

Chapter 2A

ALARM SYSTEMS

Section 2A-1. Short Title. [Ord. No. 557, §1]

This chapter shall be known and cited as the alarm systems code.

Section 2A-2. Scope. [Ord. No. 557, §1]

The provisions of this chapter shall apply to the incorporated area of the city.

Section 2A-3. Definitions. [Ord. No. 557, §1]

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ALARM BUSINESS — The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

ALARM SYSTEM — Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER — A person who uses an alarm system to protect any building, structure, facility or premises.

AUTOMATIC DIALING DEVICE — An alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

DEPARTMENT — The police department of St. Louis County or the police department of the city of Eureka.

DIRECT SIGNAL ALARM SYSTEM — An alarm system which provides for a special telephone line that is directly connected to the department and has an outlet at the department which emits a sound or transmits a signal or both when actuated.

DIRECTOR — The director of licenses of the county, including his duly authorized agent.

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the department responds, including activation

caused by the malfunction of the alarm system; except, that the following shall not be considered false alarms:

- (a) When the superintendent determines that an alarm has been caused by the malfunction of the indicator at the department;
- (b) When the superintendent determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company; provided, that such incidents are promptly reported to the telephone company;
- (c) When an alarm is caused by an attempted and unauthorized or illegal entry of which there is visible evidence;
- (d) When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the department;
- (e) When an alarm is followed by a call to the department cancelling the alarm by giving proper information, prior to the arrival of the department at the source of the alarm.

LICENSEE — A person who has obtained an alarm business license under the provisions of this chapter.

SUPERINTENDENT — The superintendent of the county police department, including his duly authorized agents, and the chief of police of the city, including his duly authorized agents.

Section 2A-4. License Required — Exception. [Ord. No. 557, §1]

No person shall engage or attempt to engage in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this chapter.

No license shall be required of a person who sells alarm systems at his place of business or by mail but neither installs, maintains nor offers to install or maintain such system. For the purpose of this exception, maintenance does not include the repair, without additional charge, of an alarm system under warranty.

Section 2A-5. Same — Application and Renewal. [Ord. No. 557, §1]

- (a) A person applying for a license or a renewal thereof shall file a written, verified application with the director on a form provided by the director, which form shall require the following information:
 - (1) The name, address and telephone number of the applicant;
 - (2) The business or trade name, address and telephone number of the applicant;
 - a. If an unincorporated association, the names and addresses of the associates;

- b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation;
 - c. If an individual proprietorship, the name and address of the proprietor;
 - (3) The address of all offices of the alarms business in the county;
 - (4) The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him access to information in the installation and use of alarm systems for alarm users;
 - (5) Specifications of the alarm systems to be dealt in;
 - (6) A copy of the instructions provided alarm users;
 - (7) A statement of repair and maintenance service to be made available to applicant's customers;
 - (8) Name and address of the person designated by the applicant to receive notice issued under this chapter; and
 - (9) Signature of the applicant.
- (b) A person applying for a renewal of a license shall file his application not less than ten days before his license expires.
- (c) Upon the filing of a license application, the director shall conduct an investigation to determine whether the following requirements are satisfied:
- (1) That the information contained in the license application is true;
 - (2) That the applicant for a license, or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one year immediately preceding the date the license application is filed or does not have a license that is currently suspended;
 - (3) That neither the applicant nor any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:
 - a. Any felony involving moral turpitude within the previous five years;
 - b. Any misdemeanor involving moral turpitude within the previous two years;
 - c. Repeated or continual violation of any provision of this chapter within the previous two years.
 - (4) That the types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through the applicant's alarm business are in compliance with this chapter.

The director may request the department to assist him in the investigation of a license application.

- (d) If the director determines that a license application satisfies the requirements prescribed by this section, he shall issue a license; otherwise, he shall deny the license application.
- (e) The director shall notify the applicant of the issuance of a license, or denial of the license application. In the case of a denial of a license application, the director shall notify the applicant by certified mail, and include in the notice the reason for the denial and a statement informing the applicant of his right to a hearing if requested by the applicant within ten days after receipt of the notice.
- (f) A license shall expire on the 31st day of December next succeeding issuance thereof, except in the following instances:
 - (1) If an applicant timely applies for a license renewal in accordance with this section and the determination of the renewal request is delayed beyond the 31st of December, the licensee's license is extended, pending the determination of the renewal request by the director.
 - (2) If an applicant's license has been suspended or revoked.
- (g) If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in subsection (c) (3), or had a license revoked within one year immediately preceding the date the license application is filed, or has a license that is currently suspended, then such applicant, upon disassociation with such individual may obtain a license upon reapplication.

Section 2A-6. Same — Fees. [Ord. No. 557, §1; Ord. No. 616, §1]

The annual fee for a license for an alarm business shall be fifty dollars.

The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ten dollars. These fees shall be adjusted on an annual basis, effective January 1 of the year in question, to reflect increases, if any, in the November offering next preceding the January 1 of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering, using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall be rounded to the nearest fifty-cent figure, and shall not be further adjusted during the course of the year in question until the following January 1 of the next year in question, when such further adjustments, if warranted as provided herein, shall be made.

Section 2A-7. Instructions on Operation. [Ord. No. 557, §1]

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates.

Section 2A-8. Repair and Maintenance Service Required. [Ord. No. 557, §1]

A licensee shall make available repair and maintenance services, including emergency service during nonbusiness hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service.

Section 2A-9. License Nonassignable; Changes. [Ord. No. 557, §1]

- (a) A license issued under this chapter shall not be assigned or transferred.
- (b) A licensee shall notify the director within ten days of any of the following:
 - (1) Change of control and ownership or management of the alarm business;
 - (2) Change in address or a new address of the alarm business;
 - (3) Change of trade name of the alarm business;
 - (4) Names of new employees, agents, corporate officers, partners or business associates;
 - (5) Any change in the repair and maintenance services available by or through the licensee's alarm business.

Section 2A-10. Rules and Regulations. [Ord. No. 557, §1]

The director may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this chapter.

Section 2A-11. Suspensions; Revocations. [Ord. No. 557, §1]

- (a) The director shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one or more of the following reasons:
 - (1) Attempted assignment or transfer of a license as prohibited under section 2A-9;
 - (2) Failure to notify the director of any change as required under section 2A-9;
 - (3) Failure to comply with any reasonable rule or regulation of the director;
 - (4) Failure to provide proper instructions as required under section 2A-7;
 - (5) Failure to provide adequate repair and maintenance services as required by section 2A-8; or
 - (6) Installation or replacement of alarm systems not in accordance with sections 2A-15, 2A-16, and 2A-17;
- (b) Suspension of a license may be for up to thirty days.

- (c) A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.
- (d) The director shall revoke a license for any one or more of the following reasons:
 - (1) Conviction of the licensee of any of the offenses listed in section 2A-5(c)(3), or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for same and whose position in the alarm business gives him access to information in the installation and use of alarm systems for alarm users.
 - (2) Suspension of a license more than twice in any twelve month period.
 - (3) The making of any false statement as to a material matter or the omission of any material fact in any application for a license or any change in the information required under section 2A-9.
- (e) After revocation of a license, a person may file a new application for a license pursuant to section 2A-5.

Section 2A-12. Power to Investigate. [Ord. No. 557, §1]

For the purpose of enforcing this chapter, the director shall have the power to make an investigation, and to the extent necessary for this purpose, he may examine a licensee or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records.

Section 2A-13. Hearings on Charges; Decision. [Ord. No. 557, §1]

No license shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the director.

The director shall provide notice to the licensee of the hearing at least ten days prior to the hearing. Notice shall be served either personally or by certified mail, and shall state the date and place of hearing and a summary of the charges against the licensee.

A licensee shall be heard in his defense either in person or by counsel and may produce witnesses to testify in his behalf. A record of the hearing shall be made. The director shall make a report of his findings and decision. For the purpose of this chapter, the director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation.

Section 2A-14. False Alarm Service Charge. [Ord. No. 557, §1.; Ord. No. 1762 §1, 6-1-2004]

- (a) All false alarms to which the department responds shall result in the following service charge to the alarm user:
 - (1) A warning for the first (1st) false alarm in any calendar year.
 - (2) A fifteen dollar (\$15.00) service charge for the second (2nd) false alarm in any calendar year.

- (3) A twenty-five dollar (\$25.00) service charge for the third (3rd) and any subsequent false alarms in any calendar year.
- (b) Upon determination by the department that a false alarm has occurred, the department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty days of any service charge that may be due.
- (c) The department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in section 2A-3.
- (d) Willful refusal to pay any such service charge within thirty days of notice shall constitute a violation of this chapter, but in any prosecution under section 2A-18 for violation of this provision, the city shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed.

Section 2A-15. Automatic Dialing Device. [Ord. No. 557, §1]

No person shall install or use an automatic dialing device which is programmed to dial the department's telephone number.

Within ninety days from March 20, 1979, all automatic dialing devices programmed to dial the department's telephone number shall be reprogrammed to dial any other consenting person who may relay the emergency message to the department by live voice. The alarm user of such device shall be responsible for having his alarm system reprogrammed within the ninety day period of time.

Section 2A-16. Direct Signal Alarm System. [Ord. No. 557, §1]

All direct signal alarm systems which connect to the department are prohibited, except for federal institutions which are required to have such an alarm system under federal law.

Any federal institution which is permitted to have a direct signal alarm system shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of section 2A-14.

Section 2A-17. Audible Alarm. [Ord. No. 557, §1]

An "audible alarm" is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

No person shall install or use an audible alarm without a thirty minute timer.

Within ninety days from March 20, 1979, any alarm user already having an audible alarm shall be responsible for equipping it with a thirty minute timer.

Section 2A-18. Violations and Penalties. [Ord. No. 557, §1]

Any person who violates or causes a violation of any provision of this chapter shall be punishable, upon conviction, in accordance with section 1-7 of this Code, and each day such violation continues shall be deemed a separate offense. Any charge brought under this section shall be brought by the city in, at its option, the associate circuit court of the city or the circuit court of the county.

The municipal prosecutor may bring an action in the name of the municipality, to restrain or prevent a violation of any provision of this chapter or any continuance of any such violation.