

ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS

CITY HALL: June 4, 2015

CALENDAR NO. 30,796

NO. 26459 MAYOR COUNCIL SERIES

**BY: COUNCILMEMBERS WILLIAMS, HEAD, BROSSETT, CANTRELL AND
GUIDRY (BY REQUEST)**

AN ORDINANCE to amend and reordain Sections 27-2 through 27-10 of the Code of the City of New Orleans, to establish guidelines for false alarm reduction, to modernize requirements for operation and maintenance of alarm systems, to amend the penalties and fines for false burglar alarms, to amend the appeals process, to require an annual report on the effectiveness of this Chapter; and provide otherwise with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Sections 27-2 through 27-10 of the Code of the City of New Orleans, be
3 amended and reordained to read as follows:

4 **Sec. 27-2. - Definitions.**

5 The following words, terms and phrases, when used in this chapter, shall have the meanings
6 respectively ascribed to them, unless the context clearly indicates a different meaning:

7 *Activation* means making the alarm system operational for purposes other than testing, which
8 may result in a police department or other law enforcement agency response to that site.

9 *Alarm administrator* means a person or persons designated by the Superintendent of the police
10 department to administer, control and review alarm dispatch requests; and coordinate false alarm
11 notification letters, enforcement, and fines, including any individual or organization contracted
12 by the police department for these purposes.

13 *Alarm business* means the business by an individual, partnership, corporation, or other entity of
14 selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any
15 alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced,
16 moved, or installed any alarm system in or on any building, structure or facility.

17 *Alarm site* means each location requiring an individual alarm system. An alarm site is
18 determined by each separate and distinct municipal address.

19 *Alarm system* means any single device or assembly of equipment designed to signal the
20 occurrence of an illegal or unauthorized entry or other illegal activity requiring immediate
21 attention and to which law enforcement is requested to respond, but does not include motor
22 vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a
23 medical response.

24 *Alarm system monitoring company* means any individual, partnership, corporation, or other
25 entity that engages in the business of monitoring property, burglary, robbery, or panic alarms,
26 and of reporting any activation of such alarms to the police department.

27 *Alarm system user or user* means the person, firm, partnership, association, corporation,
28 company or other entity which owns, leases, controls or occupies any building, structure or
29 facility wherein an alarm system is maintained. For alarm systems in apartment complexes or
30 multi-use commercial buildings, if an alarm system is installed or maintained by an individual
31 tenant, then the tenant is responsible for false alarm dispatches emitted from the alarm system.
32 However, if the alarm system is furnished by the owner or property manager as an amenity, then
33 the owner or property manager of the building is responsible for false alarm dispatches emitted
34 from alarm systems in all units collectively.

35 *Days* means business days.

36 *False alarm* means an alarm signal, eliciting a response by police when a situation requiring such
37 response does not exist, including but not limited to, the activation or transmission of any alarm
38 signal caused by human error, mechanical or electronic malfunction, negligence of the alarm
39 system user or user's agent or employee, whether or not the exact cause of the alarm activation is
40 determined, or any other activation or transmission of any alarm signal where no actual police

41 emergency exists. Severe weather, power outages, transmission line malfunctions, acts of God,
42 malicious acts of persons not under the control of the alarm system user, or any other cause
43 clearly beyond the control of the alarm system user may be considered in determining if an alarm
44 activation was false and whether any occurrence, fine, warning, or other action will be taken
45 against the alarm system user as provided for by this section.

46 *Holdup or panic alarm* means any system, device, or mechanism, activated by human action on
47 or near the premises to alert others that a robbery or other crime is in progress, or that the user is
48 in need of immediate assistance of aid in order to avoid injury or bodily harm.

49 *Local alarm* means an alarm system which when activated causes an audible or visual signaling
50 device to be activated only on the premises upon which the system is installed and which is
51 intended to be heard or seen by others outside of the protected premises.

52 *No response* means police officers will not be dispatched to investigate a report of an alarm
53 signal.

54 **Sec. 27-3. - Alarm system monitoring company requirements**

55 (a) Alarm system monitoring companies operating in New Orleans shall obtain and maintain all
56 required state and City licenses.

57 (b) Alarm system monitoring companies engaging in business activities in New Orleans shall
58 annually register with the alarm administrator. No fee for this registration is required, and
59 the alarm administrator shall provide this registration form by December 1st.

60 (c) When the alarm administrator reports a false alarm at an alarm system user's premises, the
61 alarm system monitoring company shall work cooperatively with the alarm administrator to
62 determine the cause thereof and to prevent reoccurrences. If there is reason to believe that an
63 alarm system is not being used or maintained in a manner that ensures proper operation or
64 such system is not suppressing false alarms, the alarm administrator may require one or
65 more conferences with an alarm system user and/or alarm system monitoring company or
66 designee to review the circumstances of each false alarm.

67 (d) The alarm system monitoring company shall maintain a verification process to prevent false
68 alarms from resulting in unnecessary police dispatches. A verification process is an
69 independent method of determining that a signal from an automatic alarm system reflects
70 the real need for immediate police assistance or investigation. The means of verification for
71 all alarms produced by an alarm system, excluding holdup or panic alarms, shall include one
72 or more of the following:

73 (1) An attempt by the alarm system monitoring company, or its representative, to make
74 audio contact with the alarm site and/or alarm user, by telephone or similar means,
75 whether or not actual contact with a person is made, to determine whether an alarm
76 signal is valid before requesting law enforcement dispatch, in an attempt to avoid
77 unnecessary alarm dispatch requests. For the purpose of this ordinance, audio
78 verification by telephone or similar means shall require, at a minimum, that a second
79 call or other audio verification attempt be made to a different number if the first
80 attempt fails to reach an alarm user who can properly identify themselves to
81 determine whether an alarm signal is valid before requesting law enforcement
82 dispatch;

83 (2) The installation of a video system that provides the alarm system monitoring
84 company with the ability to ascertain that activity is occurring which warrants police
85 assistance or investigations;

86 (3) An independent confirmation that a signal reflects a need for police assistance or
87 investigation either by the alarm system user, a person at or near the premises, or an
88 alternative response agency, made before dispatching police; or

89 (4) An alternative system that the Superintendent of Police certifies has met the
90 verification intent of this section through alternative means.

91 (e) Alarm system monitoring companies must maintain, for a period of at least one year
92 following request for police dispatch to an alarm site, records relating to such request.
93 Records must include the name, address and phone number of the alarm system user, the
94 alarm system zone(s) or point(s) activated, the date and time of request for police dispatch,

95 and evidence that an attempt to verify was made prior to request for police dispatch. The
96 alarm administrator may request and is entitled to receive from the alarm system monitoring
97 company or designee copies of such records for individual alarm systems users.

98 (f) Alarm system monitoring companies shall report alarm signals to the 9-1-1 operator through
99 the call system designated by the alarm administrator. The alarm system monitoring
100 company shall provide the state license code assigned to the alarm company by the state fire
101 marshal's office.

102 (g) The police department will accept cancellations for dispatch at any time prior to the arrival
103 of police at the alarm site. For false alarm enforcement purposes, any dispatch request
104 canceled prior to the arrival of the police on a burglar alarm site will not be counted as a
105 false alarm.

106 (h) The provisions of this section do not apply to persons engaged solely in the manufacture,
107 installation, repair, or sale of alarm systems or their components who do not provide alarm
108 monitoring services for any location.

109 The failure of an alarm system monitoring company to comply with any of the above
110 requirements shall be a violation of this section. Each company that violates this section shall be
111 liable for a fine of \$250.00 for each violation. Furthermore, violation of this section may result in
112 the suspension or revocation of any permit or license issued to the alarm system monitoring
113 company responsible for violating the section.

114 **Sec. 27-4. – Alarm system operation and maintenance**

115 An alarm system user shall:

116 (1) Register annually with the alarm administrator. No fee for this registration is required,
117 and the alarm administrator shall provide this registration form no later than 30 days
118 prior to the end of the calendar year.

119 (2) Maintain the premises containing an alarm system in a manner that ensures proper
120 operation of the alarm system.

- 121 (3) Make every reasonable effort to respond or cause a contact person(s) to respond to the
122 alarm system's location within a reasonable period of time when notified by the alarm
123 administrator or the police department to deactivate a malfunctioning alarm system, to
124 provide access to the premises, or to provide security for the premises.
- 125 (4) Not manually activate an alarm for any reason other than the occurrence of an event for
126 which the alarm system was intended to be activated.
- 127 (5) Instruct all personnel who are authorized to place the system or device into operation of
128 the appropriate method of its operation.
- 129 (6) Ninety (90) days after adoption of this ordinance, all new and upgraded alarms shall
130 meet industry standards of technology.

131 * * *

132 **Sec. 27-6. – Penalty for false alarms**

- 133 (a) No person shall activate any holdup or panic alarm for the purpose of summoning police
134 except in the event of an unauthorized entry, robbery or other crime being committed or
135 attempted on the premises or in the event the person needs immediate assistance in order to
136 avoid injury or bodily harm. The unnecessary dispatching of police for holdup or panic
137 alarms will be counted against the alarm site as a false alarm.
- 138 (b) The sending of a false alarm constitutes a violation of this section. Administrative warnings,
139 fines, and/or suspension of a police response may be assessed/imposed upon an alarm
140 system user by the alarm administrator for excessive false alarms during a calendar year as
141 follows:
- 142 (1) For the first false alarm, no fine will be assessed.
- 143 (2) For the second false alarm, the alarm system user will be liable for a fine of \$75.00.
- 144 (3) For the third false alarm, the alarm system user will be liable for a fine of \$150.00.
- 145 (4) For the fourth false alarm, the alarm system user will be liable for a fine of \$150.00 and a
146 notice of suspension will be issued (“No response” by police).

147 It shall be the responsibility of the police department or the Superintendent's designee to
148 collect such fines.

149 (c) At the end of the calendar year, the false alarm count will revert to zero, provided all
150 charges, fees, and fines have been paid.

151 (d) Upon receipt of the first false alarm report, the alarm administrator shall send a notification
152 of false alarm and alarm user identification letter by regular mail to the owner or occupant of
153 the alarm site as well as the alarm system monitoring company. The alarm system user shall
154 be accountable for accurately completing the requested identification information and
155 returning same to the alarm administrator. Failure to return the alarm user identification
156 letter within fifteen days after the false alarm report notification shall cause the alarm
157 administrator to send a suspension notification letter by certified mail to the owner or
158 occupant of the alarm site, notifying the recipient that the police will not respond to any
159 future alarms at the alarm site.

160 (e) After the second false alarm, the alarm administrator shall send notification to the alarm
161 system user by regular mail and a copy by regular mail to the alarm system monitoring
162 company, which shall contain the following information:

163 (1) That the second false alarm has occurred and that if two more false alarms occur within
164 the calendar year, police officers will not respond to any subsequent alarms without the
165 approval of the Superintendent through the alarm administrator.

166 (2) That the alarm system user has the right to contest the finding of a false alarm or apply
167 for reinstatement, and that such appeal may only be filed by following the procedures
168 outlined in section 27-7.

169 (3) The assessment of the \$75.00 fine to the alarm system user.

170 (f) After the third false alarm within a calendar year, the alarm administrator shall send
171 notification to the alarm system user by regular mail and a copy by regular mail to the alarm
172 system monitoring company, which shall contain the following information:

173 (1) That the third false alarm has occurred and that if one more false alarm occurs within
174 the calendar year, police officers will not respond to any subsequent alarms without the
175 approval of the Superintendent through the alarm administrator.

176 (2) That the alarm system user has the right to contest the finding of a false alarm or apply
177 for reinstatement, and that such appeal may only be filed by following the procedures
178 outlined in section 27-7.

179 (3) The assessment of the \$150.00 fine to the alarm system user.

180 (g) After the fourth false alarm within a calendar year or if an alarm system user has failed to
181 submit the alarm user identification letter within fifteen days of receipt of the first false
182 alarm report notification, there will be no police response to subsequent alarms without the
183 approval of the Superintendent through the alarm administrator. The alarm administrator
184 shall send a "notice of suspension of police response" to:

185 (1) The commander of the police department communications division so that the computer
186 aided dispatch address file history can be recorded.

187 (2) The alarm system user by certified mail and for the fourth false alarm within the
188 calendar year, a fine of \$150.00 shall also be imposed on the alarm system user.

189 (3) The alarm system monitoring company by certified mail.

190 The suspension of police response to an alarm site shall begin fifteen days after the date of
191 receipt of the notice of suspension of police response to the alarm system user unless a
192 written appeal of the suspension has been made to the Superintendent through the alarm
193 administrator.

194 (h) If an assessed fine has not been paid within 30 days of the day the notice of fine was mailed
195 by the alarm administrator and there is no appeal pending on the finding of the false alarm,
196 the alarm administrator shall send a second notice of false alarm and fine by certified mail
197 along with a notice of late fee of \$25.00. If payment is not received within ten days of the
198 day such notice was received, the alarm system user shall be in violation of this section and
199 liable for a fine of \$100.00 and such delinquent payment may result in "no response" to the

200 alarm system user's alarm. In the case of no response, a "notice of suspension of police
201 response" shall be sent by the alarm administrator to the alarm system user and alarm system
202 monitoring company by certified mail.

203 (i) The police department is authorized by this section to use discretion in deciding whether to
204 direct police units to an alarm site where a suspension of police response has been
205 implemented and there has been a report made that police assistance or investigation is
206 needed. The police department is also authorized to use discretion in responding to alarm
207 sites serviced by alarm monitoring companies that have a record of persistently violating the
208 requirements of Section 27-3, as evidenced by repeated violations of these requirements
209 over a period of six months or more.

210 (j) It shall be a violation of this section for an alarm system user or alarm monitoring company
211 to cause or allow notification to the police department from an alarm site which has a
212 suspended police response status. Alarm systems under suspension must be prevented from
213 causing notification to the police department by an alarm system monitoring company,
214 unless the monitoring company is reporting a crime that has been verified as a result of a
215 video feed or citizen report. For each false alarm reported while under suspension, the alarm
216 system user is liable for a fine of \$200.00 and the alarm monitoring company for a fine of
217 \$200.00.

218 (k) Fines assessed under this section shall not be applicable to alarm systems installed upon
219 premises occupied by the United States government, by the State of Louisiana, or by the
220 City of New Orleans.

221 (l) The City may create and implement an Alarm User Awareness Class and may request the
222 area alarm companies to assist in developing and implementing the class. The Alarm User
223 Awareness Class, shall, at a minimum, inform alarm users of the problems created by false
224 alarms and instruct alarm users on ways to help reduce false alarms. The alarm administrator
225 may grant the option of attending a class in lieu of paying one assessed fine, not to exceed
226 \$75.00. The alarm administrator shall also have discretion to waive one \$75.00 fine if the
227 alarm user presents verification by the alarm monitoring company or designee of additional

228 training and equipment check. A credit shall be granted for the Alarm User Awareness
229 Class or documented training and equipment check, but not both, in a calendar year.

230 **Sec. 27-7. – Appeals and Reinstatement**

231 (a) An alarm system user who wants to appeal a false alarm determination by the alarm
232 administrator, fines, suspension of police response, or an alarm system user's request for
233 reinstatement, may file such appeal with the Superintendent through the alarm administrator.
234 Alarm users shall appeal in writing with the form provided by the alarm administrator.
235 Appeals can request either an in-person hearing or a mail hearing. Only in-person hearings
236 will be granted for cases that involve the appeal of a suspension of police response. Appeals
237 will be heard by the alarm administrator's designee. The alarm system user must submit a
238 request for appeal hearing in writing within fifteen days of the user having received the
239 contested notification. Failure to appeal the determination in the required time period results
240 in a conclusive presumption of the validity of the alarm administrator's determination. If an
241 in-person hearing is requested, written notice of the time and place of the hearing shall be
242 served on the alarm system user by the alarm administrator by regular mail, which date shall
243 not be more than twenty days after the filing of the request for hearing. The alarm system
244 user shall have the right to present to the alarm administrator written and oral evidence. The
245 alarm administrator shall consider the evidence offered and issue written findings waiving,
246 expunging or entering penalties provided by this chapter on an alarm system user's record as
247 appropriate.

248 (b) To appeal a notice of no response, the alarm system user may request an appeal hearing as
249 specified above. At this hearing, the alarm system user must present evidence to the alarm
250 administrator that the alarm system user has taken corrective action, including but not
251 limited to, repairing, modifying, or installing alarm equipment that will serve to prevent
252 future false alarms at that site. Written documentation shall be required. Such correction
253 may also include mandatory user false alarm reduction training through a recognized class.
254 Upon receipt of this documentation and payment of the \$100.00 fine, the alarm
255 administrator shall reinstate the police response status and inform the alarm monitoring
256 company of this action. The false alarm count will return to zero for that calendar year upon

257 installation of a new alarm system or upon correction or modification of an existing alarm
258 system.

259 (c) Reinstatement shall be denied unless the alarm administrator determines that the action
260 taken will substantially reduce the likelihood of false alarms. The alarm administrator shall
261 give notice by certified mail to the alarm system user and alarm monitoring company that
262 police response will be suspended and notify the alarm system user as to what is necessary
263 in order to have the response status reinstated.

264 (d) An alarm system monitoring company that receives a fine under sections 27-3, 27-4, or 27-5
265 may file an appeal of the fine with the Superintendent through the alarm administrator.
266 Appeals can request either an in-person hearing or a mail hearing. The appellant must
267 submit a request for appeal in writing within fifteen days of the company receiving a fine.
268 Failure to appeal the determination in the required time period results in a conclusive
269 presumption of the validity of the alarm administrator's determination. If an in-person
270 hearing is requested, written notice of the time and place of the hearing shall be served on
271 the company by the alarm administrator by regular mail, which date shall not be more than
272 twenty days after the filing of the request for hearing. The company shall have the right to
273 present to the alarm administrator written and/or oral evidence. The alarm administrator
274 shall consider the evidence offered and issue written findings waiving, expunging or
275 entering penalties provided by this chapter on the company's record as appropriate.

276 **Sec. 27-8. – No liability of city**

277 The city assumes no liability for any defects in the operation of any alarm system or transmission
278 of signals, for any failure or neglect of any person associated with the installation, operation or
279 maintenance of an alarm system, for any failure or neglect of any alarm system user, for the
280 transmission or receipt of alarm signals or any failure or neglect to respond upon receipt of an
281 alarm from any source. In the event that the city finds it necessary to suspend police response,
282 the city shall have no liability for such action. The City shall not be liable to the alarm system
283 monitoring company or the alarm system user for discretionary deployment of police resources.
284 No special duty other than that owed to the general public shall be created by virtue of this
285 section or as a result of the transmission to or receipt of alarm signals by the police department.

286 **Sec. 27-9. – Annual Report.**

287 The alarm administrator shall conduct an annual evaluation and analysis of the effectiveness of
288 this Chapter. An annual report shall be generated by March 1st of each year for the City Council.
289 This report shall identify system improvements as warranted. At a minimum, the report shall
290 provide the number of calls for service for burglar alarms, identify compliance with this
291 ordinance among both alarm system users and alarm system monitoring companies, and the
292 number of incidents that were in fact a result of the commission of a crime (attempted or
293 otherwise).

294 **Sec. 27-10. [Reserved.]**

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUNE 18, 2015

**JASON ROGERS WILLIAMS
PRESIDENT OF THE COUNCIL**

DELIVERED TO THE MAYOR ON JUNE 19, 2015

APPROVED:

DISAPPROVED: JUNE 26, 2015

**MITCHELL J. LANDRIEU
MAYOR**

RETURNED BY THE MAYOR ON JUNE 26, 2015 AT 12:45 P.M.

**LORA W. JOHNSON
CLERK OF COUNCIL**

ROLL CALL VOTE:

YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey, Williams - 7

NAYS: 0

ABSENT: 0

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**THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY**

CLERK OF COUNCIL