

Chapter 21 ALARMS

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Sec. 21-1. Definitions.

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

- (a) *Alarm signal.* The activation of an alarm system that requires a response by the Police.
- (b) *Alarm business.* Any business entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling at retail, servicing or responding to a burglar or holdup alarm system, but does not include entities which only provide telephone answering services which receive alarm signals and relay information to the Montgomery County Police Department and/or the Chevy Chase Village Police Department.
- (c) *Alarm system.* Any assembly of equipment, mechanical or electrical, arranged to audibly or visually signal an occurrence of any unauthorized entry or other activity requiring urgent attention and to which the police are expected to respond, including devices activated automatically, such as burglary alarms, and devices activated manually, such as holdup alarms, but not including telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals may be transmitted, or alarm systems installed in motor vehicles or boats.
- (d) *Alarm user.* The person legally entitled to possession of the property upon which is located an alarm system.
- (e) *False alarm.* An alarm signal which is not in response to actual or threatened criminal activity, including, but not limited to, negligently or accidentally activated signals, signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment, or signals which are purposely activated by unusually severe weather conditions or fluctuation in the electricity supplied by a regulated utility company and beyond the control of the alarm user or alarm business shall not be deemed false alarms.
- (f) *License.* A license issued to an alarm business, which supplies goods or services to persons in the village and issued by the County Office of Consumer Affairs or by the Village.
- (g) *Permit.* A permit issued to an alarm user by the Village.
- (h) *Permit decal.* A decal issued with the "permit."

(No. 49-03-84, 5-14-84)

Sec. 21-2. Licenses and permits required; revocation and appeals.

(a) On or after June 1, 1984, it shall be unlawful for any person to engage in the alarm business, or to be an alarm user, within the Village having first received a license as an alarm business, or received a permit as an alarm user, as the case may be, from the Village.

(b) All alarm businesses shall perform work in a workmanlike manner.

(c) The licensee for an alarm business may be refused, suspended or revoked by the Village Manager upon a finding of a violation of any provision of this Chapter.

(d) An alarm business may not sell, install, alter, lease, monitor, maintain, repair, replace or service the burglary or holdup alarm system of an alarm user unless the alarm user possesses a valid alarm user permit and is prominently displaying a permit decal.

(e) Before revoking, suspending or refusing to grant or renew any license or permit under this section, the Village Manager shall afford the licensee the opportunity for a hearing on not less than ten (10) days' notice to show cause why the license should not be revoked, suspended or refused.

(f) Any party aggrieved by the Manager's decision shall be entitled to appeal such decision to the board of managers. No hearing by the Board of Managers shall be held except upon fifteen (15) days' written notice of such hearing by personal service or certified mail delivered to the last address recorded in the village office. Such notice shall specify the time, date and place of the hearing and shall contain sufficient information to give notice of the nature of the complaint. Such notice shall specify that the licensee or proposed licensee has a right to representation by counsel and that his license may be suspended, revoked or refused by the Village.

(g) The Board, upon finding a violation of this Chapter, or the violation of any other applicable provision of law or regulation relating to the sale, installation or maintenance of alarm systems, shall have the power to revoke, suspend or refuse to renew the license of any licensee. Any decision to revoke, suspend or refuse to renew a license shall be in writing and shall include a statement of the facts upon which it is based. Decisions shall be served upon a licensee by personal service or by certified mail. Any licensee aggrieved by a decision of the Board to revoke, suspend or refuse a license may appeal to the Circuit Court of Montgomery County in accordance with the procedures prescribed for administrative appeals by Maryland Rules of Procedure.

(No. 49-03-84, 5-14-84)

Sec. 21-3. Audible alarm systems.

(a) On and after June 1, 1984, it shall be unlawful for any person to install or maintain any audible alarm system, which fails to automatically discontinue emitting an audible sound within thirty (30) minutes.

(b) On and after January 1, 2003, it shall be unlawful for a person to install any alarm system that emits sound which is audible anywhere off the property on which the system is installed.

(No. 49-03-84, 5-14-84; No. 10-05-02, 10-14-02)

Sec. 21-4. Alarm signal response fee.

(a) The alarm user permit fee for any property shall be increased by five dollars (\$5.00) for every false alarm signal in excess of ten (10) to which the Police responded during the prior year. The alarm business shall be liable to the alarm user for any additional alarm user permit fees assessed pursuant to the previous sentence resulting from faulty or malfunctioning equipment supplied, installed or maintained by such alarm business.

(b) The Village Manager shall be responsible for establishing and publishing procedures and publishing fees for the registration and the issuance of licenses to all alarm businesses that have consumers in the Village, and for issuing permits and decals to alarm users. The Village Manager shall be responsible for the collection of the fees assessed hereunder.

(c) All alarm users shall obtain from the Village Manager an alarm user permit and permit decal. All alarm users shall prominently display the permit decal in a location where it may be read from outside of the building. Failure to obtain and display the alarm permit and permit decal shall be a municipal infraction, the penalty for which shall be as proscribed in Section 6-2(d).

(d) The Village Manager may establish and publish regulations regarding procedures to be followed by alarm businesses when reporting alarms directly to the police. Failure to follow the procedures so established shall be cause for the suspension or revocation of the alarm business license by the Village.

(No. 49-03-84, 5-14-84)

Sec. 21-5. Penalties.

Any violation of this Chapter shall be a municipal infraction and shall be subject to a fine in the amount set forth in Section 6-2(d) of this Code. Each day a violation continues shall be a separate offense.

(No. 49-03-84, 5-14-84)

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