

Chapter 2.5 ALARM SYSTEMS*

*Cross reference(s)--Buildings and building regulations, Ch. 6; fire alarms, § 6-41; fire prevention and protection, Ch. 10; licenses and permits, Ch. 15; offenses, Ch. 17; police, Ch. 20.

- Art. I. In General, §§ 2.5-1--2.5-15
Art. II. Burglar Alarm Systems, §§ 2.5-16--2.5-24
Art. III. Fire Alarm Systems, §§ 2.5-25--2.5-32

ARTICLE I. IN GENERAL

- Sec. 2.5-1. Reserved.
Sec. 2.5-2. Reserved.
Sec. 2.5-3. Reserved.
Sec. 2.5-4. Reserved.
Sec. 2.5-5. Reserved.
Sec. 2.5-6. Reserved.
Sec. 2.5-7. Reserved.
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Sec. 2.5-10. Reserved.
Sec. 2.5-11. Reserved.
Sec. 2.5-12. Reserved.
Sec. 2.5-13. Reserved.
Sec. 2.5-14. Reserved.
Sec. 2.5-15. Reserved.

ARTICLE II. BURGLAR ALARM SYSTEMS*

*Editor's note--Ord. No. 92-82, adopted Sept. 8, 1982, added Ch. 426, §§ 426.1--426.10 to the former Code. At the discretion of the editor, §§ 426.1--426.9 have been codified as herein set out in Ch. 2.5, Art. II, §§ 2.5-16--2.5-24. Section 426.10, the severability clause, has not been set out.

Sec. 2.5-16. Definitions.

For purposes of this article, the following definitions shall

apply unless the context clearly implies otherwise:

Alarm agent means any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the city.

Alarm business means any person who is in the business of installing, servicing, repairing or monitoring alarm systems located within the city.

Alarm system means any mechanism or device designed for the detection of unauthorized entry upon any property, other than motor vehicles or vessels, and which, when activated, emits an audio, visual, electronic or other signal.

Alarm user means any person whose property is protected by an alarm system located within the city.

Central station means any telephone answering or similar supervised intermediary message service.

Chief means the chief of police for the city, or a designee.

False alarm means any alarm signal which is not in response to an actual or attempted unauthorized entry upon property requiring an immediate police response. "False alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate police response is not required, or by a malfunctioning alarm system. However, "false alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions or other cause beyond the control of the alarm user. It shall be the burden of the alarm user to demonstrate to the satisfaction of the chief that an alarm signal was the result of such extraordinary cause.

Person means any individual, firm or corporation.
(Ord. No. 92-82, § 426.1, 9-8-82)

Cross reference(s)--Police, Ch. 20.

Sec. 2.5-17. Permits.

(a) *Alarm agents and alarm businesses.* No person shall be an alarm agent or engage in the alarm business without a permit. The permit shall be carried on the person of every alarm agent while in the course of employment, and shall be prominently displayed by

every alarm business at its principal place of business.

(b) *Alarm users.* No person shall be an alarm user without a permit. However, in the case of persons who are already alarm users on the effective date of this article, this provision shall not take effect until ninety (90) days thereafter. Only one permit shall be required for an alarm user with more than one alarm system at the same location, or for an alarm user with an alarm system at more than one location if an alarm system is required by law.

(c) *Applications.* Applications for permits shall be filed with the chief on a form prescribed for that purpose.

(d) *Investigations; inspections.* In the case of applications for alarm agent or alarm business permits, the chief shall investigate the applicant's qualifications and fitness for the permit. In the case of applications for alarm user permits, the applicant shall file with the application a signed statement by an authorized alarm agent that the alarm system has been inspected and is in proper working order.

(e) *Issuance; standards for denial.* Upon receipt of a completed application, and in the case of applications for alarm agent or alarm business permits, completion of the chiefs investigation, the chief shall issue the permit unless the chief finds that:

- (1) The applicant has knowingly or intentionally omitted or falsified information in the application;
- (2) The applicant has previously violated any provision of this article; or
- (3) In the case of applications for alarm agent or alarm business permits, the applicant:
 - a. Is not currently licensed by the state electrician's examining board to perform the work of an alarm agent or an alarm business; or
 - b. Has been convicted of any offense involving burglary, theft, or fraud.

(f) *Expiration.* Alarm agent, alarm business, and alarm user permits shall be valid for no more than two (2) years, and shall

expire biannually on August thirty-first.

(g) *Grounds for suspension or revocation; hearings.* The chief may, after notice and hearing, suspend or revoke a permit if:

- (1) The permittee has subsequently violated any provision of this article; or
- (2) In the case of alarm agents or alarm businesses, the permittee is convicted of any offense involving burglary, theft, or fraud.

(h) *Decisions.* The decision to deny, suspend, or revoke a permit shall be made in writing, shall state the reason or reasons for the decision, and shall inform the applicant or permittee of the right to appeal.

(i) *Appeals: fee.* Any applicant who is denied a permit, and any permittee whose permit is suspended or revoked, may appeal to the city council by filing a written notice of appeal with the chief within seven (7) days of the decision. The notice of appeal shall state the basis for the appeal and shall be accompanied by payment of an appeal fee of ten dollars (\$10.00). A hearing shall be held by the council within thirty (30) days after the filing of the notice of appeal. The chief shall give written notice of the hearing to the applicant or permittee at least five (5) days before the hearing. The council may, after hearing, affirm, reverse, or modify the chief's decision.

(Ord. No. 92-82, § 426.2, 9-8-82; Ord. No. 62-83, 7-6-83)

Sec. 2.5-18. Audible alarm systems.

No alarm user shall maintain any audible alarm system which sounds for more than fifteen (15) minutes when activated. However, in the case of any such alarm system which in fact sounds for more than fifteen (15) minutes when activated, the alarm user, or a designee, shall respond within one (1) hour of police notice to deactivate the alarm system. Each such alarm system, except those protecting exclusively residential property, shall be equipped with a flashing blue light visible from the public way, unless it is directly connected to a central station.

(Ord. No. 92-82, § 426.3, 9-8-82)

Sec. 2.5-19. Direct connections to police department.

No alarm user shall maintain any direct connection from an

alarm system to the communication center of the police department.
(Ord. No. 92-82, § 426.4, 9-8-82)

Sec. 2.5-20. Automatic dialing devices.

Any alarm system may be connected to any central station by an automatic dialing device, but no such device shall connect any alarm system to the communication center of the police department.
(Ord. No. 92-82, § 426.5, 9-8-82)

Sec. 2.5-21. False alarm penalties.

For all alarm users:

- (a) *First and second responses.* For the first and second police responses to a false alarm within any calendar year, the chief shall give written notice of the false alarm to the alarm user within three (3) days.
- (b) *Third response.* For the third police response to a false alarm within any calendar year, the chief shall give written notice of the false alarm to the alarm user within three (3) days, and the alarm user shall file a written report with the chief within three (3) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.
- (c) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth police responses to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of one-hundred dollars (\$100.00), and shall, in the case of any equipment failure, file with the chief within three (3) days of notice to do so a signed statement by a licensed alarm business that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the chief describing corrective action taken, if any.
- (d) *Seventh and subsequent responses.* For the seventh and subsequent police responses to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of one hundred and fifty dollars (\$150.00).

(Ord. No. 92-82, § 426.6, 9-8-82; Ord. No. 117-01/02, 12-3-01; Ord. No. 267-08/09, 5-18-09)

Sec. 2.5-22. Inspections by chief.

The chief may inspect or cause to be inspected any alarm system or any property protected by an alarm system at all reasonable times to ensure compliance with the provisions of this article.

(Ord. No. 92-82, § 426.7, 9-8-82)

Sec. 2.5-23. Rules.

The chief may promulgate all reasonable rules not inconsistent with this article to carry out the purposes and provisions hereof. Such rules shall be issued in writing and shall take effect no less than thirty (30) days following the date of issuance unless sooner suspended by the city council.

(Ord. No. 92-82, § 426.8, 9-8-82)

Sec. 2.5-24. Violations.

A violation of any provision of this article, including the failure to pay any false alarm penalty, shall be punishable as provided in section 1-15.

(Ord. No. 92-82, § 426.9, 9-8-82)

ARTICLE III. FIRE ALARM SYSTEMS

Sec. 2.5-25. Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Alarm number means any number assigned by the fire chief to a building which is connected by a fire alarm system to an approved private central station.

Alarm user means any person whose building is connected to either the Dispatch Center of the City of Portland fire department or an approved private central station.

Approved private central station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, or as otherwise approved by the fire chief.

Dispatch Center (also known as the public safety answering

point "PSAP") means any place utilized by the City of Portland for the receipt, monitoring or dispatching of alarms.

False alarm means any signal which is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the fire department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the fire chief that an alarm signal was not a "false alarm."

Fire chief means the chief of the City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.
(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 111-91, 9-4-91; Ord. No. 292-04/05, 6-20-05)

Sec. 2.5-26. Certain master box connections required.

The following buildings, as classified by the NFPA 101 Life Safety Code, 1997 edition, shall be connected by master box alarm system to either the dispatch center or an approved private central station:

- (a) *New and existing buildings:*
 - (1) Places of assembly (classes A and B);
 - (2) Educational facilities;
 - (3) Child day-care facilities (more than 12 children under the age of 16);
 - (4) Health care facilities;

- (5) Nursing homes;
- (6) Residential board and care facilities;
- (7) Detention and correctional occupancies;
- (8) Hotels, motels and dormitories;
- (9) Apartments for the elderly (12 or more units);
- (10) Mercantile occupancies (class A and B);
- (11) Industrial occupancies;
- (12) High-rise buildings 75 feet or more in height;
- (13) Storage buildings containing high hazard contents;
- (14) Special structures as determined by the fire chief.

(b) *New buildings only:*

- (1) Residential occupancies (20 or more units).

New buildings shall be connected prior to the issuance of any certificate of occupancy. Existing buildings shall be connected within eighteen (18) months of the effective date of this article, provided, however, that the fire chief may, in writing, grant up to a six-month extension upon a clear showing of unusual practical difficulty or undue financial hardship.

Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief.

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 188-00, § 1, 4-24-00; Ord. No. 292-04/05, 6-20-05)

Sec. 2.5-27. Master box connections to the dispatch center.

(a) *New connections.* No buildings, other than those listed in section 2.5-26 of this article and those which, if new, would be required to connect under subsection (b) thereof shall, after the effective date hereof, be permitted to connect by master box alarm

system to the dispatch center. Any person eligible to make a connection hereunder may apply to the fire chief on a form to be devised by him for such purpose. Said application shall contain insurance and indemnification requirements as determined by the fire chief. Applications shall be acted upon when complete, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such connections as may otherwise be eligible hereunder. No connection shall be made without prior payment of the new connection and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the building to be connected and the alarm system meet all applicable codes and regulations. All connections shall be made by the alarm user under the direction and supervision of the fire chief and at the alarm user's expense, except that final connection to the dispatch center shall be made by the fire chief. All alarm users shall meet the standards contained within the "Performance Standards for the City of Portland Fire Alarm System 2005" as the same may be amended from time to time.

(b) *Existing connections.* Any alarm user having an existing connection by master box alarm system to the dispatch center, whether or not connecting a building listed in section 2.5-26 of this article, shall, within thirty (30) days of written notice by the fire chief, elect, in writing whether or not to retain the connection. Any alarm user electing to retain a connection shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any alarm user electing not to retain a connection, and any alarm user failing to make an election, shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable.

(c) *Connection and maintenance fees.* The following fees shall apply to each fire alarm system connected to the dispatch center:

(1) New connection fee \$500.00

(2) Annual maintenance fee 225.00

Except that for each
additional alarm system
at the same location 100.00

First-time payments of the annual maintenance fee shall be

prorated over the number of months, including any fraction thereof, remaining between the date of payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment is not made within thirty (30) days thereafter, the alarm user shall forthwith be notified in writing by the fire chief of the impending disconnection of the alarm system, which shall be disconnected by the fire chief as soon thereafter as practicable. Any unpaid charges assessed under this section shall be enforceable by lien against the property serviced by the alarm and shall be collected pursuant to section 1-16 of this Code.

(d) *Reconnections.* Any fire alarm system disconnected pursuant to subsection (b) of this section shall not be reconnected without prior payment of the annual maintenance fee prescribed in this section and a reconnection fee of one-hundred dollars (\$100.00), except that if reconnection is not made within thirty (30) days after disconnection, the reconnection fee shall be the same as the new connection fee prescribed in this section. Any alarm system disconnected at the request of the alarm user for purposes of inspection, testing or repair shall be reconnected up to three (3) times in any year at no additional charge, after which, however, the alarm system shall not be reconnected without prior payment of a reconnection fee of one-hundred dollars (\$100.00).

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 188-00, §2, 4-24-00; Ord. No. 278-01, § 1, 5-21-01; Ord. No. 292-04/05,6-20-05)

Sec. 2.5-28. Central station alarm number assignments.

All alarm users hereunder shall meet the standards contained within the "Performance Standards for the City of Portland Fire Alarm System 2005" as the same may be amended from time to time.

***Editor's Note:** A copy of such Standards may be obtained at <http://www.portlandmaine.gov/fire/firecoderules.pdf> or by calling 874-8405.

(a) *New assignments.* Any approved private central station may apply to the fire chief on a form to be devised by him for new alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article. Said application shall contain insurance and indemnification requirements as determined by the

fire chief. Applications shall be acted upon as completed and received, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such assignments. No assignment shall be made without prior payment of the new assignment and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the central station meets all applicable operating requirements.

(b) *Existing assignments.* Any approved private central station having existing alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article, shall, within thirty (30) days of written notice by the fire chief, elect in writing whether or not to retain any or all of the assignments. Any central station electing to retain any assignment shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any central station electing not to retain any assignment, and any central station failing to make an election, shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.

(c) *Assignment and maintenance fees.* The following fees shall apply to each approved private central station alarm number assignment:

- (1) New assignment fee \$100.00
- (2) Annual maintenance fee \$50.00

First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment is not made within thirty (30) days thereafter, the central station shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.

(d) *Reassignments.* Any alarm number recalled pursuant to subsection (b) or (c) of this section shall not be reassigned to the central station without prior payment of the maintenance fee prescribed in this section and a reassignment fee of fifty dollars

(\$50.00), except that if reassignment is not made within thirty (30) days after recall, the reassignment fee shall be the same as the new assignment fee prescribed in this section.

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 278-01, § 2, 5-21-01; Ord. No. 292-04/05, 6-20-05)

Sec. 2.5-29. False alarm penalties.

(a) *First and second responses.* For the first and second responses by the fire department to a false alarm within any fiscal year, the fire chief shall give written notice of the false alarm to the alarm user within three (3) days.

(b) *Third response.* For the third response by the fire department to a false alarm within any fiscal year, the fire chief shall give written notice of the false alarm to the alarm user within three (3) days, and the alarm user shall file a written report with the chief within three (3) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.

(c) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth responses to a false alarm by the fire department within any fiscal year, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) per instance and shall, in the case of any equipment failure, file with the fire chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the fire chief describing corrective action taken, if any.

(d) *Seventh and subsequent responses.* For the seventh and subsequent responses by the fire department to a false alarm within any fiscal year, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(e) *Written notice deemed complete.* Written notice by the fire chief shall be complete upon leaving such notice at or in the property at the time of response by the fire department or by mailing such notice within three (3) days by first class mail.

(f) *Fiscal year.* Fiscal year as used herein shall mean July 1 through June 30 of each year.

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 387-92, 5-18-92; Ord. No. 66-92, 8-3-92;

Ord. No. 301-97, 5-19-97; Ord. No. 278, § 3, 5-21-01; Ord. No. 292-04/05, 6-20-05)

Sec. 2.5-30. Inspections by fire chief; evidence by the property owner.

The fire chief may inspect or cause to be inspected any master box alarm system or any building connected thereby at all reasonable times to ensure compliance with the provisions of this article.

At the time of annual maintenance fee payment, the property owner shall provide to the fire chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 188-00, §3, 4-24-00; Ord. No. 292-04/05, 6-20-05)

Sec. 2.5-31. Rules and regulations.

The fire chief may promulgate all reasonable rules and regulations not inconsistent with this article to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance unless sooner suspended by the city council.

(Ord. No. 581-85, § 1, 6-5-85)

Sec. 2.5-32. Violations.

A violation of any provision of this article, including the failure to pay any false alarm penalty, shall be punishable as provided in section 1-15 of this Code.

This article may be enforced by the fire chief or his or her designee through the Uniform Summons and Complaint process.

In addition to the process set forth above, when the chief of the fire department, in his or her sole discretion, determines that the property owner has failed to take action to correct a faulty fire alarm system within four hours of being notified of its deficiency, the chief shall have the authority, in person or through agents, to enter onto any property to have fire protection equipment repaired. The fire chief shall cause the condition to be corrected and shall send a notice of any action taken to correct an

unsafe condition and the charges for the work done to the owner or the owner's authorized representative. The charges shall be payable to the city within thirty (30) days of the date of the notice. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

(Ord. No. 581-85, § 1, 6-5-85; Ord. No. 188-00, §4, 4-24-00)