8-B

MOTION:

SECOND:

October 7, 2008
Regular Meeting
Ord. No. 08-

RE: **ADOPT AMENDMENTS TO CHAPTER 2.5 - PRINCE WILLIAM COUNTY CODE - ALARMS**

ACTION:

WHEREAS, false alarm calls within Prince William County result in the inefficient use of resources and reduce faith in security alarm signals, which creates a general safety hazard detrimental to the protection of the health, safety and welfare of citizens, and to the personnel responsible for the investigation of alarm signals; and

WHEREAS, Chapter 2.5 of the Prince William County Code governs alarms in Prince William County; and

WHEREAS, the Prince William County Police Department, in determining that there exists the need to reduce the number of false alarms and to increase community and officer safety at alarms calls, has developed the necessary amendments designed to achieve such purpose; and

WHEREAS, the Prince William Board of County Supervisors recognizes the need to amend Prince William County Code 2.5 Alarms for the above reasons; and

WHEREAS, County staff recommends that the Prince William Board of County Supervisors amend Chapter 2.5 of the Prince William County Code in the form of the proposed amendments attached hereto; and

WHEREAS, a public hearing, duly advertised in a local newspaper for a period of two weeks, was conducted on October 7, 2008, for the purpose of considering adoption of the proposed amendments to Prince William County Code Chapter 2.5, as attached; and

WHEREAS, it is the Prince William Board of County Supervisor's desire to adopt the above amendments to the Prince William County Code;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors' pursuant to Section 15.2-1427 VA Code Ann., does hereby amend Prince William County Code Chapter 2.5, as set forth in the attachment.

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

For Information:
Police Chief
Police Sergeant
County Attorney

CERTIFIED COPY _____
Clerk to the Board

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT
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Craig S. Gerhart
County Executive

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October 7, 2008

TO: Board of County Supervisors

FROM: Charlie T. Deane
Chief of Police

THRU: Craig S. Gerhart
County Executive

RE: Adopt Amendments Chapter 2.5, Prince William County Code (Alarms)

I. Background in chronological order is as follows:

A. County Code – Chapter 2.5 of the County Code regulates the use and operation of security and fire alarm systems in premises to which the Police Department or Department of Fire and Rescue are expected to respond.

B. Virginia Code – Virginia Code §15.2-911 permits localities by ordinance to regulate the installation and maintenance of alarm systems operated by alarm companies.

II. Current Situation is as follows:

A. Analysis of Alarm Registration – County Police conducted a review of the current alarm registration process in Prince William and surrounding jurisdictions.

1. Alarm Company Registration – Requiring alarm companies to be licensed with the Department of Criminal Justice Services assures reputable service to the community

2. Alarm User's Registration – Requiring alarm users to register with the County will assist the Department maintaining accurate emergency contact information.

3. Registration Ordinances – Jurisdictions that have enacted registration ordinances have experienced a 20% or more reduction in false alarm calls during the first year of implementation.

4. Other Jurisdictions - Arlington County has experienced a 60% drop in false alarms since 2001 with Fairfax experiencing a 55% drop since 2002.

B. County Attorney – County Attorney staff has reviewed the proposed amendments to Chapter 2.5 that would require licensing of alarm companies with the Virginia Department of Criminal Justice Services, and require registration of alarm System users and companies.

C. Board Action Requested – The Board is requested to adopt the proposed ordinance to amend Chapter 2.5 of the Prince William County Code (Alarms).

III. Issues in order of importance are:

A. Service Levels/Police Impacts – What are the benefits of reduced false alarms calls to County Police and to the community?

B. Fiscal Impact – What fiscal impact will this amendment have on Prince William County?

C. Legal – Does Prince William County have the authority to adopt the proposed amendments?

D. Timing – When should the proposed amendment be implemented?

IV. Alternatives in order of feasibility are:

A. Adopt Amendments Chapter 2.5, of the Prince William County Code (Alarms).

1. Service Level Impacts – In 2007, the Department responded to over 13,561 alarms, of which less than 1% (19) involved criminal activity. The Department estimates that responding to alarm calls in 2007 required approximately 7,500 hours in officer time.

a. Assuring that only reputable alarm companies are licensed to operate in Prince William will decrease alarm malfunctions, ensure better installation and consumer operation of systems, reduce unnecessary response by officers and will enhance officer and citizen safety.

b. Other regional jurisdictions that enacted registration ordinances have experienced a 20% reduction of false alarm calls in the first year.

c. The Department projects a similar impact in Prince William within a year or two of implementation.

d. Full implementation is proposed for July 1, 2009. County residents would be required to register their alarms at the time of implementation.

2. Fiscal Impact – A registration fee of $10 is proposed for both commercial and residential properties with alarm systems. The same fee is also proposed at the point of re-registration which is annually for alarm companies, and biennially for commercial and residential properties. At this time, it is unknown how many alarm systems are operational in the county. Registration and payment is expected to be available on-line.

   The proposed False Alarm Response Fee change assesses the alarm user for false alarm responses in excess of two in a twelve-month calculation period. This will allow the user an opportunity to contact the alarm company to determine the source of the problem.

   a. Residential Registration – Residents would be required to complete an initial registration then re-register every two years to assure updated contact information.

   b. Alarm Companies – Will be required to complete an initial registration and re-register every year to assure updated contact information.

3. Legal – Virginia Code §15.2-911, Regulation of Alarm Company Operators, permits localities, by ordinance, to regulate the installation and maintenance of alarm systems.

4. Timing – Alarm registration could begin no later than March 1, 2009, with full implementation by July 2009. Public Education would begin immediately following approval of amendments.

B. Take No Action

1. Service Levels/Police Impact – The Department would continue to respond to growing numbers of false alarms.

2. Fiscal Impact – There are no fiscal implications other than continued use of staff resources.

3. Legal – The Board of County Supervisors is not required to adopt these amendments.

4. Timing – There are no timing implications.

V. **Recommendation** is that the Board of County Supervisors concur with Alternative A and Adopt amendments to Chapter 2.5 of the Prince William County Code (Alarms)

Staff Contact: Sgt Thomas J. Garrity x6535

ARTICLE II. FIRE AND SECURITY ALARMS*

Sec. 2.5-21. ~~Purpose~~. Declaration of findings and policy

~~The purpose of this article is to regulate the use and operation of security and fire alarm systems in premises to which the police department or fire and rescue service are expected to respond in order to reduce the number of false alarms and protect the health, safety and welfare of the residents of the county.~~

It is hereby declared that false alarm calls within Prince William County result in an inefficient use of resources, and reduces faith in security alarm signals. This creates a general safety hazard detrimental to the protection of property, the health, safety and welfare of citizens, and to the personnel responsible for the investigation of alarm signals.

(Ord. No. 83-535, 6-28-83)

Sec. 2.5-22. Definitions.

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

~~*Alarm board* shall mean the facility, located in the communications section of either the police department or fire and rescue service, which is designed to receive direct signals from alarm systems authorized to be connected thereto.~~

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

(b) **Alarm system**. Any mechanical or electrical equipment arranged to signal an unauthorized entry or other illegal activity. Alarm system includes devices activated automatically, such as burglar alarms, and devices activated manually, such as hold up or panic alarms. Alarm system does not include telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals might be transmitted, or alarm systems installed in motor vehicles, boats, or aircraft.

(c) **Audible alarm**. A device located at the protected premises, which generates an audible signal when activated. This device is designed to signal a breach of security.

(d) **Automatic dialing device** ~~shall mean~~ A device at the protected premises which is ~~inter~~connected to a telephone line and is programmed to select a ~~predetermined~~ telephone number which terminates at the Prince William County Police Department and transmits, ~~by~~ a prerecorded voice message or code ~~signal,~~ which signals the existence of criminal activity ~~or a fire~~ at the protected premises.

~~*Bank* shall mean a financial institution which is required by regulations, issued pursuant to the Bank Protection Act of 1968, to maintain an alarm system or other appropriate device for promptly notifying a local police department that a robbery or burglary has occurred or is in progress.~~

(e) **False alarm** ~~shall mean~~ Any security ~~or fire~~ alarm signal, whether or not from an audible alarm system, communicated directly or indirectly to the ~~police department~~ Prince William County Police Department ~~or fire and rescue service,~~ which is not in response to actual or threatened criminal activity requiring an immediate ~~police or fire~~ response, ~~False alarms include~~ including signals which are negligently, ~~or~~ accidentally or ~~activated signals; signals~~ inadvertently activated, or which are the result of faulty, malfunctioning, or improperly installed or maintained equipment, ~~;~~ or ~~signals~~ which are purposely activated to summon the police ~~department or fire and rescue service in nonemergency situations;~~ without just cause; provided, that false a alarm shall not include a signal activated by unusually severe weather conditions or other causes which are determined by the Chief of Police or his designee ~~and signals for which the actual cause is not determined. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified and determined by the police department or fire and rescue service~~ to be beyond the control of the user.

(f) **Person:** ~~shall mean~~ Any individual, group of individuals, firm, partnership, company, ~~association, company,~~ corporation or association ~~organization~~ of any kind.

(g) **Protected premises:** ~~shall mean~~ The premises upon which a security ~~or fire~~ alarm system is located.

(h) **Twelve month calculation period**: A twelve (12) month period of time, beginning every July 1st. In the case of a new registration issuance or first false alarm from an unregistered alarm, the calculation period will begin on the date of initial registration or first false alarm, and end on June 30th of the same calculation period. This calculation period will be used for violations of sections 2.5-28 and 2.5-29.

~~*Security or fire alarm system* shall mean any assembly of equipment or a device designated to detect and signal the unauthorized intrusion into a premises or to signal an attempted burglary, robbery, other criminal activity, or fire at the protected premises, to which the police department or fire and rescue service are expected to respond. Such term, however, shall not include security alarm systems maintained by governmental agencies or departments.~~

(i) **User.** ~~shall mean~~ Any person using a security ~~or fire~~ alarm system, ~~;~~ regardless of whether or not the person owns the ~~security or fire alarm system or the~~ premises on which ~~it~~ the security alarm is located.
(Ord. No. 83-535, 6-28-83)

Sec. 2.5-23. ~~False alarms--Prohibited~~. Alarm company registration and licensing.

~~(a) It shall be unlawful for any person to knowingly and without just cause to activate a security or fire alarm to summon the police department or fire and rescue service in situations where there is no actual or threatened criminal or fire activity requiring immediate police or fire response.~~

~~(b) Violation of this section shall constitute a Class 1 misdemeanor, punishable by a fine of $1,000.00, or not more than 12 months in jail, or both.~~ (This section has been moved to 2.5-28.1)

All alarm companies operating in Prince William County shall be licensed to do business within Prince William County and shall comply with all the licensing, registration, certification, and training requirements established by the Commonwealth of Virginia Department of Criminal Justice Services pursuant to the *Code of Virginia,* Sections 9.1-139 and 9.1-149.

(Ord. No. 83-535, 6-28-83)

~~Sec. 2.5-23.1. Same--Deactivation.~~
~~The police officer or fire and rescue official responding to a false alarm shall have the authority to deactivate said alarm system without liability when it is disturbing the peace and quiet of the community, if the user fails to deactivate the alarm system within a reasonable time.~~ (This section has been moved to 2.5-24.1)

Sec. 2.5-24. ~~Connections to alarm board—Existing connections.~~ Required equipment.

~~Any user which has its alarm system connected to the alarm board on the effective date of this article shall, by written communication within 30 days thereof, inform the chief of police or director of fire and rescue of its desire to remain connected to the alarm board in accordance with the applicable provisions of this article. Any user which fails to communicate its desire to remain connected to the alarm board shall be disconnected.~~

(a) Alarm systems installed after January 1, 2009, shall meet the following standards.

(1) Any alarm system operated within the County shall be designed, equipped and maintained in such a manner as to prevent false alarms due to interruptions in electrical power.

(2) Any alarm system operated within the County which is equipped with a horn, bell, siren or other noise producing device which is audible beyond the confines of the protected premises shall be designed, adjusted and maintained in such a manner that it will not sound for longer than fifteen (15) minutes before silencing itself.

(b) Alarm systems installed after July 1, 2009, shall meet the following additional standards.

(1) Every alarm system must have secondary or back-up power sufficient to operate the system in a non-alarm status for a minimum of four hours. Alarm activation shall not occur during switch-overs between primary and secondary power.

(2) All alarm system equipment must be U.L. listed, used only for the purpose intended by the manufacturer, and installed per manufacturer's specification.

(3) Every alarm system must be installed in accordance with the National Electric Code (NEC) and manufacturers standards.

(4) Any hold-up alarm requiring push button activation must require simultaneous 2-button activation, or conform to U.L. standards.

(c) In the event that an alarm system is required to be upgraded pursuant to Section 2.5-29(b) of this Chapter, the upgrade must be performed regardless of the installation date.

(Ord. No. 83-535, 6-28-83)

Sec 2.5-24.1. Deactivation

A police officer or fire and rescue official responding to a false alarm shall have the authority to deactivate any alarm system without liability when it is disturbing the peace and quiet of the community, if the user fails to deactivate the alarm system within a reasonable time.

Sec. 2.5-25. ~~Same--New connections.~~ Alarm system registration.

~~Any bank or other user of a security alarm system may connect its security or fire alarm system directly into a telephone trunk line, which terminates at an alarm board located within the communications section of Garfield Substation of the police department, or the communications section of the fire and rescue service, upon the following conditions:~~

~~(1) *Application* . Submission of a written request on forms to be provided by the chief of police, or, if for a fire alarm, by the director of fire and rescue, containing the following information:~~

~~a. Name and address of bank or other protected premises.~~

~~b. Name, address and telephone number of person installing, maintaining and/or owning the alarm system.~~

~~c. Name, address and telephone number of personnel to be contacted in case of alarm or malfunction.~~

~~d. Any additional relevant information required by the chief of police or the director of fire and rescue.~~

~~(2) *Installation* . Installation and hook-up to alarm board by a licensed alarm business or licensed electrician certified to do business in Prince William County; cost to be paid by the user.~~

~~(3) *Maintenance* . Periodic maintenance and testing of the alarm system.~~

~~(4) *Training program* . Implementation of a continuous training program for appropriate employees and others, who may have occasion to activate the alarm system, regarding the use and operation of the alarm system, which includes instruction on the setting, activation and resetting of the alarm.~~

~~(5) *Release of liability* . Acknowledgment that neither the county nor the police department nor the fire and rescue service assumes the responsibility or obligation as to any omission or commission resulting from the bank security or other security alarm system terminating in the alarm boards in the police department or the fire and rescue service.~~

(a) Every alarm user shall, on a form provided by the Police Department, register the alarm system with the Police Department before the user begins using the system, and must pay the alarm registration fee. The registration form shall contain the name of two persons who are able to respond to the alarm site within one hour, grant access to the alarm site, and deactivate the alarm system if such becomes necessary. If at any time there is a change in the information provided on the registration form, the correct information must be provided to the Police Department within thirty (30) days of the change.

(b) Any alarm company that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services or monitors any alarm system shall meet the following requirements:

> (1) An alarm company shall ensure that an alarm user has registered the alarm system with the Police Department or designee before the alarm system is activated or placed into service. An alarm company must provide the alarm user registration form to all of its current and future residential and non-residential alarm users, collect the form and registration fee from the alarm user and deliver the completed alarm registration form and registration fee to the Police Department or designee in the required format before the system is activated or placed into service.

(2) An alarm company shall provide to the Police Department, when requested to do so, a list which contains the name, address, telephone number and registration number of all of its current alarm users in Prince William County.

(3) An alarm company shall notify the Police Department or designee of any alarm user, who has a service contract with or is monitored or maintained by the alarm business, who has canceled or otherwise terminated their alarm services with the alarm company.

(c) A separate registration is required for each tenant of a multi-tenant residential or commercial building using an alarm system. This section shall not apply to systems in apartment complexes registered pursuant to Section 2.5-26.

(d) Registration of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that response may be based on factors such as availability of units, staffing levels, priority of pending requests for services, weather conditions, traffic conditions and emergency conditions.

(e) Each registration remains in effect and must be renewed biennially or until the registrant relinquishes control of the alarm site or the registration is suspended or revoked. Each registration must be renewed by July 1 of the year of expiration.

(f) A registration is valid only for the premises registered and is not transferable to another alarm user or premises. A new registration must be applied for in accordance with this section.

(g) All information submitted to a third party administrator in compliance with this regulation must be held in strict confidence and must not be disclosed without approval of the Prince William County Police Department and the alarm company of record. Any person found guilty of the unauthorized release of such information shall be guilty of a Class 1 misdemeanor.

(h) Alarm users with alarm systems installed prior to July 1, 2009, shall comply with this Section prior to January 1, 2010.

(i) Any alarm user who allows an alarm response to an alarm signal initiated by an alarm system which is not in compliance with the registration requirements of this Section shall be in violation of this Section and subject to an administrative service fee of fifty dollars ($50.00).

(j) Prior to July 1, 2009, the Police Department shall make registration forms available to alarm companies and alarm users.

(k) A registration fee shall be assessed. A reinstatement fee shall be assessed to reinstate a suspended registration.

(l) The twelve-month period used to calculate violations of Sections 2.5-28 and 2.5-29 shall commence with the date of registration issuance and then every July 1 thereafter.

(Ord. No. 83-535, 6-28-83)

Sec. 2.5-26. ~~Systems not connected to alarm board~~. Alarm system registration-Apartment complexes.

~~(a) After the effective date of this article, it shall be unlawful for any person to install, operate or maintain an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly from a residence or dwelling to a telephone number assigned to the police department or fire and rescue service, or to install, operate or maintain an automatic dialing device or other security or fire alarm system in violation of the provisions of this section.~~

~~(b) Users of automatic dialing devices which connect to the police department or fire and rescue service and other alarm system shall notify said departments of the possession of such systems within 30 days of the enactment of this article.~~

~~(c) Nonresidential users may connect or operate automatic dialing devices upon the following conditions:~~

~~(1) Notification of installation on forms to be provided by the chief of police or, if for a fire alarm, by the director of fire and rescue, containing the following information:~~

~~a. Name and address of protected premises.~~

~~b. Name, address and telephone number of person installing, maintaining and/or owning the automatic dialing device.~~

~~c. Name, address and telephone number of personnel to be contacted in case of alarm or malfunction.~~

~~d. Any additional relevant information required by the chief of police or the director of fire and rescue.~~

~~(2) Installation by a licensed alarm business or licensed electrician certified to do business in Prince William County, with the cost to be paid by the user.~~

~~(3) Monthly inspection and testing of the system by the user and reporting of the results of said inspections to the police department, or, if for a fire alarm, to the fire and rescue service on forms to be provided by said departments.~~

~~(d) Residential and nonresidential users may connect or operate security or fire alarm systems other than automatic dialing devices pursuant to the conditions set forth in subsections (c)(1) through (3) of this section.~~

(a) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, the owner or property manager shall obtain a separate alarm registration for each individual unit in the complex. The owner or property manager shall be considered the alarm user. The fee shall be one dollar per unit. The registration procedure shall be as described in Section 2.5-25.

(b) For purposes of assessing fees and enforcing this Chapter, the owner or property manager is responsible for the payment of fees resulting from false alarm dispatches to individual apartments.

(Ord. No. 83-535, 6-28-83)

Sec. 2.5-27. ~~False alarm charges.~~ Police response to alarm: determination of alarm validity; appeals.

~~(a) No fee shall be charged for a false alarm if the police department or fire and rescue service is notified prior to dispatch of respective vehicles or personnel to the scene of the alarm by an authorized employee of said user.~~

~~(b) Users shall be charged $25.00 for each false alarm which results in a police department response and a service charge of $40.00 for each tactical unit which is dispatched for a fire and rescue service or volunteer fire company response to the protected premises.~~

~~(c) In the event of the occurrence of three false alarms within a single bank at a single location, a single user at a single location or within any other system in any nine-month period, the charge for subsequent false alarms in that system shall be double the normal charge, until such time as the department receives certification from a qualified technician that the cause of such false alarm has been removed.~~

~~(d) In the event a bank or user fails to pay the assessed service charge within 30 days of billing, the user shall be charged interest at the judgment rate of interest from the date the charge was assessed.~~

~~(e) Charges shall be paid to the director of finance.~~

~~(f) The director of finance may obtain authorization from the board of county supervisors for the county attorney to institute appropriate legal proceedings against any bank or other user to collect any delinquent service charge, including interest, which has been assessed at the time of or subsequent to adoption of this section.~~

~~(Ord. No. 83-535, 6-28-83; Ord. No. 87-08, 2-3-87)~~ (This section has been moved to 2.5-28)

(a) Whenever an alarm is activated in the county and the Police Department does respond, an officer on the scene of the activated alarm shall inspect the premises, to the extent possible, and determine whether the response was in fact necessary.

(b) The Prince William County Police Department shall provide written notice to alarm users when it is determined that a response has been made to a false alarm.. The notice will provide the following information:

(1) Date and time of alarm response.

(2) Officer's name and business telephone number.

(3) Brief synopsis of the alarm ordinance, including a statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid fines.

Such notice shall be delivered to the user in a manner to be determined by the police department.

(c) The alarm user may, within ten (10) business days of the receipt of the false alarm notification make a written request for a review by the Chief of Police or his designee of the determination that an alarm was false. The request shall include the following information:

Alarm user name, alarm user registration number, address at which the alarm is installed, date and time of false alarm that is being contested, and the facts upon which the request for review of the false alarm determination is made.

(d) The Chief of Police or his designee shall consider the circumstances of the contested false alarm determination and provide a written response to the alarm user.

(e) Response to alarm activations shall not be counted as false for the purpose of calculating violations of section 2.5-28 until the expiration of the ten-day appeal period.

~~**Sec. 2.5-27.1. Suspension of responses to alarms.**~~

~~(a) In the event of the occurrence of three or more false alarms within a single bank or other user's premises at a single location in any one-month period or in the event a bank or other user fails to pay the assessed service charge for false alarms within 30 days of billing, the chief of police may, by giving the bank or other user five days' written notice, advise the bank or other user that on a specified date, alarms shall not be responded to until any delinquent service charges, including interest, have been paid and the bank or~~

~~other user demonstrates to the chief of police or his designated agent, that corrective action has been taken to prevent additional false alarms and the system is functioning properly.~~

~~(b) Unless otherwise required by law, a bank or user which desires to suspend police department or fire and rescue service responses to alarms for a temporary period of time due to malfunctions in the system or any other reason, may so advise the chief of police and director of fire and rescue services in writing, specifying the effective date of the suspension. Resumption of responses shall be effective after written notice is provided by the bank or user to the chief of police and director of fire and rescueservices. Any charges assessed prior to the effective date of any suspension shall remain due and owing.~~
~~(Ord. No. 87-08, 2-3-87)~~
(This section is addressed in the new 2.5-28)

Sec. 2.5-28. ~~Appeal proceedings.~~ Excessive false alarm responses prohibited; penalties.

~~Any bank or user may appeal an action by the police department or fire and rescue service to assess a service charge for a false alarm or a denial by the police department or fire and rescue service to connect a security alarm system to the alarm board. The appeal shall be made in writing to the chief of police or the director of fire and rescue, whichever is appropriate, within ten days after such action has been taken. A decision by either the chief of police or director of fire and rescue shall be final.~~
~~(Ord. No. 83-535, 6-28-83)~~
(This section has been moved to 2.5-27)

(a) It shall be unlawful for any alarm user in the County to allow an excessive number of false alarm responses to occur at a protected premise for which they are responsible. It is hereby found and determined that false alarm responses to a protected premises in excess of two (2) in a twelve-month calculation period are deemed to be an excessive number and shall be a violation of this Chapter. When involving apartment complexes, a protected premises shall be determined on a "per unit" basis. The first twelve-month period shall commence on the date of original registration issuance. Subsequent twelve-month periods shall be established starting July 1 of each calendar year.

(b) A false alarm response fee shall be assessed against the alarm user for false alarm responses in excess of two in a twelve-month calculation period, in accordance with the following fee schedule.

(1) Third response . . .	$ 50.00
(2) Fourth response . . .	$100.00
(3) Fifth response . . .	$150.00
(4) Sixth response . . .	$200.00
(5) Seventh response . . .	$250.00
(6) Eighth response . . .	$300.00
(7) Responses in excess of eight, each . . .	$500.00

(c) The failure of an alarm user to make payment of any fees imposed under this section within sixty (60) days from the date of receipt may result in the suspension of the alarm user registration and a discontinuance of response to alarms that may occur at the protected premises described in the alarm user's registration until such time that payment is received.

(d) To ensure that the assessed amounts are representative of the costs incurred by the County to provide alarm responses and to administer this Chapter, the amounts contained in the false alarm fee schedule shall be evaluated and amended, as necessary, on an annual basis.

Sec 2.5-28.1 Intentional False Alarms

(a) It shall be unlawful for any person to knowingly and without just cause activate an alarm to summon the department or fire and rescue service in situations where there is no actual or threatened criminal activity, medial emergency, or fire requiring immediate response.

(b) Violation of this section shall constitute a Class 1 misdemeanor.

Sec 2.5-29 Inspection of alarm systems.

(a) In the event that three or more false alarms occur at a protected premises within any twelve-month calculation period, the chief of police or his designee may require that the alarm user cause their alarm system to be inspected by an alarm company licensed to conduct business in Prince William County. The inspection shall entail a complete examination of the alarm system including, but not limited to, satisfactory design, maintenance and installation of the equipment, proper functioning of the equipment and user education in the operation of the equipment. The alarm company shall record the details of the inspection and certify that the alarm system is operating properly and that the appropriate persons have been re-educated in the proper operation of the system on a form provided by the Police Department for this purpose. The completed inspection report shall be returned to the Police Department within thirty (30) days of the initial notification to the alarm user.

(b) In the event that eight or more false alarms occur at a protected premises within any twelve-month calculation period, the Chief of Police or his designee may require that the alarm user cause their alarm system to be upgraded to be in compliance with equipment installation standards. An alarm company licensed to do business in Prince William County shall certify that the system has been upgraded to meet the standards listed in Section 2.5-24 of this ordinance. Such certification shall be made on a form provided by the Police Department for this purpose. The completed certification form shall be returned to the Police Department within thirty (30) days of initial notification to the alarm user.

If the Police Department does not receive the completed inspection report or upgrade certification report within 30 days of notification, an administrative fee of one hundred dollars ($100.00) shall be assessed against the alarm user. The alarm user registration may be suspended for failure to comply with the inspection or upgrade requirements or pay the administrative fee. The Police Department may discontinue response to alarm activations that may occur at the premises described in the alarm user's registration until such time as the inspection report, upgrade certification report and/or administrative fees are received by the Police Department.

Sec. 2.5-30 Administrative hearing

(a) In the event an inspection or upgrade order is issued to an alarm user, administrative fees are assessed, or the registration of an alarm user is suspended, the alarm user may request an appeal hearing to determine whether there is just cause for such action.

(b) The hearing shall be held before a hearing officer who shall have been appointed by the County Executive. The hearing shall be held within ten (10 days) after the request is filed with the Police Department unless an extension has been agreed upon by both the alarm user and the police department.

(c) The alarm user shall have the right to appear and present witnesses and other evidence, but there shall be no formal rules of procedure required for the conduct of the hearing and the hearing officer shall not have the power to compel the attendance of witnesses or the production of other evidence.

(d) The hearing officer shall proceed forthwith to hear the matter and to determine by a preponderance of the evidence whether there is probable cause to believe that the provision of this chapter have been applied, fairly and impartially. The hearing officer shall have authority, if he/she determines that there is insufficient evidence to fully support imposition of an inspection requirement, upgrade order, registration suspension, or administrative service fees, to order that any inspection requirements, registration suspension, or fees imposed under this chapter be waived or rescinded in whole or in part.

(e) The provisions of this section shall not apply to the imposition of false alarm response fees assessed pursuant to section 2.5-28 of this chapter.

Sec 2.5-31. Grounds for rescinding, waiving or reduction of service fees.

Administrative hearing officers shall consider the following factors in reaching a determination as to the modification or waiving of an administrative fee, inspection order, upgrade order or registration suspension order.

(a) Evidence of attempts by the alarm user to eliminate the cause of false alarms, such as:

(1) Installation of new equipment.
(2) Replacement of defective equipment.
(3) Inspection and repair of the system by an alarm technician.
(4) Specific formal training of alarm users.

(b) Written evidence that the alarm system which caused the alarm responses has been disconnected and removed from the protected premises.

Nothing in this section shall be interpreted to require that all appeals which meet any or all of these circumstances will be granted. These are intended as guidelines for the hearing officer and shall not prevent the hearing officer from granting appeals for additional reasons.

Sec 2.5-32 Automatic dialing device restrictions

(a) Any person, who installs, operates or maintains an automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a 911 telephone number shall be deemed guilty of a Class 4 misdemeanor.

(b) Any person who possesses or controls an automatic dialing device which transmits a prerecorded message or code signal directly to a 911 telephone number where there is no actual or threatened emergence or criminal activity shall be deemed guilty of a Class 2 misdemeanor.

Sec 2.5-33. Severability.

If any of the articles, sections, paragraphs, sentences, clauses or phrases of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its entirety, or any of the remaining articles, sections, paragraphs, sentences, clauses and phrases.

Sec 2.5-34. Administration and Enforcement.

(a) The Prince William County Police Department shall be responsible for the administration and enforcement of this Chapter.

(b) The Director of Finance shall collect delinquent fees by any lawful means.