
By: **Washington County Delegation**

Introduced and read first time: February 10, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County - Alarm Systems**

3 FOR the purpose of authorizing the Board of County Commissioners of Washington
4 County to adopt regulations to register alarm system contractors and alarm
5 users, provide penalties for certain violations, provide for the issuance of civil
6 citations for certain violations, provide exemptions from the issuance of certain
7 civil citations and penalties, and authorize the designated county enforcement
8 agency to keep certain records and inform certain persons of a pattern of false
9 alarms; providing that certain provisions relating to alarm systems do not apply
10 in Washington County under certain circumstances; requiring the Board of
11 County Commissioners of Washington County to hold a public hearing prior to
12 the adoption of certain regulations; requiring the Board of County
13 Commissioners of Washington County to report certain information by a certain
14 date for certain county enforcement agencies to the Washington County
15 legislative delegation; defining certain terms; and generally relating to the
16 regulation of alarm systems in Washington County.

17 BY adding to
18 Article 25 - County Commissioners
19 Section 236E
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Law
24 Section 9-609
25 Annotated Code of Maryland
26 (2002 Volume and 2004 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

1

Article 25 - County Commissioners

2 236E.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "ALARM SYSTEM CONTRACTOR" MEANS:

6 (I) A PERSON ENGAGED IN INSTALLING, MAINTAINING,
7 MONITORING, ALTERING, OR SERVICING ALARM SYSTEMS; OR

8 (II) AN AGENCY THAT FURNISHES THE SERVICES OF A PERSON
9 ENGAGED IN INSTALLING, MAINTAINING, MONITORING, ALTERING, OR SERVICING
10 ALARM SYSTEMS.

11 (3) (I) "ALARM USER" MEANS A PERSON IN CONTROL OF AN ALARM
12 SYSTEM WITHIN, ON, OR AROUND ANY BUILDING, STRUCTURE, FACILITY, OR SITE.

13 (II) "ALARM USER" INCLUDES THE OWNER OR LESSEE OF AN
14 ALARM SYSTEM.

15 (4) (I) "FALSE ALARM" MEANS ANY REQUEST FOR IMMEDIATE
16 ASSISTANCE BY A LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, OR EMERGENCY
17 SERVICES AGENCY, REGARDLESS OF CAUSE, THAT IS NOT IN RESPONSE TO AN
18 ACTUAL EMERGENCY SITUATION OR THREATENED SUGGESTED CRIMINAL ACTIVITY.

19 (II) "FALSE ALARM" INCLUDES:

20 1. NEGLIGENTLY OR ACCIDENTALLY ACTIVATED SIGNALS;

21 2. SIGNALS THAT ARE THE RESULT OF FAULTY,
22 MALFUNCTIONING, OR IMPROPERLY INSTALLED OR MAINTAINED EQUIPMENT; AND

23 3. SIGNALS THAT ARE PURPOSELY ACTIVATED TO SUMMON
24 A LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, OR EMERGENCY SERVICES
25 AGENCY IN A NONEMERGENCY SITUATION.

26 (III) "FALSE ALARM" DOES NOT INCLUDE:

27 1. SIGNALS ACTIVATED BY UNUSUALLY SEVERE WEATHER
28 CONDITIONS OR OTHER CAUSES BEYOND THE CONTROL OF THE ALARM USER OR
29 ALARM SYSTEM CONTRACTOR; OR

30 2. SIGNALS ACTIVATED DURING THE INITIAL 60-DAY PERIOD
31 FOLLOWING NEW INSTALLATION.

32 (B) (1) AN ALARM SYSTEM THAT IS ACTIVATED A SECOND TIME WITHIN A
33 12-HOUR PERIOD WHEN THE PREMISES ARE UNOCCUPIED SHALL BE DEEMED A
34 FALSE ALARM UNDER THIS SECTION IF:

1 (I) ACCESS TO THE BUILDING IS PROVIDED TO THE ALARM
2 SYSTEM CONTRACTOR; AND

3 (II) AN ALARM SYSTEM CONTRACTOR OR AN EMPLOYEE OF AN
4 ALARM SYSTEM CONTRACTOR RESPONDS.

5 (2) IF ACCESS TO THE BUILDING IS NOT PROVIDED TO THE ALARM
6 SYSTEM CONTRACTOR, AND THE CONTRACTOR DOES NOT RESPOND TO AN ALARM
7 SYSTEM THAT IS ACTIVATED A SECOND TIME WITHIN A 12-HOUR PERIOD WHEN THE
8 PREMISES ARE UNOCCUPIED, EACH SUBSEQUENT ALARM SHALL BE COUNTED AS A
9 FALSE ALARM.

10 (C) THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY
11 ADOPT REGULATIONS FOR:

12 (1) REGISTERING ALARM SYSTEM CONTRACTORS OPERATING IN THE
13 COUNTY;

14 (2) REGISTERING ALARM USERS IN THE COUNTY;

15 (3) PROVIDING PENALTIES FOR FAILURE TO REGISTER AS AN ALARM
16 SYSTEM CONTRACTOR OR ALARM USER;

17 (4) PROVIDING CIVIL CITATIONS AND PENALTIES FOR FALSE ALARMS,
18 NOTWITHSTANDING TITLE 9, SUBTITLE 6, PART II OF THE CRIMINAL LAW ARTICLE;

19 (5) PROVIDING EXEMPTIONS FROM THE ISSUANCE OF CIVIL CITATIONS
20 AND PENALTIES FOR FALSE ALARMS;

21 (6) AUTHORIZING THE DESIGNATED COUNTY ENFORCEMENT AGENCY
22 TO MAINTAIN A RECORD OF THE ALARM SYSTEM CONTRACTOR, MONITORING
23 SERVICE, AND MANUFACTURER OF EACH SECURITY SYSTEM IN OPERATION IN THE
24 COUNTY;

25 (7) AUTHORIZING THE DESIGNATED COUNTY ENFORCEMENT AGENCY,
26 IF IT FINDS A PATTERN OF FALSE ALARMS ATTRIBUTED TO A PARTICULAR
27 MANUFACTURER'S MODEL OR TO INSTALLATION BY A PARTICULAR ALARM SYSTEM
28 CONTRACTOR, TO INFORM:

29 (I) THE MANUFACTURER OF THE MODEL OR THE ALARM SYSTEM
30 CONTRACTOR THAT INSTALLED THE ALARM SYSTEM; AND

31 (II) THE APPROPRIATE STATE OR NATIONAL LICENSING AGENCY
32 OR THE CERTIFICATION STANDARDS ENTITY; AND

33 (8) ESTABLISHING FEES FOR REGISTERING AN ALARM SYSTEM
34 CONTRACTOR OR ALARM USER.

Article - Criminal Law

1
2 9-609.

3 (a) This section does not apply:

4 (1) to alarm systems activated by weather conditions or causes beyond
5 the control of the alarm user;

6 (2) in Frederick County if the Board of County Commissioners of
7 Frederick County adopts regulations under Article 25, § 236E of the Code providing
8 for the registration of alarm system contractors and alarm users, the issuance of civil
9 citations, and penalties for a violation of a regulation; [or]

10 (3) in Calvert County if the Board of County Commissioners of Calvert
11 County adopts regulations under Article 25, § 236D of the Code providing for the
12 registration of alarm system contractors and alarm users, the issuance of civil
13 citations, and penalties for a violation of a regulation; OR

14 (4) IN WASHINGTON COUNTY IF THE BOARD OF COUNTY
15 COMMISSIONERS OF WASHINGTON COUNTY ADOPTS REGULATIONS UNDER ARTICLE
16 25, § 236E OF THE CODE PROVIDING FOR THE REGISTRATION OF ALARM SYSTEM
17 CONTRACTORS AND ALARM USERS, THE ISSUANCE OF CIVIL CITATIONS, AND
18 PENALTIES FOR A VIOLATION OF A REGULATION.

19 (b) An alarm system that is activated more than once within a 12-hour period
20 when a premises with an alarm system is unoccupied and that is not in response to an
21 actual emergency situation or threatened suggested criminal activity constitutes one
22 false alarm if:

23 (1) access to the building is provided to the alarm system contractor; and

24 (2) an alarm system contractor or an employee of an alarm system
25 contractor responds to the activated alarm system.

26 (c) (1) A law enforcement unit or fire department may issue a civil citation
27 to an alarm user for the negligent or accidental activation of an alarm system as a
28 result of faulty, malfunctioning, or improperly installed or maintained equipment or
29 for a false alarm if the number of activations or false alarms to which the law
30 enforcement unit or fire department responds exceeds:

31 (i) three responses within a 30-day period; or

32 (ii) eight responses within a 12-month period.

33 (2) A civil citation issued under this section shall assess a penalty of \$30
34 for each negligent or accidental activation or false alarm.

35 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) The Board of County Commissioners of Washington County may not adopt
2 any regulations regarding the issuance of civil citations for false alarms as provided
3 for in this Act, until at least 10 days after a public hearing has been held with regard
4 to the proposed regulations, at which the public shall have the opportunity to speak.

5 (b) At least 10 days before the public hearing provided for in subsection (a) of
6 this section, the Board of County Commissioners of Washington County shall publish
7 notice of the time and place of the public hearing with a summary of the proposed
8 regulations, in at least one newspaper of general circulation in Washington County.

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (a) The Board of County Commissioners of Washington County shall submit a
11 report to the Washington County Delegation on December 31, 2006, documenting:

12 (1) the number of alarm users in the county;

13 (2) the number of false alarms reported on or after December 1, 2005,
14 and on or before November 30, 2006; and

15 (3) the number of civil citations issued in Washington County for false
16 alarms on or after December 1, 2005, and on or before November 30, 2006, and the
17 penalties applied for each citation.

18 (b) The Board of County Commissioners of Washington County shall only
19 document information specified in subsection (a) of this section for any county
20 enforcement agency affected by the regulations adopted by the County
21 Commissioners on or before November 1, 2006, as provided in this Act.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2005.