

# SANTA FE COUNTY

## *Ordinance No. 1995-3*

1172779

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### AN ORDINANCE RELATING TO ALARM DEVICES AND ALARM SYSTEMS

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY:

**Section 1. SHORT TITLE**

This Ordinance, as amended from time to time, may be cited as "The Santa Fe County Alarm Code". It is hereinafter referred to as the "Alarm Code".

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**Section 3. PURPOSE**

The purpose of the Alarm Code is:

- A. To regulate the activity and responsibility of persons who:
  - (1) install or use alarm devices or alarm systems; 1172780
  - (2) engage in the business of selling, leasing, installing, servicing or maintaining alarm devices or alarm systems; or
  - (3) engage in the business of providing services incidental to alarm devices or alarm systems such as telephone alarm relay services, telephone answering service, fire, burglar or protective services incidental to or in response to a device or alarm system which affects the public.
- B. To set standards for alarm devices and alarm systems.
- C. To encourage improvement in the reliability of alarm devices and alarm systems.
- D. To eliminate undue burdens on public facilities and assure that law enforcement, fire, and other personnel are not unduly diverted from normal activities in response to false alarms.

The Alarm Code shall not regulate any private alarm device or alarm system which will not be seen or heard or which will not be communicated or transmitted to the Sheriff's Department, Fire Department or the general public.

**Section 4. DEFINITIONS**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is permissive. Words not defined in this section shall be given their common and ordinary meaning.

A. "Alarm System Business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, monitoring, or installing any alarm system, or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, monitored or installed in or on any building, structure, or facility.

B. "Alarm System" means any mechanical or electrical device which is designed primarily for the detection of an unauthorized entry into a building, structure, facility, or for alerting others of a medical emergency situation or of the commission of a robbery within a building, structure or both;

and which emits a sound or transmits a signal or message when activated, which causes notification to be made directly or indirectly to the Sheriff's Department. The representation in the ordinary course of business by a person selling or leasing a device that the device is sold or leased for the purpose of such detection shall create a presumption that the device is an alarm system. For the purposes of this definition, an "alarm system" shall not include:

(1) A device installed on a motor vehicle:

(2) Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure, or facility; or devices installed in buildings, structures, or facilities controlled by the state or any of its agencies, institutions or political subdivisions.

C. "Alarm User" means any person in control of any building, structure, or facility, or portion thereof, wherein an alarm system is maintained.

D. "Alarm User Permit" means a permit issued by the County of Santa Fe allowing the operation of an alarm system within the County of Santa Fe, but excluding those areas that are within the City of Santa Fe.

E. "Answering Service" means any telephone answering service providing, among its services, the service of receiving on a continuous basis through employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the Santa Fe County Sheriff's Department.

F. "Automatic Dialing Device" means any alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

G. "County" means the County of Santa Fe.

H. "Central Station" means that part of an alarm business which intercepts signals indicating the activation of an alarm device and which relays this information by live voice to the Sheriff's Department. A central station is not an answering service.

I. "Direct Line" means a telephone line leading directly from a central station to the communication center of the Sheriff's Department that is for use only to report emergency signals on a person-to-person basis.

J. "False Alarm" means the activation of any alarm system which was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.

K. "Fire Department" means the Santa Fe County Fire Marshal, or his/her designated representative, or any authorized agent thereof.

L. "Hearing Officer" means the Manager of Santa Fe County or a person designated by the Manager to act as an impartial arbitrator at hearings related to the enforcement of this ordinance.

M. "Interconnect" means to connect an alarm system to a voicegrade telephone line, either directly or through a mechanical device that utilizes standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

N. "Local Alarm System" means any signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

O. "Manager" means the Santa Fe County Manager, or his/her designated representative.

P. "Permit Holder" means the alarm user to whom an alarm user permit is issued.

Q. "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

R. "Primary Trunkline" means a telephone line leading directly into the Communications Center of the Sheriff's Department that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the Sheriff's Department's jurisdiction. The "911" emergency number is a primary trunkline.

S. "Sheriff" means the Santa Fe County Sheriff or his designated representative.

T. "Sheriff's Department" means the publicly supported Sheriff's Department of Santa Fe County, or any authorized agent thereof.

#### **Section 5. ALARM USER PERMITS**

A. It shall be a violation of this ordinance for any person to operate an alarm system without a valid alarm user permit.

B. No person shall operate or permit the operation of an alarm system which was installed on the person's property prior to the effective date of this ordinance unless a permit for such alarm system is obtained within ninety (90) days of the effective date of this ordinance. To obtain such a permit, the person in control of the property shall file an application with the Santa Fe County Sheriff's Department.

C. Within thirty (30) days of the installation of an alarm system after the effective date of this ordinance, the person in control of the property on which the alarm system is installed shall obtain an alarm user permit by filing an application therefor pursuant to Section 5A.

**Section 5A. ALARM USER PERMIT APPLICATION**

**1172783**

A. Application for an alarm user permit for the operation of an alarm system shall be made by the person having control over the premises on which the alarm system has been or is to be installed and operated. Such application shall be in writing to the Santa Fe County Sheriff's Department on a form designated by the County for that purpose. On such application, the applicant shall set forth:

(1) The name, address and telephone number of each person in control of the property or premises.

(2) The street address of the premises on which the alarm system is to be installed and operated. If there is no street address for the property or premises, a reasonable description of the property referencing the nearest county road.

(3) Any business name used for the premises on which the alarm system is to be installed and operated.

(4) The type of alarm system or systems and the purpose for which they are designed.

(5) The names and telephone numbers of two (2) persons who are able and who, if contacted, at any time will come to the alarm site within forty-five (45) minutes after receiving a request from a member of the Sheriff's Department to do so and grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

(6) The names of the company servicing such alarm, if any.

B. The Santa Fe County Sheriff's Department shall issue a permit to the person in control of the property upon submission of an application therefor in accordance with this section, unless the Sheriff's department finds that a statement made in the application was incomplete or false.

C. The Sheriff's Department shall treat all information on such application as confidential information; provided, however, nothing in this ordinance shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this ordinance.

D. Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in Section 5A(A)(5), the permit holder shall file an amendment to the permit application listing a person who is able and willing to perform those duties so that at all times the application on file with the Sheriff's Department designates at least two (2) persons who are able and willing to perform such duties.

**Section 6. FEES FOR PERMIT**

A one-time, non-refundable fee of twenty-five dollars (\$25.00) is required for each permit.

**Section 7. RESPONSIBILITIES OF ALARM COMPANIES**

A. Any person whose business it is to repair, install or cause to be installed an alarm system must possess a valid license issued by the Construction Industries Division of the Regulation and Licensing Department of the State of New Mexico. Said license must be presented to the Sheriff's Department, the County Manager, or his/her designated representative, upon request. 1172784

B. Whenever an alarm company agrees with any person to maintain or service any alarm system, such business shall:

(1) Ensure that personnel of such business who are able to render effective assistance, arrive at such alarm site within seventy-two (72) hours of a request by a member of the Sheriff's Department or Fire Department for assistance if such alarm company has agreed with any person.

(2) Keep a written record of the date and time of repair and a description of the specific repair which was performed on any alarm system when such repair was made in response to notification by the person in control of the property or a member of the Sheriff's Department or Fire Department that such alarm system was in need of repair. Such written records shall be maintained for at least twelve (12) months and shall be made available for inspection and duplication upon request by the County Manager, or his/her designee, or a member of the County Sheriff's Department, or a member of the County Fire Department at the office of the alarm company during regular business hours.

C. Any alarm company which operates a central station and any telephone answering service shall:

(1) have sufficient personnel, trained in the procedures to be followed in receiving and relaying notice of the activation of any alarm, on duty at all times to ensure that emergency messages or alarm signals received by such business can be relayed immediately to the Sheriff's Department or to the Fire Department.

(2) notify the person in control of the property or his designee of the activation of the alarm system within twenty-four (24) hours of the time the alarm was activated by telephone, or by placing such notice in the mail addressed to the person in control of the property. In the case of a local alarm where the alarm company was not notified of such activation, the alarm company shall be exempt from the requirements of this subsection;

(3) submit the name, address, and telephone number of the central station providing monitoring services, if other than a licensed alarm company; and

(4) provide, upon request of the Manager and/or Sheriff or his/her designated representative, a listing of all subscribers.

D. All alarm company personnel responding to alarms, repairing or installing alarm systems shall have an identification card on their outer garments, which designates the alarm company the person represents. Sales and administrative personnel shall also carry such identification. This identification card shall be issued by the Sheriff's Department after an application has been made on the form designated by the Sheriff's Department or Fire department and after a background investigation has been conducted on that individual. Or, in the event that the alarm company personnel possesses a valid and current City of Santa Fe alarm identification card, the Sheriff's Department will recognize such identification and not require an additional county identification card. No identification card shall be issued:

- (1) If the applicant has been convicted of a felony; and/or
- (2) If the application contains any false statements made willfully and/or knowingly.

E. All alarm companies shall keep a written record of the date and time each notification of the activation of an alarm system is received and the date, time, and method by which the person in control of the property or his designated employee was notified. Such records shall be retained for at least twelve (12) months and shall be made available for inspection and duplication upon request by the Manager or a member of the Sheriff's Department, Fire Department, or any other designated emergency responding agency at the office of the alarm company or telephone answering service during regular business hours.

#### **Section 8. AUTOMATIC DIALING DEVICES**

A. No automatic dialing device shall be interconnected to a primary trunkline after the effective date of this ordinance. Within ninety (90) days after the effective date of this ordinance, all automatic dialing devices interconnected to a primary trunkline shall be disconnected. The owner or lessee of such device shall be responsible for having the device disconnected within the ninety (90) day time period.

#### **B. Automatic Dialing Services -- Intermediary Services**

(1) Any person owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- (a) a central station; or
- (b) a telephone answering service.

(2) The relaying of messages by intermediate service to the Sheriff's Department shall be over a primary trunkline, except that central stations may relay messages over a direct line, by live voice.

(3) Automatic dialing devices may also be interconnected to one or more

telephone numbers available to the owner or lessee of the devices, or their designated representatives, at another location.

(4) No automatic dialing device shall be interconnected to other Sheriff's Department offices or trunklines, other county offices, or to telephone company operators.

(5) Such devices within ninety (90) days after the effective date hereof, shall be disconnected by the owner or lessee.

(6) Upon receiving an automatic recorded message over a police telephone line, the Sheriff's Department will notify in writing to the party concerned of the violation of this ordinance. The sending of any subsequent automatic recorded messages will be a violation of this ordinance and subject the person doing so to the penalties specified in this ordinance.

#### **Section 9. NON-EMERGENCY ACTIVATION**

No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be affirmative defense to prosecution under this section that the alarm system was sounded solely for the purpose of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the Sheriff's Department to respond to such alarm.

#### **Section 10. USER FEES**

The Sheriff's Department will respond to proper notification of activation of an alarm system without charge except that the following fees shall be charged the permit holder for each response by the County to notification or activation of an alarm system in excess of five (5) alarms from the same alarm system within a twelve (12) month period.

A. Twenty-five dollars (\$25.00) for each response to notification of activation of an alarm system in excess of five (5) alarms but not more than ten (10) alarms within a twelve (12) month period.

B. Forty dollars (\$40.00) for each response to notification of activation of an alarm system in excess of ten (10) alarms within a twelve (12) month period.

C. Provided, however, no notification of the activation of an alarm system shall be considered in determining the fees set out above nor shall any fee be charged if the permit holder shows that the activation was not a false alarm, and any response by the County to notification of activation of an alarm system will not be included in determining the fees set out above if the permit holder shows that such situation was not a false alarm. For purposes of determining the fees set out above, the burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.

D. The permit holder shall be given written notice of any fees chargeable under this section. Such fees shall be paid to the Sheriff's Department within thirty (30) calendar day of the date of the notice of fees due, unless the permit holder requests a hearing pursuant to Section 13, in which event, the payment of the fees shall be suspended pending the decision of the hearing officer.

#### **Section 11. VIOLATIONS**

A. If the Manager has probable cause to believe that a permit holder has:

(1) Violated any provision of the ordinance, or

(2) Made fraudulent, misrepresentations, or false statements in the application for an alarm user permit, the Manager shall give the permit holder written notice by certified/registered mail of a hearing to be held within thirty (30) calendar days before a hearing officer to determine whether or not the permit should be suspended and/or revoked. This notice must contain a statement of the facts upon which the Manager has acted.

B. Any alarm user permit may be suspended and/or revoked if the permit holder has been found, following notice and hearing, to have violated any provision of this ordinance or to have made any fraudulent, misrepresentations, or false statements in the application for an alarm user permit.

C. Any person whose alarm user's permit has been revoked shall not be permitted to apply for another alarm user permit for one (1) year after the filing of a written statement by the hearing officer revoking the permit, unless the hearing officer deems that proper corrective measures have been taken.

#### **Section 12. HEARINGS**

A. Upon receipt of a notice of fees due, as set forth in Section 10 of this ordinance, the alarm user may request a hearing before the hearing officer to show cause why the alarm user should not be charged the fees specified in the notice. Such requests must be filed in writing with the Sheriff within thirty (30) days of the notice of fees due. The alarm user shall be given written notice by certified/registered mail of the hearing at least ten (10) calendar days before the hearing.

B. An applicant may request a hearing before the hearing officer to show cause why the applicant should be issued an alarm user permit pursuant to Section 5, or an identification card pursuant to Section 7. Such requests must be filed in writing with the Sheriff within thirty (30) calendar days of the notice to the applicant that the alarm user permit or identification card will not be issued. The applicant shall be given written notice by certified/registered mail of the hearing at least ten (10) calendar days before the hearing.

C. All hearings shall be open to the public and shall be held only after notice is given to the applicant, permit holder or alarm user as provided in this ordinance. Notice of the hearing shall be posted in the lobby of the Santa Fe County Courthouse at least seventy-two (72) hours prior to the time of the hearing.

D. Conduct of the hearing:

- (1) The hearing shall be conducted by the hearing officer. 1172788
- (2) Formal rules of evidence shall not apply to the conduct of the hearing.
- (3) Cross-questioning is neither prohibited nor encouraged. The hearing officer has full discretion whether to allow it.
- (4) The hearing officer may hear testimony from any expert witness.
- (5) After calling the meeting to order, the hearing officer shall outline the procedure to be followed in the conduct of the hearing.
- (6) The hearing may be recessed or adjourned to another time and/or place upon the discretion of the hearing officer.

E. The decision of the hearing officer is the final step in the administrative procedures and is conclusive upon the applicant, permit holder or alarm user. Once an applicant, permit holder or alarm user receives the decision of the hearing officer, they shall be considered to have exhausted all administrative remedies available under this ordinance.

**Section 13. APPLICABILITY OF ORDINANCE**

The Manager shall adopt such rules and regulations as necessary for the safe and equitable administration of this ordinance. The issuance of an alarm user permit does not constitute a waiver of any requirement or provision contained in any ordinance of the County, or contained in any law or regulation of the State of New Mexico, or contained within federal law.

**Section 14. PENALTY CLAUSE**

Every person convicted of a violation of any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or both by such fine and imprisonment. Every day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 15. EFFECTIVE DATE**

This ordinance shall take effect on January 1, 1996, and after its passage by the Board of County Commissioners of Santa Fe County.

**Section 16. SAVINGS CLAUSE**

If any of the sections, subsections, sentences, clauses, or phrases of this ordinance are for any

reason held to be unconstitutional or invalid, the validity of the remaining portions of this ordinance shall not be hereby affected, since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately. 1172789

APPROVED, ADOPTED AND PASSED this 13th day of June, 1995.

BOARD OF COUNTY COMMISSIONERS

Betty Platts  
Betty Platts, Chairperson

ATTEST:

Jona G. Armijo  
Jona G. Armijo, County Clerk



Approved as to Form:

Steven Kopelman SK  
Steven Kopelman, County Attorney



907,936

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO )  
I hereby certify that this instrument was filed  
for record on the 14 day of JULY A.D.  
19 95 at 8:56 o'clock A m.  
and was duly recorded in book 1172  
page 779-789 of the records of  
Santa Fe County.

Witness my Hand and Seal of Office  
Jona G. Armijo  
County Clerk, Santa Fe County, N.M.

Debra A. Sals  
Deputy