City of Philadelphia

BILL NO. 080860

Introduced November 6, 2008

Councilmember Green

Referred to the Committee on Finance

AN ORDINANCE

Amending Section 9-305 of The Philadelphia Code, entitled "Burglary, Theft and Robbery Alarm Systems," by increasing the penalties for false alarms, providing registration and equipment requirements for alarm businesses and alarm users and assigning and setting forth the duties of administration and enforcement of the Code, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Section 9-305 of The Philadelphia Code is hereby amended as follows:

§ 9-305. Burglary, Theft and Robbery Alarm Systems.

 (1)   Definitions. In this Section, the following definitions shall apply:

        (a)   Alarm Business. Any business which alters, installs, leases, maintains, monitors, repairs, replaces, sells at retail, services, or responds to an alarm system.

  [(a)] *(b)* * * *

[(b)] *(c)* * * *

[(c)] *(d)* * * *

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[(d) Department. The Philadelphia Police Department.]

(e) Code Enforcement Unit.   The Code Enforcement Unit of the Department of Revenue.

[(e)] *(f)* False Alarm.

(.1)   An alarm system activated in the absence of an emergency, whether willfully or by inadvertence, negligence, or unintentional act, including any mechanical or electrical malfunction of the alarm system, to which the Police Department of the City of Philadelphia is alerted for response. A false alarm shall not include an alarm activated by: testing or repairing of telephone or electrical lines or equipment outside the premises; *electrical power outage;* unusually violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user; and an attempted illegal entry, theft or robbery where evidence of such attempt exists.

*   *   *

[(f)   Intermediary. Any service which, upon an alarm system's activation, accepts and relays emergency messages by live voice to the Police Department of the City of Philadelphia on behalf of the alarm user.]

(g) Nonresidential alarm user. Any alarm user that is not a residential alarm user.

[(g)] *(h)* Procedural Response. The Philadelphia Police Department response to the activation of a properly registered alarm system based upon procedural priority of emergency response.

(i)   Residential alarm user. The tenant of any dwelling unit with an alarm system.

(2)   [Alarm System] Registration *Requirements*.

(a)   It shall be unlawful for any alarm user to install, operate or maintain an alarm system unless such alarm user has registered its alarm system.

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(.1)   All Alarm systems shall be registered on forms provided by the [Department of Licenses and Inspections] *Code Enforcement Unit of the Department of Finance, which shall be made available in electronic form for download.*

(.2)   The application for *residential* alarm system registration shall contain information necessary for the enforcement of this Section*, including but not limited to the requirements set forth below*, and it shall be the responsibility of the alarm user to report any changes in the registration information to the [Department of Licenses and Inspections] *Code Enforcement Unit* within five (5) days of the change.

    (i)   the name, complete address, including dwelling unit number, e-mail address and telephone number of the alarm user for the alarmed location;

    (ii)   the identity of any dangerous or special conditions at the alarmed location;

    (iii)   the type of alarm system: burglary, robbery, panic, duress, medical, etc.;

    (iv)   the names, addresses and telephone numbers of two (2) persons who have agreed to receive notification of an alarm activation for the alarmed location at any time and are able to respond to the alarm site within thirty (30) minutes and can grant access to the alarm site and deactivate the alarm system, if necessary. The Code Enforcement Unit may waive the requirement contained in subsection (2)(a)(.2)(iv) upon reasonable demonstration of inability to comply;

    (v)   the name, address and telephone number of the Alarm Business providing service to the alarmed location.

(.3)   *The application for non- residential alarm system registration shall contain information necessary for the enforcement of this Section, including but not limited to the requirements set forth below, and it shall be the responsibility of the alarm user to report any changes in the registration information to the [Department of Licenses and Inspections] Code Enforcement Unit within five (5) days of the change.*

    (i)   the corporate or registered name of the non-residential alarm user;

    (ii)   Employer ID Number (EIN) and Business Privilege License Number;

(iii) *the business name and street address where alarm system is located;*

(iv) *the type of business activity conducted at the alarmed location;*

(v) *the identity of any dangerous or special conditions at the alarmed location;*

(vi) *the type of alarm system: burglary, robbery, panic, duress, medical, etc.*

(vii) *the names, addresses and telephone numbers of three (3) persons who have agreed to receive notification of an alarm activation for the alarmed location at any time and are able to respond to the alarm site within thirty (30) minutes and can grant access to the alarm site and deactivate the alarm system, if necessary.*

(viii) *the name, address and telephone number of the Alarm Business providing service to the alarmed location.*

[(.3)] *(.4)* The annual fee for the alarm system registration shall be [thirty-five ($35.00)] *fifty* dollars *($50.00)*. Where one (1) or more alarm systems protects two (2) or more premises, a separate registration is required for each premises.

[(.4)] *(.5)* All alarm systems registered with the [Department of Licenses and Inspections] *Code Enforcement Unit* shall be installed, maintained and operated in compliance with all applicable provisions of The Philadelphia Code. All alarm users shall be responsible for the payment of any fees associated with the enforcement of this Section including alarm system registration fees, additional charges for false alarms and any costs associated with abatement.

(b) Every [intermediary] *Alarm Business* shall, before providing services to any alarm user, provide the [Department of Licenses and Inspections] *Code Enforcement Unit* with *a list containing* the name*, address and telephone number* of [such] alarm users *within the City of Philadelphia serviced by the Alarm Business*[, together with the information relating to such alarm user required by subsection 9-305(2)(a)(.2) and as specified by the Department of Licenses and Inspections] *Code Enforcement Unit*. Such information shall be provided in a form acceptable to the [Department of Licenses and Inspections] *Code Enforcement Unit*, which may require the information to be provided in a machine readable form. *An updated list shall be provided to the Code Enforcement Unit on July 1 of each year.*

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[(c)   An alarm user's duties under subsections 9-305(2)(a)(.1) and (.2) shall be deemed to be met if the alarm user's intermediary supplies the required information relating to such alarm user pursuant to subsection 9-305(2)(b).]

(c) All Alarm Business shall be registered with the Code Enforcement Unit on forms provided by the Code Enforcement Unit, which shall be made available in electronic form for download.

(d)   The application for Alarm Business registration shall contain information necessary for the enforcement of this Section, including but not limited to the requirements set forth below, and it shall be the responsibility of the Alarm Business to report any changes in the registration information to the Code Enforcement Unit within five (5) days of the change.

(.1)   The registered name and/or trade name of the business entity, address, fax number, e-mail address and telephone number of the Alarm Business;

(.2)   Employer ID Number

(.3)   Business Privilege License Number

(.4)   The name, address, e-mail address and telephone number of the Alarm Business representative charged with oversight of any service or business provided within the City of Philadelphia;

(.5)   The name and address of the Alarm Business' registered agent.

(d)   The Alarm Business registration form shall be signed and verified by:

(.1)   the owner of the Alarm Business, if a sole proprietorship;

(.2)   one partner, if a general or limited partnership;

(.3)   an officer, if a corporation.

(e)   The annual fee for Alarm Business registration shall be two hundred dollars ($200.00). No Alarm Business shall provide any services within the City of Philadelphia until the Alarm Registration application has been approved by the Code Enforcement Unit and the Alarm Business registration fee has been paid.

(3)   Alarm System Response; Determination of Validity.

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(a)   In consideration for the alarm system registration fee provided for in subsection (2)(a)[(.3)]*(.4)*, the *Philadelphia Police* Department will provide procedural response to alarm systems provided said alarm systems are installed, operated and maintained in accordance with the provisions of this Section.

(b)   Before requesting procedural response to an alarm signal, an Alarm Business must attempt to verify each alarm signal, except a duress or hold-up alarm activation. Such verification attempt shall include, but not be limited to, a telephone call to the alarm user and at least two (2) persons designated by the alarm user. In the case of a duress or hold-up alarm activation, or any other alarm signal deliberately and manually activated, the Alarm Business shall not attempt to verify the alarm signal until a procedural response has been requested from the Philadelphia Police Department.

(c) An Alarm Business must immediately cancel any request for procedural response to an alarm system upon the Alarm Business' determination that the alarm signal is a false alarm.

[(b)] *(d) * * ***

[(d)] *(e) * * ***

(4)   False Alarms.

(a)   It is hereby found and declared that the activation of [four (4)] *two (2)* or more false alarms within an alarm user's registration year is excessive and constitutes a public nuisance. Each false alarm over [three (3)] *one (1)* within an alarm user's registration year is a violation of The Philadelphia Code, subject to the *False Alarm Response Fee* provisions set forth in subsections (7) and (8).

(b)   Any false alarm over seven (7) in a given registration year may, in addition to the charges per occurrence, result in the revocation of the alarm user's registration in the following manner:

(.1)   The [Department of Licenses and Inspections] *Code Enforcement Unit* shall notify the alarm user in writing by mail, that the alarm user's registration has been revoked. The notice shall set forth the reasons for revocation, and the date of revocation.

(.2)   The alarm user may re-apply for registration of its alarm system in accordance with subsection (2) of this Section. Registration will be granted upon the alarm user's payment of the annual fee for registration, payment of any outstanding charges and certification from any alarm business approved by the Department *of Licenses and Inspections, or its designee,* that the alarm system is operating properly.

(c)   In addition to the above, the Department of Licenses and Inspections, *or its designee,* is authorized to inspect any alarm system activating more than seven (7) false alarms in a given registration year and order the alarm user to take immediate corrective action. If the Department of Licenses and Inspections, *or its designee*, finds that the alarm user has failed to correct the alarm system within the time specified in the order, it may itself, or by contract, upon the issuance of an order by a court of competent jurisdiction correct or disconnect the alarm system, charging the cost thereof to the alarm user and with the approval of the Law Department collect such cost by lien or otherwise as may be authorized by law.

*   *   *

(7)   Administration and Enforcement.

[(a)   Except as otherwise provided by this Section, the Department shall enforce the provisions of this Section and may promulgate regulations for the implementation of this Section.]

[(b)] *(a)* * * *

[(c)] *(b)* * * *

(d)   Any person who receives a notice of violation of Section 9-305*(2)(a),* (4)(a), may, within ten (10) days pay the amount of [twenty-five ($25.00)] *seventy-five* dollars *($75.00)*, admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.

(e)   Any person who receives a notice of violation of Section 9-305[(2)(a),](4)(b) or Section 9-305(5), may, within ten (10) days pay the amount of [one hundred ($100.00)] *one hundred-fifty* dollars *($150.00)*, admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.

*   *   *

(8)   Penalties.

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(a)   The penalty for the provision of Section 9-305*(2)(a),* (4)(a) shall be*:* [minimum fine of one hundred fifty ($150.00) dollars and no more than three hundred ($300.00) dollars for each violation. The penalty for violation of Section 9-305(2)(a), (4)(b) or Section 9-305(5) shall be a fine of three hundred ($300.00) dollars.]

(.1) One-hundred dollars ($100.00) for the first, second and third violation of Section 9-305(4)(a) in an alarm user's registration year;

(.2) One hundred seventy-five dollars ($175.00) for the fourth and fifth violation of Section 9-305(4)(a) in an alarm user's registration year.

(b)   The penalty for the provision of Section 9-305(4)(b) shall be:

(.1) Two hundred fifty dollars ($250.00) for the first, second and third violation of Section 9-305(4)(b) in an alarm user's registration year;

(.2) Five-hundred dollars ($500.00) for the fourth and each subsequent violation of Section 9-305(4)(b) in an alarm user's registration year.

 [(b)] *(c)*   Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty may be imposed.

 [(c)] *(d)*   Any fine or costs imposed by the court shall be entered as a judgement against the violator.

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Section 2.   This Ordinance shall take effect on July 1, 2009.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.