows:

§ 127.02 ALARM USER REGISTRATION INFORMATION.

(A) Before any alarm system monitored by an alarm business is activated, the alarm user shall register their alarm system with the False Alarm Administrator. The alarm user may register their alarm online or through mail. An alarm business shall provide an alarm user with the information needed to register the user's alarm. Each alarm user shall be charged a yearly registration fee of \$15. No registration fee will be charged for any individual residential alarm registered to a person 65 years of age or older.

(B) Upon receipt of this alarm user registration information, the Alarm Administrator shall register the alarm user. Each registered alarm user shall be identified with a unique number designated by the Alarm Administrator.

(C) The Alarm Administrator shall provide both the alarm business and the alarm user with a list of the information that must be provided by the alarm user to register an alarm. This information shall include, but not be limited to:

- (1) Contact information for the alarm user;
- (2) Contact information for the alarm business monitoring the alarm system;
- (3) The classification of the alarm site; and
- (4) The purpose of the alarm system.

(D) An alarm user with an alarm system provided by an alarm business or monitored by an alarm business shall inform the alarm business, in writing, of any change that alters any information originally provided to such business regarding the alarm user's information, within five business days of those changes.

(E) An alarm user registration cannot be transferred to another person or business. If a premises with a registered alarm system is transferred to a person or business other than the registered user, the new premises owner must register with the Alarm Administrator as an alarm user, as provided in subsection (C) of this section. The alarm business shall also provide new premises owner with information on how to register the alarm system in their name.

SECTION IV: LMCO Section 127.03 shall provide as follows:

**§ 127.03 PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE;
AUTOMATIC SHUT-OFF FOR AUDIBLE ALARMS.**

(A) An alarm user shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.

(2) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(3) Not maintain an alarm system without providing the Alarm Administrator or the applicable alarm business with current alarm user registration information.

(B) If requested by an alarm business, Metro Government will respond to an alarm site in cases where no current alarm user registration information exists, but the alarm user shall be subject to all applicable fines and fees pursuant to § 127.02 and 127.12.

SECTION V: LMCO Section 127.04 shall provide as follows:

§ 127.04 MONITORING PROCEDURES.

(A) An alarm business performing monitoring services shall:

(1) Make at least two attempts to verify each alarm signal, utilizing ECV (Enhanced Call Verification) before requesting a police response; provided, however, that the verification shall not be attempted in any case involving:

(a) hold-up alarm signals; or

(b) panic alarms; or

(c) alarms where the alarm user has an active court-issued order of protection;

(i) To qualify for the exception in this subsection, the alarm user shall provide both their alarm business and the Alarm Administrator with notice of the active order of protection and, if requested, a copy of the order.

(ii) Once the active order has been legally terminated or has expired, the alarm user shall have the duty to notify their alarm business and the alarm administrator that the protective order has been legally terminated or has expired. A copy of any order legally terminating the order of protection shall be provided upon request.

(2) Communicate alarm dispatch requests to Metro Government in a manner and form determined by the Alarm Administrator, including the registration number of the alarm user. The alarm business shall also communicate to Metro Government, that an alarm user has an active EPO, DVO or other court-issued domestic violence order, when making a dispatch request.

(3) Communicate verified cancellations of alarm dispatch requests to Metro Government in a manner and form determined by the Alarm Administrator.

(4) Provide such information as is required by the Alarm Administrator, including a list of clients and their registration numbers.

(B) The Alarm Administrator shall develop a procedure to accept verified cancellation of alarm dispatch requests, and shall provide that information to the alarm business.

SECTION VI: LMCO Section 127.05 shall provide as follows:

§ 127.05 ALARM DISPATCH REQUEST INFORMATION.

(A) The police officer who responds to an alarm dispatch request shall record such information as required by the Alarm Administrator, including, but not limited to the following:

- (1) Identification of the alarm site;
- (2) Time officer was dispatched and time of arrival at alarm site;
- (3) Date and time of alarm;
- (4) Weather conditions;
- (5) Areas and/or sub-area of premises involved; and
- (6) Name of alarm user's representative on premises, if any.

(B) The police officer who responds shall indicate on the dispatch record whether the dispatch was caused by a criminal offense, an attempted criminal offense, or was a false alarm dispatch.

(C) In the case of a false alarm dispatch, the police officer who responds shall leave notice at the alarm site that the Police Department responded to a false alarm dispatch. The notice shall include the following information:

- (1) The date and time of police response to the false alarm dispatch;
- (2) The identification number of the police officer(s) who responded; and,

(3) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid service fees.

(D) Alarm businesses that perform monitoring services shall maintain, for a period of at least one year following a request for police dispatch to an alarm site, records relating to the dispatch. These records must include:

- (1) the name, address, phone number and alarm user's registration number;
- (2) the alarm system zone(s) activated;
- (3) the time of request for police dispatch; and
- (4) evidence that attempts to verify the alarm required by LMCO 127.04(A)(1)

were made to the alarm site prior to the request for police dispatch.

At the Alarm Administrator's request, the alarm business shall provide to the Alarm Administrator the records referenced in subsection (D) for any individual alarm user.

SECTION VII: LMCO Section 127.06 shall provide as follows:

§ 127.06 SYSTEM PERFORMANCE REVIEWS.

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator shall advise the Division Resource Officer of the issue, and the Division Resource Officer shall address the issue in person with the business or residence.

SECTION VIII: LMCO Section 127.07 shall provide as follows:

§ 127.07 ALARM BUSINESSES.

(A) It shall be unlawful for any person to engage in the alarm business without a valid license issued by the Alarm Administrator.

(B) Prior to engaging in the activities of or advertising or holding itself out as an alarm business, an alarm business shall obtain a license from the Alarm Administrator as provided in this chapter. The license number shall appear in all advertising and on all vehicles displaying the name of the alarm business.

(C) The license required by this section shall be in addition to any other licenses or permits required by Metro Government or the Commonwealth of Kentucky.

(D) (1) In addition to such other information as the Alarm Administrator may require, every application for an alarm business shall contain the following information given under oath:

(a) The name, address and residence of each applicant;

(i) If there are more than one and they are partners, the partnership name and address; the name and address of each person interested or to become interested in the company for which the registration is sought, together with the nature of that interest;

(ii) if the applicant is a corporation or LLC, the names, addresses of each officer, director and managerial employee, and the state under the laws of which the corporate applicant is incorporated; the premise or premises that the alarm business will be operating from, stating the street and number, if the premise has a street number, and otherwise such a description as reasonably indicates the location of the premise or premises.

(b) A statement that neither the applicant nor any of their employees has been convicted of any crime which directly relates to the performance of an alarm business including crimes of violence, sexual offenses, dishonesty or fraud.

(c) A statement that the applicant is in compliance with the requirements of KRS Chapter 341 and 342 regarding unemployment insurance and workers' compensation.

(d) If the alarm business is in the business of servicing, repairing, altering, replacing, moving or installing alarm systems, a sworn statement that:

(i) it has at least one alarm technician under contract as a full or part time employee; and

(ii) for each alarm technician being used by the alarm business, that the alarm technician satisfies either subsections (a) through (d) of Section D.(1)(e)(ii) or satisfies subsection of Section D.(1)(e)(ii) (e) as set forth below:

a. is at least 18 years of age; and

b. has provided the alarm business with their social security number or a set of classifiable fingerprints; and

c. has not been convicted of any crime which directly relates to the performance of holding a license, including crimes of violence, sexual offenses, dishonesty and fraud; and

d. has met minimum levels of training, e.g. National Burglar and Fire Alarm Association "NBFAA" level one course and maintenance requirements of the same or equivalent;

e. holds a current and valid electrical license from the Commonwealth of Kentucky, pursuant to KRS Chapter 227.

(E) Any false statement of a material matter made by an applicant for the purpose of obtaining a license, violation of the provisions of this chapter, or failure of an applicant

to provide all the information required by this section shall be sufficient cause for refusal to issue a license or to revoke a license.

(F) Licenses issued pursuant to this section shall be valid for a period of one year and shall be renewable annually.

(G) Fees for initial license application or renewal shall not be refundable, transferable or prorated. The following fees shall apply to alarm business licenses, and shall accompany initial applications or renewals:

Initial license application and initial license: \$100

Annual renewal: \$100

(H) The Alarm Administrator may revoke a license if an alarm business fails to remain in compliance with all the provisions of this chapter.

SECTION IX: LMCO Section 127.08 shall provide as follows:

§ 127.08 PROCEDURES TO CONTEST DECISION NOT TO ISSUE, OR TO REVOKE LICENSES.

Upon notice of the Alarm Administrator's refusal to issue an alarm business license, or upon notice of the revocation of an alarm business license, the license holder shall be provided an opportunity for a hearing on the matter before the Metro Government Code Enforcement Board, as established pursuant to §§ 32.275 et seq.

SECTION X: LMCO Section 127.09 shall provide as follows:

§ 127.09 CONFIDENTIALITY.

(A) Information gathered from alarm businesses and alarm users in compliance with this chapter is deemed to be private and confidential and not subject to disclosure under Kentucky's Open Records Law, KRS 61.870 - 61.884. Metro Government declares that the public's interest in having access to information relating to the names and addresses

of alarm users (and by implication, those without alarms) is outweighed by alarm users' and non-alarm users' interests in protecting the security measures which they use or which they do not use. Metro Government declares that it is an unwarranted invasion of personal privacy to require property owners to provide information pertaining to their personal security and then to release such information to the public, including the criminal element.

(B) Metro Government records, and those maintained by the Alarm Administrator concerning an alarm businesses' success in preventing or redressing false alarm dispatches shall be deemed open to the public as long as names and addresses of alarm users are not divulged.

SECTION XI: LMCO Section 127.10 shall provide as follows:

§ 127.10 SPECIAL RULES FOR INTENTIONALLY ACTIVATED ALARMS.

No person shall intentionally activate an alarm when there is no life-threatening emergency or crime in progress.

SECTION XII. LMCO Section 127.11 shall provide as follows:

§ 127.11 PROCEDURES FOR NOTIFYING AN ALARM USER OF A FALSE ALARM DISPATCH; APPEAL.

(A) When there has been a false alarm dispatch, the alarm user shall be issued a notice of violation or a citation by a Code Enforcement Officer, as defined in § 32.275. The Alarm Administrator may send additional copies of the notice of violation or citation to the alarm business monitoring the alarm site.

(B) Any citation issued pursuant to this chapter shall be in accordance with the procedures contained in §§ 32.275 et seq. In addition to the requirements of a citation contained in § 32.283, the citation shall include the alarm user's name, address of the

alarm site, the number of false alarms at the location within the floating calendar year, any applicable fines or fees pursuant to Sections 127.02 and 127.12, the date and time of false alarm dispatch and any penalties or fees associated with a false alarm citation.

(C) The enforcement, processing, and hearing pertaining to a citation shall be as provided in §§ 32.275 et seq. If, after a requested hearing, the Code Enforcement Board is satisfied that a reasonable explanation exists for the false alarm dispatch, the Code Enforcement Board shall notify the Alarm Administrator to adjust the alarm user's record accordingly.

SECTION XIII. LMCO Section 127.12 shall provide as follows:

§ 127.12 PENALTY; FINES FOR FALSE ALARMS.

Metro Government elects to enforce this chapter as a civil offense and it shall be enforced through the Code Enforcement Board as provided in §§ 32.275 et seq., including provisions relating to the imposition of fines, charges, and fees.

As of the effective date of this ordinance, any alarm user whose alarm system generates false alarm dispatches in any floating calendar year shall be assessed a civil penalty as determined by the following schedule.

Number of False Alarms (within a floating calendar year)	Registered Alarm Users (Fine Amount)	Unregistered Alarm Users (Alarm Fine Amount + Unregistered \$15 User Fine)
1	First Warning Notice	\$15 Registration Fee + First Warning Notice
2	Final Warning Notice	\$15 +Final Warning Notice
3	50	65
4	50	65
5+	\$100	\$115

If the person fails to respond to the citation within seven-days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Code


Enforcement Board shall enter a final order determining that the violation was committed and impose the civil penalty if appealed, as set forth above. This section shall apply to all false alarm dispatches except for those that are in response to a hold-up alarm.

SECTION XIV. LMCO Section 127.13 shall provide as follows:

§ 127.13 PREVIOUSLY ISSUED CITATIONS.

All citations issued prior to the effective date of this ordinance shall be paid in full in accordance with the schedule in effect at the time those events occurred, which are set forth in Lou. Metro Am. Ord. No. 27-2005.

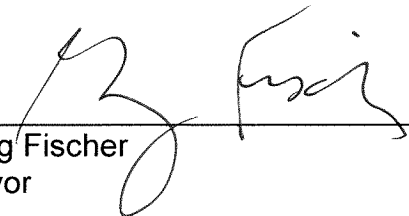
SECTION XV: This Ordinance shall be effective upon its passage and approval.



Sonya Harward
Metro Council Clerk

 PRO-TEM

David James
President of the Council



Greg Fischer
Mayor

11.11.21

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

O-468-21 V.1 Alarm Ordinance Updates

