

## CHAPTER 13A

ALARM BUSINESSES, SYSTEMS AND USERS

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13A.1 Purpose. The purpose of this ordinance is to provide minimum standards of operation and regulations applicable to emergency and burglar alarm systems, alarm businesses, and alarm users.

13A.2 Licensing of Alarm Businesses/Installers. Any person engaging in an alarm business in the City of Somersworth shall be properly licensed in accordance with Chapter 323-A, N.H. Revised Statutes Annotated.

13A.3 License; Suspension or Revocation. The Chief of Police and/or Fire Chief, upon receiving information that an alarm installer is in violation of RSA 323-A:7 shall immediately notify the State Board of Alarm Installers and provide same with a written report detailing in what manner the alarm installer has violated state laws, or setting forth reasons why the alarm installer's license should be suspended or revoked.

13A.4 Alarm User Permits Required. Within sixty (60) days after the effective date of this ordinance, every alarm user shall obtain an alarm user permit for each alarm system he operates within the City of Somersworth. This permit shall be obtained through the office of the Chief of Police. If a licensed alarm business uses an alarm system to protect its own premises, it shall obtain a permit for such system as required by this section.

13A.5 Alarm User Permit Application.  
(a) The alarm user applying for the permit required in Section 4 of this ordinance shall state on a permit application prescribed by the Chief of Police, his name,

the address of the residence or businesses where the alarm system has been or will be installed, his telephone number, the type of alarm system (local, direct, connect, central station, etc.), the alarm company selling, installing, monitoring, inspecting, and/or maintaining the alarm system, and the name and telephone number of at least one other person (in the case of a corporate alarm user application, at least two persons) who can be reached anytime day or night, and who is authorized to respond to an alarm signal, and who can open the premises in which the system is installed.

(b) Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant or revocation of a permit.

(c) Fee. There will be a permit fee of twenty-five dollars (\$25.00) for the installation of a new alarm system. Each year after the initial installation, the renewal fee shall be ten dollars (\$10.00). Late permit application renewal requests received after the first thirty (30) days of a new calendar year shall be processed at a fee of twenty dollars (\$20.00). (Passed 12/2/91.)

(d) Fee Exceptions. If a residential alarm user is over sixty-five (65) years of age and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee.

Federal, State, County or Local Government agencies who operate an alarm system shall be exempt from payment of a fee. (Passed 12/2/91.)

#### 13A.6 Inspection of Alarm System Required.

(a) Every alarm user licensed under this ordinance shall be required to have its alarm system inspected at least once each year by a licenses alarm company, and post a certificate on such inspection on the premises where the alarm system is maintained. The certificate shall state that in the opinion of the alarm company, the alarm system complies with the applicable installation standards, and is safe and reliable.

(b) The information contained in the alarm user permit application required by Section 5, and other information received by the Chief of Police through correspondence or communications with the alarm user, shall be securely maintained and restricted to inspection by the Chief of Police or certain police officers, or city employees specifically assigned the responsibility for handling and processing alarm user permits in the course of their

duties. If one of those persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this ordinance or official law enforcement matters, or without the express written consent of the alarm user supplying such information, he shall be guilty of a violation and shall be fined one hundred dollars (\$100.00).

13A.7 Operating System Without Permit; Penalty. Any alarm system user who operates an alarm system without first obtaining a permit as required by this ordinance, or who operates an alarm system when such permit has expired, shall be guilty of a violation and, upon conviction, shall be fined not less than fifty dollars (\$50.00).

13A.8 Operating System After Revocation; Penalty. Any alarm system user who, after having a permit revoked, and after obtaining a permit as required by this ordinance, or who operates an alarm system when such permit has expired, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.00).

13A.9 False Alarms.

(a) For the purposes of this ordinance a "False Alarm" shall be defined as an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

(b) Except during the first thirty (30) day period following the installation of an alarm system, there will be a service charge of twenty-five dollars (\$25.00) for each false alarm received in excess of two (2) in a calendar year, which shall be paid over to the City of Somersworth. After six (6) false alarms the service charge will be fifty dollars (\$50.00) and the alarm user's permit may be subject to revocation. (Passed 12/2/91.)

If the false alarm is due to an alarm system malfunction which is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the Chief of Police, the Chief may waive the service charge. Refusal to pay the service charge within thirty (30) days may be punishable as a violation and may be cause for revocation of the alarm user's permit. (Passed 12/2/91.)

13A.10 Revocation Procedure.

(a) If the police department has recorded "false alarms" as stated in Section 10, the Chief of Police shall notify

the permit holder in writing, and request the permit holder to submit a report within fifteen (15) days describing efforts to discover and eliminate the cause of the false alarms. If the alarm user requests an extension of time to file this report based on some extraordinary circumstances, the Chief of Police may extend the fifteen (15) day period for a reasonable time. If the permit holder fails to submit his report within the specified period, the Chief of Police shall notify the alarm user that his permit to operate an alarm system has been revoked.

(b) If the alarm user submits a report as required by paragraph (a) of this section, but the Chief of Police finds the report unsatisfactory, then the Chief of Police may issue a written notice of his intent to revoke the alarm user's permit.

(c) If, after the submission of a report required by paragraph (a) of this section satisfactory to the Chief of Police, the alarm system of the permit holder incurs two or more false alarms during the same calendar year, the Chief of Police may issue written notice of his intent to revoke the alarm user's permit.

(d) Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may within ten (10) days of such receipt submit a written request for a hearing before the Chief of Police setting forth the reasons that his permit should not be revoked. Written notice of the time and place of the hearing shall be served on the permit holder by the Chief of Police at least five (5) days prior to the date set for the hearing.

(e) At the hearing the Chief of Police, the holder of the permit, or his authorized representative, shall have the right to be made aware of the circumstances leading to revocation of the alarm permit, and to present evidence on his own behalf. After the hearing, the Chief of Police may either issue an order of revocation, withdraw the notice of revocation, or allow a reasonable time, not to exceed fifteen (15) days, in which the alarm user must take action to eliminate the cause(s) of the false alarms to the satisfaction of the Chief of Police.

#### 13A.11 Application for Revoked User Permit.

(a) An alarm user whose permit has been revoked may apply for a user's permit as provided in Section 5 of this Ordinance. The Chief of Police shall not be required to issue a user permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may also impose reasonable restrictions and conditions upon the user before issuing a user permit, and these restrictions and/or conditions

shall appear on the permit and shall provide for automatic revocation on the occurrence of four (4) false alarms in the remaining permit year.

(b) In situations where a user permit is revoked under the conditions in paragraph (a) of this section, there shall be no appeal to the Chief of Police, and this revocation shall remain in effect for the remainder of the calendar year.

(c) The fee for reissuance of a user permit shall be fifty dollars (\$50.00). (Passed 12/2/91.)

- 13A.12 Service of Notices. When any City Official has the right or is required to act within a prescribed period pursuant to this ordinance, and service is made by mail, one day shall be added to the prescribed period. In lieu of service by mail, delivery may be made by hand by any person eighteen years of age or older.
- 13A.13 Administrative Rules. The Chief of Police shall promulgate such rules as may be necessary for the implementation of this ordinance and for determination of grounds for clerical revocation of any permit required by this ordinance.
- 13A.14 Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance.
- 13A.15 Penalties for Non-Compliance. Failure of any person to comply with the requirements of written notice of a violation of any provision of this ordinance within three (3) days of receipt of such notice, exclusive of Saturdays, Sundays, and holidays, shall constitute a violation of this ordinance. Such notice shall continue in force and effect until full compliance with the requirements stated therein, and each and every failure to comply with such notice within twenty-four (24) hours after the three (3) days allowed for compliance shall constitute a separate offense.
- 13A.16 Penalty Clause. Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Somersworth who violates any provision of this ordinance shall be guilty of a violation, and upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each day during which a violation continues shall be considered a separate offense.  
(Passed 12/2/91.)