

ORDINANCE NO. 17-22

AN ORDINANCE REPEALING AND REPLACING
ORDINANCE NO. 16-97 CODIFIED AS CHAPTER 8.08 OF THE
CASPER MUNICIPAL CODE.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statute §15-1-103(a)(xiii) and (xli) to adopt ordinances and resolutions necessary to protect the health, safety and welfare of the City and of its citizens; and,

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the city necessary to the exercise of its corporate powers; and,

WHEREAS, the Casper Municipal Code needs updated and modified from time to time; and,

WHEREAS, this ordinance addresses the finding that excessive false alarms unduly burden the Casper Police Department's law enforcement resources; and,

WHEREAS, the purpose of this ordinance is to establish reasonable standards for users, to ensure that alarm owners are held responsible for the proper operation of their alarm systems; and,

WHEREAS, Public Safety agencies recognize the significant burdens placed on local law enforcement resources due to responding to false alarm calls; and,

WHEREAS, properly installed, monitored and operated alarm systems are effective tools which can identify criminal offenses in progress, and will lead to a reduction in the incidents of false alarms as well as enhance the safety of responding law enforcement officers; and,

WHEREAS, reduction of false alarms and clearly defined alarm user responsibilities are to the benefit of all parties.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1. Ordinance No. 16-97 as codified in the Casper Municipal Code as Chapter 8.08, Sections 8.08.010 through 8.08.170 is hereby repealed and replaced with this Ordinance and should be codified as set out in Section 2, below.

Section 2. This Ordinance is established to set reasonable standards for users, ensure that alarm owners are held responsible for their use of alarm systems, and to encourage the use of efficient security systems in accordance with established best practices and shall be codified as Chapter

8.08 of the Casper Municipal Code, titled "Private Intrusion, Robbery, Hold-up, Duress, and Panic Alarms Ordinance," as follows:

8.08.010 Title

This Chapter shall be referred to as the "Private Intrusion, Robbery, Hold-up, Duress, and Panic Alarms Ordinance."

8.08.020 Purpose

The purpose of this chapter is to set forth regulations governing private intrusion, robbery, hold-up, duress, and panic alarm systems within the City; to reduce the dangers and diversions of false alarms; to require registration of alarm systems and encourage alarm users to maintain their systems in good working order; to encourage alarm system users to use their systems properly; and to provide the authority to establish fees.

8.08.030 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

- A. "Alarm Administrator" means a person or persons designated by the City to administer the provisions of this Ordinance.
- B. "Alarm Company" means a person, company, firm, or corporation, which has the contractual agreement with the alarm user and is subject to the licensing requirements promulgated by the City, and who is engaged in selling, leasing, installing, servicing or monitoring alarm systems; this entity shall be licensed in compliance with city, county and state laws.
- C. "Alarm Event" means an alarm system activation, to which law enforcement is requested to respond.
- D. "Alarm permit" means a permit issued to an alarm user by the City allowing the operation of an alarm system, which, as a function of its design and purpose, is the basis of a notification to the police that a police response is required or expected within the City.
- E. "Alarm system" means an assembly of equipment installed at a fixed location designed to detect and/or verify an occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond.
- F. "Alarm user" means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or

on whose premises an alarm system is maintained for the protection of such premises or the occupants therein.

- G. "Alarm User Awareness Class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, maintenance of alarm systems and effective verification of alarms, and false alarm reduction strategies.
- H. "Cancellation" means that the alarm company provides notification that response by law enforcement is no longer being requested. If cancellation occurs prior to law enforcement arrival at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.
- I. "Certified Alarm Technician" means a person holding a current and up-to-date designation or certification by the Electronic Security Association, or an equivalent certification from a national alarm industry organization or alarm equipment manufacturer.
- J. "City" means the City of Casper, or its agent.
- K. "Compliance Standards" means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.
- L. "Do It Yourself/Monitor It Yourself (DIY/MIY) Systems" means all alarm systems installed, activated, utilized, or monitored by the user without the assistance of an Alarm Company or service. All such systems shall adhere to all requirements of this alarm Ordinance, regardless if the system is a "do it yourself" and/or "monitor it yourself."
- M. "Dual-Activation Robbery/Hold-up Device" means a device which requires that two buttons be depressed together to activate an alarm signal for an in-progress robbery, hold-up, duress, or panic causing situation.
- N. "Enhanced Call Confirmation" means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user, to determine whether an alarm event is valid before requesting law enforcement response. A second attempt will be made to contact the alarm user if the first attempt fails. EXCEPT:
 - 1. As defined by ANSI/CSAA CS V 01 2016 or current version, in case of a fire, panic, robbery-in-progress alarm or verified alarm.
- O. "False alarm" means the activation of an alarm system when, upon observation by Law Enforcement, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises. False alarm does not include alarms activated by violent conditions of nature, such as blizzards, tornadoes, earthquakes, or any other similar causes beyond the control of the user of an alarm system. False alarms generated by incorrect system installation or by inappropriate or overly-sensitive alarm system settings, which are

triggered by reasonably anticipated, or regionally common weather-related events or other similar minor acts of nature, shall not be exempt from designation as a false alarm.

- P. "Local alarm" means an alarm system that is not monitored by a remote monitoring center.
- Q. "Permit year means" a 12-month, calendar year period, beginning on the day and month on which an alarm permit is issued and ending on December 31st of the year in which the permit was issued.
- R. "Robbery", hold-up, duress, or panic alarm" means any alarm system or alarm function which is designed to report an incident involving the immediate and currently occurring jeopardy of human life due to criminal acts of violent crime such as those associated with armed robbery, hold-ups, kidnapping, and similar acts of criminal violence.
- S. "Runaway alarm" means an alarm system that produces repeated alarm activations that do not appear to be caused by separate human action. Law Enforcement may, in its discretion, discontinue police responses to alarm activations from what appears to be a runaway alarm.

8.08.040 Alarm Registration, Permitting, and Permit Fees

- A. **Permit required.** No person shall use an alarm system without first obtaining a permit from the City for that alarm system. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch. Permits are issued for a calendar year and are subject to renewal prior to the commencement of any subsequent calendar year.
- B. **Application.** The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City. The Application shall include the full name, address, and phone number of at least three (3) responsible persons authorized to exercise control over the operations of the intended alarm system and the required response, upon request of responding law enforcement personnel, to alarm activations. For new residential alarm permit applicants who are new to the City, and who may not yet know or have the required three (3) responsible persons authorized to exercise control over the alarm, it is permissible to submit application for the initial calendar year permit with less than three (3) responsible persons.
- C. **Transfer of possession.** When the possession of the premises at which an alarm system is maintained or operated is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 (thirty) days of obtaining possession of the property. Alarm permits are not transferable.
- D. **Annual Renewal of Alarm Permit.** No later than January 1st of each year, renewing alarm permit holders shall provide an alarm permit renewal application to the City along with the associated permit renewal fee. The annual alarm permit renewal shall provide verification

that the list of responsible persons authorized to exercise control over the operations of the alarm system is accurate and up-to-date.

- E. **Reporting updated information.** Whenever the required information provided on the alarm permit application changes, including the contact information for the three responsible persons authorized to exercise control over the alarm, the alarm user shall provide corrected information to the City within 30 (thirty) days of the change. In addition, at the beginning of each calendar year after the issuance of the permit, permit holders will receive from the City a form requesting updated information. The permit holder shall complete and return this form to the City whether or not any of the requested information has changed. Failure to provide updated information and verification of information upon annual renewal will constitute a violation of this Ordinance and shall result in a civil penalty. The inability to contact responsible persons authorized to exercise control over the alarm system due to outdated, invalid, or incorrect contact information, as provided and maintained by the alarm user with the permit application, update, or renewal, shall constitute *prima facie* evidence of a violation of this Ordinance.
- F. **Multiple alarm systems.** If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- G. **Alarm system installers.** The name of the service provider that installed the system, or if installed by the alarm user DIY (“do it yourself”), shall be indicated on the permit application by the applicant.
- H. **Monitoring Agency.** The name of the monitoring station that is monitoring the alarm system, or, if it is to be monitored by the alarm user MIY (“monitor it yourself”), shall be indicated on the permit application by the applicant.
- I. **Permit Fees.** The commercial and residential properties alarm permit fee is Twenty-Five Dollars (\$25.00), per permit, per calendar year. A new permit for the sole purpose of notification to the City of changes to an alarm system or its responsible persons contact information will not require a renewal fee for that year.
- J. **Annual Permit Renewal Required.** Police response to a property without a valid annual renewal will be subject to the same fee as failing to register.
- K. **Alarm Company Permit.** All Alarm Companies shall obtain an Alarm Company Permit from the City, the fee for which will be One-Hundred Dollars (\$100.00), per calendar year. Renewal of Alarm Company Permits shall occur no later than January 1 of the new calendar year and are valid for the duration of the calendar year. The Alarm Company Permit application and renewal shall contain current contact information for the persons responsible for the Alarm Company as well as a current list of all certified alarm technicians performing work for them.

8.08.050 Duties of the Alarm User

- A. Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- B. Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to facilitate dispatch).
- C. Respond or cause a representative to respond to the alarm system's location within a reasonable amount of time, not to exceed twenty (20) minutes, upon notification and request by the Casper Police Department.
- D. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- E. An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm-system.
- F. An alarm user must keep current the annual renewal of the alarm permit as well as provide, within thirty (30) days of any change, any update for any required contact information for the three responsible persons for the alarm system.
- G. An alarm user that installs the alarm system themselves (Do It Yourself, or DIY) or who will be monitoring the alarm system themselves (Monitor It Yourself, or MIY) is subject to the same duties as described in paragraph (A), (D), (E), (F), (H), and (I) of 8.08.060.

8.08.060 Duties of the Alarm Company

- A. Any alarm system installed within the City after the effective date of this Ordinance shall be equipped with an uninterrupted power supply in such a manner that failure of, or interruption of, normal electric service will not activate the alarm. The uninterruptable, back-up power supply shall be capable of providing, at a minimum, at least four (4) hours of operation.
- B. Every person performing alarm installation or alarm servicing for a permitted Alarm Company shall be a certified alarm technician or be in training to become a certified alarm technician. Any person in training to become a certified alarm technician shall have his or her work and final product supervised, inspected, and approved by a certified alarm technician working for the same Alarm Company.
- C. Any person engaged in the alarm business in the city shall comply with the following:
 - 1. Obtain and maintain any required state, county and/or city license(s).
 - 2. Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, twenty-four (24) hours

a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.

3. Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
- D. No alarm company, or any employee of an alarm company, or self-monitoring alarm system user shall make a false statement to the alarm administrator.
 - E. No alarm salesperson, alarm service person, or alarm installer shall activate an alarm signal that results in a false alarm reported to the police.
 - F. Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user(s).
 - G. Provide information to the alarm user on how to obtain service from the alarm company for the alarm system.
 - H. Upon enactment of this Ordinance, alarm installation companies shall, on all new and upgraded installations, install or provide only devices which require dual-activation of a two-button alarm activation function on any device(s) to be used for the purpose of reporting a robbery, hold-up, duress, or panic situation for any application in any commercial or residential account.
 - I. An alarm company responsible for monitoring services shall:
 1. Ensure the monitoring center utilizes Enhanced Call Confirmation. The monitoring center shall make two (2) attempts to contact user or users of alarm system prior to requesting law enforcement response.
 2. Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 3. Communicate any available information regarding specifics of the alarm event.
 4. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that a police response is unnecessary.

8.08.070 Duties of the Law Enforcement upon Response to an Alarm Activation

- A. Upon arrival at the site of an alarm activation of an alarm system, responding law enforcement officers shall make reasonable effort to determine if the alarm activation was a result of criminal activity, attempted criminal activity, or other emergency situation.
- B. Upon the reasonable determination that an alarm activation meets the definition of a false alarm, a responding officer shall leave written notification of the false alarm response at

the site of the alarm activation, as is reasonably possible given the conditions and circumstances present at the alarm activation site.

- C. Upon the issuance of a notification of a false alarm response, a copy of the notification shall be mailed to the alarm user listed on the alarm permit application.

8.08.080 Prohibited Acts

- A. It shall be a violation of this Ordinance to activate an alarm system for the purpose of summoning law enforcement when no private intrusion, burglary, robbery, or other crime dangerous to life or property is being committed, or attempting to be committed, or to otherwise cause a false alarm.
- B. It shall be a violation of this Ordinance to install, maintain, or use an external, audible alarm system which can sound continually for more than 10 minutes.

8.08.090 Excessive False Private Alarms; Fees and Suspensions Therefor

- A. **Excessive false private intrusion alarms; fees.** It is hereby found and determined that three (3) or more false private intrusion alarms within a permit year is excessive and shall be a violation of this Ordinance.
 - 1. Civil fees and constraints around police response for false private intrusion alarms within a permit year shall be assessed against an alarm user as follows:

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|----------------------------------|----------|
| Third false alarm | \$ 75.00 |
| Fourth false alarm | \$150.00 |
| Fifth false alarm | \$250.00 |
| Sixth and subsequent false alarm | \$500.00 |

- B. **Excessive false robbery, hold-up, duress, or panic alarms; fees.** It is hereby found and determined that the nature and intent of robbery, hold-up, duress, or panic alarms is to summon emergency personnel to the scene of the alarm for an apparent immediate jeopardy to human life, and that, as such, it is common that such alarms create a significant commitment of emergency personnel and resources. Further, it is hereby found and determined that excessive false robbery, hold-up, duress, and panic alarms create additional drain on public safety resources and should therefore be treated with the gravity such unwarranted resource allocations adversely cause to public safety. Therefore, it is hereby found and determined that two or more, false robbery, hold-up, duress, or panic alarms within a permit year is excessive and shall be a violation of this Ordinance.
 - 1. Civil fees and constraints around police response for false robbery, hold-up, duress, or panic alarms within a permit year may be assessed against an alarm user as follows:

| | |
|-----------------------------------|----------|
| Second false alarm | \$250.00 |
| Third false alarm | \$500.00 |
| Fourth and subsequent false alarm | \$750.00 |

C. Suspension of law enforcement response – Excessive false alarms. After an alarm site has accumulated eight (8) false alarm responses in a twelve (12) month alarm permit period, the Alarm Administrator shall notify the alarm user, the alarm installation company, or monitoring company, in writing, at least thirty (30) calendar days before police response to an alarm system’s notifications is to be discontinued. Suspension of alarm response does not apply to duress, robbery, holdup, and panic alarms. The notice of suspension must also include the amount of the penalty amount for each false alarm, and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

D. Reinstatement of suspended sites for excessive false alarms. A person whose alarm permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person submits to the Alarm Administrator:

1. A \$25.00 reinstatement fee.
2. Sufficient demonstration and articulation, in writing, addressing proactive measures which have been implemented to prevent false alarms in the future.
3. Certification from an alarm installation company stating that the alarm has been inspected and/or repaired for any case where repetitive, obvious malfunctioning of the system or the system’s settings has occurred.

E. Reinstatement of response. The Police Department shall reinstate its response to an alarm site as soon as practical, after receiving notice of reinstatement from the Alarm Administrator. Reinstatement of police response to an alarm pursuant to these procedures does not constitute a new permit for the purpose of calculating the fees associated with police responses to a false alarm during the calendar permit year. Subsequent responses to false alarms shall be assessed fees in accordance with the total number of previous false alarms during the calendar permit year.

F. Additional suspension of service. If an alarm permit is reinstated after suspension, the Police Department may again discontinue service if it is determined that two (2) false alarms have occurred within sixty (60) days after the reinstatement date. Notification of any such additional discontinuation of service shall be delivered to the alarm user, the alarm installation company, or monitoring company, in writing, at least thirty (30) calendar days before police response to an alarm system’s notifications is to be discontinued. Suspension of alarm response does not apply to duress, robbery, holdup, and panic alarms.

G. Alarm Administrator discretion. In the Alarm Administrator's sole discretion, the Alarm Administrator may waive required alarm inspection certification or alarm user training prior to approving reinstatement, and may reduce or waive false alarm fees, as appropriate. The Alarm Administrator's decision to approve or deny reinstatement, or to reduce or waive

fees, shall be made to further the efficient use of Police Department resources and in the interests of the public's health, safety and welfare.

8.08.100 Civil Fees and Penalties for Administrative Violations

- A. Violations of any portion of this Chapter's administrative requirements are subject to the following civil penalties and fees:
 - 1. Failure to Register for an Alarm Permit \$100.00
 - 2. Failure to Renew an Operating or Active Alarm Permit \$100.00
 - 3. Failure to Update Contact Information for Responsible Alarm Users within 30 Days of any Change or at Permit Renewal \$100.00
- B. Other Civil Penalties. Violations will be enforced through the assessment of civil penalties in the amount of One Hundred Dollars (\$100.00) per violation.
- C. Payment of Civil Penalties. Civil penalties shall be paid within (30) days from the date of the invoice.
 - 1. Discontinuance of law enforcement response. The failure of an alarm user to make payment of any civil penalties assessed under this Ordinance, within 60 days from the date of the invoice, may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit, until payment is received. This provision does not apply to any alarm sites for panic/duress alarm activations or robbery/hold up alarms even though the site is suspended.
- D. Civil Non-criminal violation.

A violation of any of the provisions of this Ordinance shall be a civil violation and shall not constitute a criminal, misdemeanor infraction.

8.08.120 Alarm User Awareness Class.

- A. The City may establish an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist in developing and conducting the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City may grant the option of attending an educational class in lieu of paying one assessed fine, not to exceed One Hundred Dollars (\$100.00). As part of this class, information pertaining to security systems that may also provide a verified alarm to the police shall be provided.
- B. Alternatively, the class can be delivered to the user as an online training module.

- C. Upon submission to the Alarm Administrator proof of a successful attendance and completion of such a class, the Alarm Administrator shall waive any penalty or fee, not to exceed One Hundred Dollars (\$100.00).

8.08.130 Appeals Process.

- A. Assessments of civil penalties and other enforcement decisions made under this Ordinance may be appealed by filing a written notice of appeal with the Casper Police Department within thirty (30) days after the date of notification of the assessment of civil penalties or other enforcement decision. The failure to give written notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of a penalty, or penalties, or other enforcement decision. Appeals shall be heard using the contested case format of the Wyoming Administrative Procedures Act. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.
- B. The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision, where warranted.

8.08.140 Confidentiality

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City.

8.08.160 Government Immunity

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response to any alarm, nor for the timeliness thereof. 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 applying for an alarm registration, the alarm user acknowledges that the Casper Police Department's response may be influenced or negated by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

8.08.180 Severability

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any

part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

This Ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

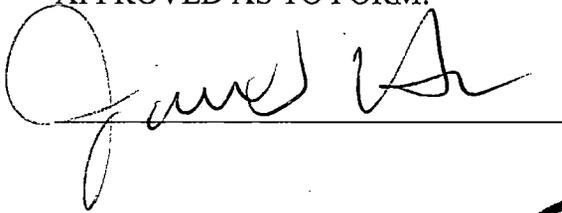
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PASSED on 1st reading the 1st day of November, 2022

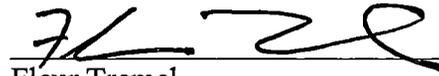
PASSED on 2nd reading the 15th day of November, 2022

PASSED, APPROVED, AND ADOPTED on third and final reading the 6th day of December, 2022.

APPROVED AS TO FORM:



ATTEST:


Fleur Tremel
City Clerk



CITY OF CASPER, WYOMING
A Municipal Corporation


Ray Pacheco
Mayor