

Order 104-10/11
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Public Hearing and Passage,12/20/10 7-0 (Anton, Leeman out)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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AMENDMENT TO PORTLAND CITY CODE
CHAPTER 2.5. ALARM SYSTEMS
ARTICLE II. BURGLAR ALARM SYSTEMS
SECTIONS 2.5-17 and 2.5-21

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That sections 2.5-17 and 2.5-21 of the Portland City Code
are hereby amended to read as follows:*

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, provided that alarm agents employed by or otherwise contracted by a permitted alarm business are not required to obtain a permit. The permit, or copy of the permit of the alarm business, 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. A copy of the permit of the alarm business shall be carried on the person of every salesperson employed by the alarm business when such salesperson is visiting a business or residence while in the course of employment.

(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 and accompanied by the appropriate fee. Applications for alarm business permits shall also be accompanied by a listing of all alarm agents employed by the business and said lists shall be

updated as needed to remain current. Fees for the issuance of permits authorized under this section shall be established by order of the city council and kept on file at the Portland Police Department. First-time payments of the application fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following December thirty-first, provided, however, that in no case shall the fee be reduced to less than half. The annual renewal application fee shall thereafter be due and payable in full on December fifteenth. If payment is not made within thirty (30) days thereafter, the application shall be denied and a permit will not be issued.

(d) *Investigations; inspections.* In the case of applications for alarm agent or alarm business permits, the chief shall investigate the qualifications and fitness for the permit of all applicants and all alarm agents employed by applicant alarm businesses as provided on the employee list submitted with the application. 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 chief's 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 or alarm agent employed by applicant alarm business has previously violated any provision of this article; or
- (3) In the case of applications for alarm agent or alarm business permits, the applicant or alarm agent employed by applicant alarm business:
 - 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 felony crime or any misdemeanor burglary, theft, or fraud offense.

(f) *Expiration.* Alarm agent and alarm business permits shall be valid for no more than two (2) years, and shall expire biannually on December thirty-first. Alarm user permits shall be valid for no more than one (1) year, and shall expire annually on December thirty-first. Renewal applications shall be filed in accordance with section (c) above, along with the renewal application fee no later than December fifteenth each renewal year.

(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 or alarm agent employed by permitted alarm business is convicted of any felony crime or any misdemeanor burglary, theft, or fraud offense.

(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 manager 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 city manager or his or her designee 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 city manager or his or her designee may, after hearing, affirm, reverse, or modify the chief's decision.

Sec. 2.5-21. False alarm penalties.

For all alarm users:

- (a) *Second response.* For the second 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 ten (10) business days, and the alarm user shall file a written report with the chief within five (5) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.

- (c) *Third and fourth responses.* For the third and fourth 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) *Fifth and sixth responses.* For the 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 fifty dollars (\$150.00), 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.

- (e) *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 two hundred dollars (\$200.00).