AN ORDINANCE TO REVISE THE REGULATIONS RELATING TO ALARM MONITORING SERVICES BY AMENDING CHAPTER 5.24 AND CREATING A NEW CHAPTER 5.26 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has enacted ordinances to regulate and permit the business of monitoring police and fire alarm systems; and

WHEREAS, the Common Council wishes to amend, restructure, and add sections of the Rapid City Municipal Code pertaining to alarm monitoring services and set the fee amount for central station service permits by resolution.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Chapter 5.24 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

CHAPTER 5.24: CENTRAL FIRE ALARM SERVICE STATIONS

Section
5.24.010 Central station service defined.
5.24.020 Permit—Required.
5.24.030 Permit—Fee—Terms.
5.24.040 Central Station Standards.
5.24.050 Definitions—UL Certificate.
5.24.060 Automatic dialing direct alarm prohibited.
5.24.070 Violations.

5.24.010 Central station service defined.

CENTRAL STATION SERVICE. Any operation in which a person, firm, corporation, or other entity accepts valuable consideration in return for monitoring fire alarms, fire alarm systems or remote fire alarm signaling devices located within structures, other than residential structures, or any police alarm or police alarm system as defined in this chapter Title 5, located within the territorial jurisdiction of the City.

5.24.020 Permit—Required.

From and after December 31, 1989, no person, firm or corporation, other than a governmental agency, shall engage in the operation of central station service without having first secured a permit therefor from the City.

5.24.030 Permit—Fee—Terms.

Prior to the issuance of a permit, each person, firm, corporation or other entity operating a central station service shall make application therefor and pay the permit fee, in an amount set by resolution of the Common Council, to the Finance Office prior to the issuance of a permit therefor, pay to the Finance Office the sum of $50 as a fee for the issuance of the permit and make such application as is required by Chapter 5.04. The Finance Office will refer the application for a police alarm system to the Police Department and will refer the application for a fire alarm system—central station service to the Fire Department for approval. The permit shall
lapse and be of no further force and effect on December 31 following of the year for which it is issued.

5.24.040 Central Station Service Standards.

A.—Every central station service operated under a permit issued by the City shall comply, in all respects, with ANSI/UL 827, Standard for Central-Station Alarm Services and National Fire Protection Association Standards 72-74, 1987-2019 Edition, at all times; provided, however, § 6.2 thereof is deleted. Further, the central monitoring station of each central station service business operated under a permit issued by the city shall be conducted within a secure building, which building or the portion thereof occupied by the central monitoring station shall meet the following standards:

—1. Construction of the central monitoring station shall meet all requirements of the current building codes adopted by the City of Rapid City;
—2. The minimum requirements for fire protection shall be 1-hour fire-resistive construction;
—3. Central monitoring stations located within another building shall be separated from the remainder of the building by a minimum 1-hour fire-resistive occupancy separation;
—4. All openings into the central monitoring station portion of the building shall be protected with 1-hour fire-rated doors and fire dampers;
—5. Toilet facilities shall be available within the portion of the building occupied by the central monitoring station and in such proximity as to enable the operator to make use thereof while keeping audible contact with the monitoring equipment and able to respond immediately to an alarm;
—6. All openings into the central monitoring station area shall be secured from public access by doors which shall be kept closed and locked at all times. Internal release of the locked door by the operator shall be made only after visual identification by either a fire-rated 1-way glass or a television monitor;
—7. Heating, air conditioning and ventilation equipment shall be fully useful and operable without the opening of any secured access door;
—8. Approved emergency lighting shall be installed to provide adequate lighting for the operations and shall be powered by approved batteries or by an emergency generator.

B. The following exception is made to the requirements of subsection A. of this section, to be effective until September 1, 1990, at which time it shall be of no further force or effect:
—If a fire alarm system connected to a licensed central-station service complies in all respects to all applicable codes with the sole exception that the alarm reporting equipment does not meet the standard established by subsection A. of this section, the failure of such alarm reporting equipment to meet such standard shall not be considered to be a violation, provided such equipment was installed and operating before September 1, 1988, that no major modification is made to such alarm system, and the owner of the building or business within which such alarm system is located shall have filed with the fire chief a written statement acknowledging that he or she is aware that such fire alarm system does not comply with the standards established by subsection A. of this section.

5.24.050 Definitions.

UL Certificate. As it is impractical for the Fire Department to conduct inspections on central station service facilities located outside the jurisdictional boundaries of the City of Rapid City, a ULX category UL Certificate for those locations shall be included with the central station service
application. Central station service facilities located within the jurisdictional boundaries of the City of Rapid City will be inspected by the Rapid City Fire Department.

The following words shall have the following meanings within this chapter unless otherwise specifically provided:

A. **ACT OF GOD.** An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill or foresight.

B. **AUTOMATIC DIALING DEVICE.** Any device connected to a telephone line programmed to select a predetermined telephone number assigned to the emergency services communication center and thereby transmit a signal indicating the need for an emergency response of any duly authorized law enforcement personnel.

C. **FALSE ALARM.** Any police alarm signal or notification which elicits a response from any duly authorized law enforcement personnel when the response is deemed to have been made unnecessarily. A false alarm is one which results in a response of a duly authorized law enforcement personnel when such response determines that:

1. No criminal activity, attempted criminal activity or any emergency exists or existed to justify any alarm or alarm signal;
2. The alarm or alarm signal was not caused by the act of a person over whom the user or alarm agent had no control; and
3. The alarm or alarm signal was not caused by an act of God.

D. **POLICE ALARM or POLICE ALARM SYSTEM.** Any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and when the system is actuated gives a signal, visual and/or audible or transmits and/or causes to be transmitted any signal or alarm. As used herein, **POLICE ALARM SYSTEM** shall refer to systems owned or leased by private persons or entities, and shall exclude the following:

1. Any alarm system intended for use with a motor vehicle; and
2. Any alarm system installed in the interior of any premises designed solely for the purpose of alerting the occupants within the premises.

E. **POLICE ALARM USER.** Any owner, occupant, lessee or lessor of any structure or dwelling on private property on whose premises there is installed or maintained within the corporate limits of the city, an alarm or alarm system.

5.24.060 **Automatic dialing direct alarm prohibited.**

No police alarm business or police alarm user within the corporate limits of the city shall operate any automatic dialing direct police alarm, as defined herein. Any governmental entity within the corporate limits within the city shall be exempt from the provisions of this section.

5.24.0760 Violations.

A. Whenever any duly authorized law enforcement personnel have responded to 2 false police alarms within any period of 12 calendar months to the same premises in response to any police alarm or police alarm system as provided for herein, the owner or occupant of the real property on which the alarm or alarm system is installed shall pay to the city for each false alarm thereafter the sum of $50 as partial compensation for those costs incurred by the city’s Police Department in responding to the false alarm. Any invoice issued may be appealed first to the Police Chief, then to the Common Council.

B. In the event an invoice for payment hereunder is unpaid more than 30 days after the due date, the Chief of Police may order that the central station service shall disconnect the police
alarm system from its service upon 20 days’ notice to the owner or occupant of the subject property.

C. The Chief of Police may waive charges for any response made within 14 days after initial installation. Violations of this Chapter shall be subject to the general penalty provisions of Chapter 1.12.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 5.26 be and is hereby added to the Rapid City Municipal Code to read in its entirety as follows:

CHAPTER 5.26: POLICE ALARM MONITORING

Section

5.26.010 Definitions.
5.26.020 Automatic dialing direct alarm prohibited.
5.26.030 Violations.

5.26.010 Definitions.

The following words shall have the following meanings within this chapter unless otherwise specifically provided:

A. ACT OF GOD. An unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill, or foresight.

B. AUTOMATIC DIALING DEVICE. Any device connected to a telephone line programmed to select a predetermined telephone number assigned to the emergency services communication center and thereby transmit a signal indicating the need for an emergency response of any duly authorized law enforcement personnel.

C. FALSE ALARM. Any police alarm signal or notification which elicits a response from any duly authorized law enforcement personnel when the response is deemed to have been made unnecessarily. A false alarm is one which results in a response of a duly authorized law enforcement personnel when such response determines that:

1. No criminal activity, attempted criminal activity or any emergency exists or existed to justify any alarm or alarm signal;

2. The alarm or alarm signal was not caused by the act of a person over whom the user or alarm agent had no control; and

3. The alarm or alarm signal was not caused by an act of God.

D. POLICE ALARM or POLICE ALARM SYSTEM. Any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and when the system is actuated gives a signal, visual and/or audible or transmits and/or causes to be transmitted any signal or alarm. As used herein, POLICE ALARM SYSTEM shall refer to systems owned or leased by private persons or entities, and shall exclude the following:

1. Any alarm system intended for use with a motor vehicle; and

2. Any alarm system installed in the interior of any premises designed solely for the purpose of alerting the occupants within the premises.

E. POLICE ALARM USER. Any owner, occupant, lessee or lessor of any structure or dwelling on private property on whose premises there is installed or maintained within the corporate limits of the City, an alarm or alarm system.
5.26.020 Automatic dialing direct alarm prohibited.
No police alarm business or police alarm user within the corporate limits of the City shall operate any automatic dialing direct police alarm, as defined herein. Any governmental entity within the corporate limits within the City shall be exempt from the provisions of this section.

5.26.030 Violations.
A. Whenever any duly authorized law enforcement personnel have responded to two false police alarms within any period of 12 calendar months to the same premises in response to any police alarm or police alarm system as provided for herein, the owner or occupant of the real property on which the alarm or alarm system is installed shall pay to the City for each false alarm thereafter the sum of $50 as partial compensation for those costs incurred by the City’s Police Department in responding to the false alarm. Any invoice issued may be appealed first to the Police Chief, then to the Common Council.
B. In the event an invoice for payment hereunder is unpaid more than 30 days after the due date, the Chief of Police may order that the central station service shall disconnect the police alarm system from its service upon 20-days’ notice to the owner or occupant of the subject property.
C. The Chief of Police may waive charges for any response made within 14 days after initial installation.

BE IT FURTHER ORDAINED by the City of Rapid City that all current permits issued for central station fire alarm monitoring which are set to expire on December 31, 2022, shall be recognized as valid and extended until March 31, 2023.

CITY OF RAPID CITY

ATTEST

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Steve Allender, Mayor

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Finance Director

(seal)

First Reading:
Second Reading:
Published:
Effective: