

**HUBBARD COUNTY  
ORDINANCE NO. 29**

An Ordinance regulating alarm monitoring control systems and alarm system permits.

The County Board of Commissioners of the County of Hubbard, State of Minnesota, does hereby ordain as follows:

**SECTION I: JUSTIFICATION:**

The Hubbard County Sheriff's Department responds to hundreds of false alarms each year, a level that places intolerable burdens upon the time and resources of the Sheriff's Department. These many false alarms also create an increased level of risk on the safety of the responding officers and to the public as well. Therefore, the justification of this Ordinance is to reduce the high level of risk and expense by reducing the frequency of occurrence of these false alarms.

**SECTION II: COVERAGE:**

This Ordinance shall apply to all types of alarms, including, but not limited to: radio-enhanced, direct line, central station and automatically dialed fire, intrusion and robbery alarms.

**SECTION III: DEFINITIONS:**

1. "ALARM AGENT" shall mean any person who is employed by an alarm business, either directly or indirectly, including an owner, corporate officer, or director, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on any building, place, or premises, any police alarm system, central station system, or burglar alarm system.
2. "ALARM BUSINESS" shall include the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing, any police alarm system
3. "ALARM SYSTEM" refers to a burglar alarm system, a central station system or a police alarm system.
4. "ALARM USER" shall mean any person as defined herein, using the services of a police alarm system, central station system, or burglar alarm system.

5. "ANSWERING SERVICE" refers to a telephone answering service that receives signals from any alarm system and thereafter immediately relays the message by live voice to the Communications Center of the Sheriff's Department.
6. "AUTOMATIC DIALING DEVICE" refers to an automated alarm system which sends a prerecorded voice message or coded signal indicating the existence of the emergency situation which the alarm system is designed to detect.
7. "BURGLAR ALARM SYSTEM" refers to an alarm system signaling an entry or attempted entry into an area protected by the system, but which system is not connected to a police alarm or central station system.
8. "CENTRAL STATION" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and where guards are maintained continuously to investigate signals.
9. "CENTRAL STATION SYSTEM" means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained, and supervised from, a central station having operators and security personnel on duty at all times.
10. "DIRECT LINE" means a telephone line leading directly from a central station to the Communications Center of the Sheriff's Department that is used only to report emergency signals on a person-to-person basis.
11. "FALSE ALARM" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system, or of his employee or agents, to which a police officer has been dispatched, where an emergency situation does not exist. Such terminology does not include alarms caused by hurricanes, tornadoes, earthquakes, lightning, power failure, damage to power lines, or other such severe weather conditions.
12. "EXCESSIVE ALARMS" shall mean six (6) or more false alarms signaled by any police alarm system within a calendar year.
13. "PERSON" shall mean any individual, partnership, corporation, association, or other entity.
14. "POLICE ALARM SYSTEM" shall mean any device designated for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, and, when actuated, emits a sound or transmits a signal or message, which system is connected to or monitored by the Hubbard County Sheriff's Department.

15. "PRIMARY TRUCKLINE" means any telephone line leading directly into the Communications Center of the Sheriff's 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(s) and covering the service area(s) within the Sheriff's Department jurisdiction.

16. "PROPRIETARY SYSTEM" means an alarm system sounding and/or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly to the Sheriff's Department Communications Center, a central station, or answering service, it thereby becomes an "Alarm System" as defined in this Ordinance.

17. "SPECIAL TRUCKLINE" means a telephone line leading directly into the Communications Center of the Sheriff's Department and having a primary purpose of handling emergency signals or messages originating, either directly or through a central location, from automatic dialing devices.

#### **SECTION 4: PERMIT REQUIRED - EXCEPTIONS:**

It shall be a misdemeanor for any person to use an alarm system, without first complying with the provisions of this article and without first obtaining the proper permit as required by this article. The provisions of this article shall not be applicable to audible alarms affixed to motor vehicles, as allowed by law, or to the County of Hubbard, its officers, agents, and employees, in their official capacity.

#### **SECTION 5: APPLICATION FOR PERMIT:**

Applications for permits required under this article shall be made to the Sheriff of Hubbard County on forms provided by the Sheriff's Office. Each application for a permit shall be accompanied by the correct one time administration fee as defined herein.

Along with the one time administration fee, the user must also submit proper alarm registration information to comply with this Ordinance.

The Hubbard County Sheriff shall have the authority to deny, suspend, cancel any permit, or require inspection of a system, after an investigation reveals abuse or nonpayment of fees or the failure to submit proper alarm information.

The application for a alarm user permit shall state the name, address and telephone number to the applicants property serviced by a Police Alarm System or

by a Central Station System, and the name, address and telephone number of the applicants residence, if different. If the applicants Police Alarm System or Central Station System is serviced by an alarm business, the application shall include the name, address and telephone number of such business. The application may include such other information, as the Sheriff shall find necessary to determine the qualifications of the applicant for such permit.

**SECTION 6: PERMIT FEES:**

The fees for the permits required by this Ordinance shall be established by resolution by the Board of Commissioners of the County of Hubbard.

**SECTION 7: ISSUANCE OF PERMITS:**

The Sheriff shall approve the application and shall issue a permit within five (5) days of the receipt of the completed application forms of the alarm user, if upon investigation, there shall appear no reason to deny the permit as provided in this Ordinance.

Each alarm user shall maintain a current information card with the Sheriff's Department, containing his/her name, address, and telephone number, as well as the name, address, and telephone number of a person or persons who can render service to the alarm at any hour of the day or night.

(Each alarm user shall immediately inform the Sheriff of any and all changes in the information on file with the Sheriff's Department regarding such permit).

**SECTION 8: DENIAL OF PERMIT:**

An application for an alarm user permit shall be denied if the applicant willfully falsifies any information on the application, or if the alarm system fails to meet the qualifications of this Ordinance.

**SECTION 9: SUSPENSION OR REVOCATION OF PERMIT:**

An alarm user permit shall be revoked or suspended by the Sheriff for such period of time as decided, for any reason for which the granting of such permit might be lawfully denied, or for a violation of an provision of the Ordinance or of any rule or regulation made in implementation thereof by the Sheriff under SECTION 11.

**SECTION 10: APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION:**

Every applicant for or holder of an alarm user permit shall have the right of appeal

to the Board of County Commissioners upon a denial of such application; upon a suspension or revocation of such permit; or a determination of additional permit charges under SECTION 16.

**SECTION 11: RULES AND REGULATIONS:**

The Sheriff may prescribe any of the following:

- (1) Minimum standards for the quality, efficiency, and effectiveness of police alarm systems.
- (2) Specific provisions relating to testing procedures, and
- (3) Specific provisions relating to the skill and competency of the applicant to be a permittee.

He is authorized to inspect or cause to be inspected, the premises whereon the alarm system is located. He shall have the power to make and enforce such reasonable rules and regulations as may, in his discretion, be necessary to implement the provisions of this Ordinance.

**SECTION 12: AUTOMATIC DIALING DEVICES - INTERCONNECTING TO PRIMARY TRUNK-LINES:**

- (1) No automatic dialing devices shall be interconnected to a primary trunk-line after the effective date of this Ordinance.
- (2) Within ninety (90) days after the effective date of this Ordinance, all automatic dialing devices interconnected to a primary trunk-line shall be disconnected therefrom. The owner or lessee of such device shall be responsible for having the device disconnected within the ninety- (90) daytime period prescribed herein.
- (3) Verified hearing-impaired persons shall be exempt from the provisions of this Section and may use direct dial recorded message alarms.

**SECTION 13: AUTOMATIC DIALING DEVICES - INTERMEDIARY SERVICES:**

- (1) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
  - (a) A central station;
  - (b) A modified central station; or

(c) A licensed answering service.

(2) The relaying of messages by intermediary services to the Sheriff's Department may be made over a special trunk-line, at the discretion of the Sheriff.

(3) This Section shall apply only to those automatic dialing services interconnected to the Communications Center of the Sheriff's Department, or to other County Offices.

**SECTION 14: POSSESSION, DISPLAY, AND SURRENDER OF PERMITS:**

The alarm business permit and alarm user permit must be conspicuously displayed at the alarm location, and shall be displayed upon request by any police officer. Any permit hereunder shall be surrendered to the Sheriff upon suspension or revocation.

**SECTION 15: PROHIBITIONS:**

It shall be unlawful for anyone to activate any alarm system for the purpose of summoning police, except in the event of what is reasonably believed to be an unlawful act and/or unauthorized entry on premises. Whenever a police alarm system has been designed and commonly understood to alert others of the commission of a particular crime, it shall be unlawful for anyone to activate such police alarm for the purpose of summoning police, except in the event of what is reasonably believed to be such particular crime.

It shall be unlawful to install or use an alarm system, which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense.

**SECTION 16: ADDITIONAL PERMIT CHARGES:**

(1) Any alarm user who maintains or has an alarm system which signals a false alarm, which, if caused by the negligence of the owner or lessee of an alarm system or of his agents or employees, shall be guilty of a petty misdemeanor, and upon conviction, shall be punishable by a penalty, payable to the Hubbard County Treasurer, to be credited to the Sheriff's Department budget, for each false alarm in the excess of two (2) per license year. The penalties outlined by this Ordinance shall be established by resolution by the Board of Commissioners of the County of Hubbard.

Any false alarms over six (6) per license year shall be considered excessive and shall result in the suspension of the user's alarm permit, and said Sheriff's Department shall no longer respond officers to the alarm location until such time as the alarm system has been repaired, modified, or maintained to remedy the

problems with the system.

Penalties shall be payable within seven (7) calendar days of notification to avoid suspension of the alarm user's permit and/or possible, criminal penalties.

(2) Any alarm business which sells, leases, maintains, services, repairs, or installs any alarm system which a false alarm which is caused by mechanical failure, malfunction, or improper installation, shall be guilty of a petty misdemeanor, and upon conviction shall pay a penalty, payable to the Hubbard County Treasurer, to be credited to the Sheriff's Department budget, as follows:

(a) For each false alarm in the excess of two (2) per license year, per location, as set by the Board of Commissioners per section 16(1).

(b) Penalties shall be payable within seven (7) calendar days to avoid possible criminal penalties.

(3) The Hubbard County Sheriff's Department shall keep a record of all false alarms received by the Department and the explanation for such false alarms. These records shall be available for inspection by alarm users and alarm businesses.

(4) Within seventy-two (72) hours of any false alarm, the alarm user shall submit, to the Hubbard County Sheriff's the false alarm and the measure(s) taken to remedy the problem. If certain measures are to be taken to remedy a problem(s), the statement shall state the amount of time necessary to remedy the problem(s).

#### **SECTION 17: RESPONSIBILITY:**

Except for false alarms occurring in the first thirty- (30) days of operation of an alarm system, the alarm user and alarm business shall be subject to the requirements and penalties provided herein for false alarms occurring in the user's alarm system.

#### **SECTION 18: DISPUTES:**

All disputes or questions arising under this Ordinance should be forwarded to the Sheriff of Hubbard County, who shall investigate the matter and reach a conclusion thereon. Such final conclusion shall terminate the dispute brought before the Sheriff, subject to such right of appeal as afforded herein.

#### **SECTION 19: LIMITATION OF LIABILITY:**

The County of Hubbard shall be under no duty or obligation to a permittee or any

other person hereunder, by reason of any provision of this Ordinance, or the exercise of privileges of a permittee hereunder, including, but not limited to, any defects in a police alarm system, or any delays in transmission or response to any alarm.

**SECTION 29: SEVERABILITY:**

It is hereby declared to be the intention of the County of Hubbard that the several sections of this Ordinance are separable in accordance with the following:

If any court of competent jurisdiction shall adjudge any section of this Ordinance to be invalid, such judgment shall not affect any other sections of this Ordinance, not specifically included in said judgment.

**SECTION 21: EFFECTIVE DATE:**

This Ordinance shall be in full force and effective July 1, 1999 based on its approval, passage, and publication as provided by law.

**THIS ORDINANCE ORDAINED AND ENACTED** by the Board of County Commissioners of the County of Hubbard, State of Minnesota, on this 17th day of March, 1999.

BOARD OF COUNTY  
COMMISSIONERS  
Hubbard County, Minnesota

By: /s/ Richard L. Devine, Chairman

Attest:  /s/ Jack Paul