

---

By: **Washington County Delegation**  
 Introduced and read first time: February 10, 2005  
 Assigned to: Economic Matters

---

Committee Report: Favorable  
 House action: Adopted  
 Read second time: March 21, 2005

---

CHAPTER\_\_\_\_\_

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

1 (2002 Volume and 2004 Supplement)

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

4 **Article 25 - County Commissioners**

5 236E.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "ALARM SYSTEM CONTRACTOR" MEANS:

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

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

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

16 (II) "ALARM USER" INCLUDES THE OWNER OR LESSEE OF AN  
17 ALARM SYSTEM.

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

22 (II) "FALSE ALARM" INCLUDES:

23 1. NEGLIGENTLY OR ACCIDENTALLY ACTIVATED SIGNALS;

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

26 3. SIGNALS THAT ARE PURPOSELY ACTIVATED TO SUMMON  
27 A LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, OR EMERGENCY SERVICES  
28 AGENCY IN A NONEMERGENCY SITUATION.

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

30 1. SIGNALS ACTIVATED BY UNUSUALLY SEVERE WEATHER  
31 CONDITIONS OR OTHER CAUSES BEYOND THE CONTROL OF THE ALARM USER OR  
32 ALARM SYSTEM CONTRACTOR; OR

33 2. SIGNALS ACTIVATED DURING THE INITIAL 60-DAY PERIOD  
34 FOLLOWING NEW INSTALLATION.

1 (B) (1) AN ALARM SYSTEM THAT IS ACTIVATED A SECOND TIME WITHIN A  
2 12-HOUR PERIOD WHEN THE PREMISES ARE UNOCCUPIED SHALL BE DEEMED A  
3 FALSE ALARM UNDER THIS SECTION IF:

4 (I) ACCESS TO THE BUILDING IS PROVIDED TO THE ALARM  
5 SYSTEM CONTRACTOR; AND

6 (II) AN ALARM SYSTEM CONTRACTOR OR AN EMPLOYEE OF AN  
7 ALARM SYSTEM CONTRACTOR RESPONDS.

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

13 (C) THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY  
14 ADOPT REGULATIONS FOR:

15 (1) REGISTERING ALARM SYSTEM CONTRACTORS OPERATING IN THE  
16 COUNTY;

17 (2) REGISTERING ALARM USERS IN THE COUNTY;

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

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

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

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

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

32 (I) THE MANUFACTURER OF THE MODEL OR THE ALARM SYSTEM  
33 CONTRACTOR THAT INSTALLED THE ALARM SYSTEM; AND

34 (II) THE APPROPRIATE STATE OR NATIONAL LICENSING AGENCY  
35 OR THE CERTIFICATION STANDARDS ENTITY; AND

1 (8) ESTABLISHING FEES FOR REGISTERING AN ALARM SYSTEM  
2 CONTRACTOR OR ALARM USER.

3 **Article - Criminal Law**

4 9-609.

5 (a) This section does not apply:

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

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

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

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

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

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

26 (2) an alarm system contractor or an employee of an alarm system  
27 contractor responds to the activated alarm system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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