

Chapter 8.04 - ALARM SYSTEMS

8.04.010 - Findings.

The City Commission finds and declares that:

- A. There is an increasing use of certain private emergency alarm systems by citizens of this City;
- B. The Police Department has had to respond to an excessive number of false alarms from such systems resulting in a substantial expenditure of police personnel and funds;
- C. Such unreimbursed expenditure of personnel and funds impedes the ability of the police to provide protection in true emergencies so that charges are necessary to reimburse the City for the responses to certain false alarms; and
- D. Certain records are necessary in order to avoid an unnecessary expenditure of personnel and funds in locating the persons in control of the property when the police have been notified of an actual burglary or other emergency due to an alarm when an alarm system has been activated or is malfunctioning so as to cause a nuisance to the citizens.

(Ord. 818 (part), 1994: prior code § 19-43.1)

8.04.020 - Authority.

The City Commission, pursuant to the general powers; body politic and corporate powers, Section 3-18-1 NMSA 1978, specifically, to protect generally the property of its municipality and its inhabitants and to preserve peace and order within the municipality, enacts the ordinance codified in this chapter.

(Ord. 818 (part), 1994: prior code § 19-43.2)

8.04.030 - Short title.

This chapter shall be known, and may be cited, as the "City of Hobbs alarm system ordinance."

(Ord. 818 (part), 1994: prior code § 19-43.3)

8.04.040 - Purpose.

The purpose of this chapter is to provide minimum standards and regulations applicable to burglar, holdup and fire alarm systems, alarm businesses, alarm agents and alarm users as defined in this chapter.

(Ord. 818 (part), 1994: prior code § 19-43.4)

8.04.050 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. When not inconsistent with the context, words used in the present tense include the future tense; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Alarm system" means any mechanical or electrical device which is designed primarily for the detection of an unauthorized entry into a building, structure or facility, for alerting others of the Commission of a violent crime within a building or structure, or a fire; and which emits a sound or transmits a signal or message when actuated which causes notification to be made, directly or indirectly, to the Police Department. The representation in the ordinary course of business by a person selling or leasing a device that the device is sold or leased for the purpose of such detection shall create a presumption that the device is an alarm system. For the purposes of this definition, an "alarm system" shall not include:

1. A device installed on a motor vehicle;
2. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility; or devices installed in buildings, structures or facilities controlled by the State or any of its agencies, institutions or political subdivisions.

"Alarm system business" means the business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing or monitoring installation of any alarm system, or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, monitored or installed in or to any building, structure or facility.

"Alarm user" means any person in control of any building, structure or facility, or portion thereof, wherein an alarm system is maintained.

"Alarm user permit" means a permit issued by the City allowing the operation of an alarm system within the City.

"Automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

"Central station" means that part of an alarm business which intercepts signals indicating the activation of an alarm device and which relays this information by live voice to the Hobbs Police Department.

"City" means the City of Hobbs.

"Common carrier line" means the portion of a telephone line owned and maintained by the franchised telephone company and terminating at a junction box on the outside of a subscriber's building.

"Direct connect alarm" refers to an alarm that is connected to the central alarm station at the Hobbs Police Department by a dedicated telephone cable pair.

"Direct line" means a telephone line leading directly from a central station to the communications center of the Hobbs Police Department that is for use only to report emergency signals on a person-to-person basis.

"False Alarm" means the activation of any alarm system which was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.

"Interconnect" means to connect an alarm system to a voicegrade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

"Local alarm system" refers to a signaling system which when activated causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

"Permit holder" means the alarm user to whom an alarm permit is issued.

"Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

"Police" or "Police Department" means the Police Department of the City, or any authorized agent or designee thereof.

"Primary trunkline" means a telephone line leading directly into the communications center of the Police Department that is for the purpose of handling emergency calls on a person-to-person basis and

which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the Police Department's jurisdiction. The "9-1-1" emergency number is a primary trunkline.

(Ord. 818 (part), 1994: prior code § 19-43.5)

8.04.060 - Alarm user permits.

- A. It shall be a violation of this chapter for any person to operate an alarm system without a valid alarm user permit.
- B. Any alarm that is required to have a permit pursuant to this chapter and which makes notification to the Police Department either directly or via relay from a central station shall be installed and serviced only by a licensed alarm system business as defined by Section 8.04.080.
- C. No person shall operate or permit the operation of an alarm system which was installed on the person's property prior to the effective date of the ordinance codified in this chapter unless a permit for such alarm system is obtained within sixty (60) days of the effective date of said ordinance. To obtain such a permit, the person in control of the property shall file an application therefor pursuant to Section 8.04.070 provided, however, this subsection shall not be applicable to an alarm system business which monitors, services, or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system business, but the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if the person permits the operation of such system without a valid permit.
- D. Prior to the installation of an alarm system after the effective date of said ordinance, the person in control of the property on which the alarm system is installed shall obtain an alarm user permit by filing an application therefore pursuant to Section 8.04.070.
- E. The fee for an alarm user permit shall be ten dollars (\$10.00).
- F. The permit fee shall be a one-time charge to the alarm user. The permit shall be nontransferable, and each subsequent alarm user must obtain a new permit and pay the permit fee.
- G. No alarm system permit shall be issued for any alarm system in which any or all of the alarmed premises are located outside the corporate limits of the City. Any such alarm systems connected to the Hobbs Police Department direct connect alarm system on the effective date of said ordinance shall be removed from the system.

(Ord. 818 (part), 1994: prior code § 19-43.6)

8.04.070 - Alarm user permit application.

- A. Application for an alarm user permit for the operation of an alarm system shall be made by the person having control over the premises on which the alarm system has been or is to be installed and operated. Such application shall be in writing to the Hobbs Police Department on a form designated by the City for that purpose. On such application, the applicant shall set forth:
 - 1. The name, address and telephone number of each person in control of the property or premises;
 - 2. The street address of the premises on which the alarm system is to be installed and operated;
 - 3. Any business name used for the premises on which the alarm system is to be installed and operated;
 - 4. The type of alarm system or systems and the purpose for which they are designed;
 - 5. The names and telephone numbers of two (2) persons who are able and who, if contacted, at any time will come to the alarm site within thirty (30) minutes after receiving a request from a member

of the Police Department to do so and grant access to the alarm site and to deactivate the alarm system if such becomes necessary;

6. The name of the company installing and servicing such alarm;
 7. Other emergency "first responder" information, such as hazardous materials and firearms on the premises, as may be required by the Police Department.
- B. The Hobbs Police Department shall issue a permit to the person in control of the property upon submission of an application therefore in accordance with this section, unless the Police Department finds that any statement made in this application was incomplete or false.
 - C. The Police Department shall treat all information on such application as confidential information, except as may otherwise be required by the New Mexico Public Records Act; provided, however, that nothing in this chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this chapter.
 - D. Whenever any of the information in subsection A of this section changes, the permit holder shall immediately file with the Hobbs Police Department an amendment in writing to the permit application of such change. Only the change in name of the person in control of the property shall require a new permit and payment of a permit fee.

(Ord. 818 (part), 1994; prior code § 19-43.7)

8.04.080 - Alarm system businesses.

- A. Any person whose business it is to repair or install an alarm system must possess a valid license issued by the construction industries division of the Regulation and Licensing Department of the State of New Mexico. The license must be presented upon request.
- B. Whenever an alarm system business agrees with any person to maintain or service any alarm system, such business shall:
 1. Ensure that personnel of such business who are able to render effective assistance arrive at such alarm site within twelve (12) hours of a request for assistance by a member of the Police Department or the person in control of the alarmed property or designee thereof, if such alarm system business has agreed with any person to respond to such alarm system. The alarm permit holder shall be responsible for any costs incurred during call-outs of the alarm service company;
 2. Maintain written records for at least twelve (12) months which shall be made available for inspection and duplication, upon request by the City Manager, his or her designee, or a member of the Police Department, at the office of the alarm system business or telephone answering service during regular business hours for the following:
 - a. The date and time of repair and a description of the specific repair which was performed on any alarm system when such repair was made in response to notification by the person in control of the property or a member of the Police Department that such alarm system was in need of repair,
 - b. The date and time each notification of the activation of an alarm system is received and the date, time and method by which the person in control of the property or his or her designated employee was notified.
- C. Any alarm system business which operates a central station and any telephone answering service shall:
 1. Have sufficient personnel trained in the procedures to be followed in receiving and relaying notice of the activation of any alarm system on duty, at all times, to ensure that emergency messages or alarm signals received by such business can be relayed immediately to the Police Department;

2. Immediately notify the person in control of the property or his or her designee of the activation of the alarm system. In the case of a local alarm where the alarm system business was not notified of such activation, the alarm system business shall be exempt from the requirements of this subsection.
- D. All alarm system business personnel responding to alarms, or repairing or installing alarm systems, shall wear an identification card on their outer garments, which designates the alarm system business which the person represents. This identification card shall be issued by the Police Department after application has been made on the form designated by the Police Department and after a background investigation has been conducted on that individual. No identification card shall be issued:
 1. If the applicant has been convicted of a felony;
 2. If the application contains any false statements made willfully and knowingly.
 - E. Whenever the identification of the person operating the alarm system business changes, the new operator shall, within ten (10) days, provide a list to the Police Department setting forth each address serviced by that business.

(Ord. 818 (part), 1994: prior code § 19-43.8)

8.04.090 - Regulations for automatic dialing service and direct connect alarms.

- A. No automatic dialing service shall be interconnected to a primary trunkline to the Police Department. The Police Department shall designate a direct line number by which all automatic dialers and central stations may make alarm activation notifications to the police communication center.
- B. The number of direct connect alarms is limited by the available equipment and dedicated telephone lines. When all of the available equipment is filled, no more applications will be processed until a vacancy occurs.

(Ord. 818 (part), 1994: prior code § 19-43.9)

8.04.100 - Nonemergency activation.

No person shall activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was sounded solely for the purpose of testing the alarm and the person who tested the alarm notified the Police Department prior to the test.

(Ord. 818 (part), 1994: prior code § 19-43.10)

8.04.110 - User fees.

- A. The City will respond to proper notification of activation of an alarm system without charge except that the following fee shall be charged the permit holder for each response by the City to notification of activation of an alarm system in excess of three (3) false alarms from the same alarm system within the previous twelve-month period. A fee of twenty-five dollars (\$25.00) shall be charged for each false alarm thereafter, and shall be paid by the user. Failure to pay within thirty (30) days of billing by the City shall be a violation of this chapter.
- B. Provided, however, no notification of the activation of an alarm system shall be considered in determining the fee set out above nor shall any fee be charged if the permit holder shows that the activation was not a false alarm or that the activation was caused by mechanical, electrical or other problem stemming from the common carrier lines.

- C. The permit holder shall be given written notice of any fees chargeable under this section. Such fees shall be paid to the Police Department within thirty (30) calendar days of the date of the notice of fees due.

(Ord. 818 (part), 1994: prior code § 19-43.11)

8.04.120 - Violations—Revocation of alarm user permits.

- A. The Chief of Police or his or her designee may revoke any alarm user permit if there is probable cause to believe that a permit holder has:
 - 1. Violated any provision of this chapter;
 - 2. Made fraudulent, misrepresentative or false statements in the application for an alarm user permit;
 - 3. Failed to pay fees for excessive false alarms as set forth in this chapter;
 - 4. Incurred in excess of twelve (12) false alarms within any twelve-month period.
- B. Any person whose alarm user permit has been revoked shall not be permitted to apply for another alarm user permit for one (1) year after such revocation.

(Ord. 818 (part), 1994: prior code § 19-43.12)

8.04.130 - Administration and applicability of other law.

The City Manager or his or her designee shall adopt such rules and regulations as necessary for the safe and equitable administration of this chapter. The issuance of an alarm user permit does not constitute a waiver of any requirement or provision contained in any ordinance of the City or State or Federal law.

(Ord. 818 (part), 1994: prior code § 19-43.13)

8.04.140 - Violation—Penalty.

Any person found guilty of violating the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the City jail for a term of not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. 818 (part), 1994: prior code § 19-43.14)