

TITLE SEVEN - Alarm Systems
 Chap. 971. Alarm Businesses and Agents.
 Chap. 973. Emergency Alarms.

CHAPTER 971
 Alarm Businesses and Agents

971.01 Purpose and definitions.	971.07 Revocation of alarm agent licenses.
971.02 Application for alarm business license.	971.08 Identification cards; form and return.
971.03 Action on alarm business license applications.	971.09 Administrative rules.
971.04 Revocation of alarm business licenses.	971.10 Alarm business and agent license terms.
971.05 Application for alarm agent license; identification card.	971.11 License fees and payment procedures.
971.06 Action on alarm agent license applications.	971.12 License renewal notice.
	971.13 Liability of City.
	971.99 Penalty.

971.01 PURPOSE AND DEFINITIONS.

(a) Purpose. The purpose of this Title Seven is to provide minimum standards and regulations applicable to the licensing of fire, burglar and hold up alarm businesses, alarm agents, and alarm users as defined in this Section.

(b) Definitions. For the purpose of this Title Seven, 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; 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.

- (1) "Alarm agent" means any person employed by or acting on behalf of an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to or causing others to respond to an alarm device.
- (2) "Alarm business" means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a fire, burglar or holdup alarm system, or which causes any of these activities to take place.

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- (3) "Alarm system" means an assembly of equipment and devices, or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police or firemen are expected to respond. The term "alarm system" includes the following:
- A. "Automatic holdup alarm system" means an alarm system in which a signal transmission is initiated by the action of a robber.
 - B. "Burglar alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.
 - C. "Holdup alarm system" means an alarm system signaling a robbery or attempted robbery.
 - D. "Manual holdup alarm system" means an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
 - E. "Fire alarm system" means an alarm system which monitors temperature, humidity or any other condition of a fire hazard nature, and not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premise.
- (4) "Police Chief" means the duly appointed Chief of the Rocky River Police Division or his authorized representative and, for the purposes of this Title Seven, shall be construed to include the Chief of the Rocky River Fire Division or his authorized representative in regard to duties as set forth in Section 973.06(h).
- (5) "Title Seven" means Ordinance 120-76, passed November 22, 1976, as amended, which is codified as Chapters 971 and 973.
(Ord. 120-76. Passed 11-22-76.)

971.02 APPLICATION FOR ALARM BUSINESS LICENSE.

(a) Any person engaging in an alarm business in the City shall, within thirty (30) days after the effective date of this Section, apply to the Chief of Police for a license to operate such business on a form for such license to be furnished by the Chief of Police. Such application shall be signed by the individual proprietor of such business, or by a partner, or by the proper corporate official, as is appropriate for the form of the business seeking the license.

- (b) The following shall be included in such license application:
- (1) The name, address and telephone number of the alarm business, and the type of business organization (individual, partnership or corporation). Also the name, address, social security number and telephone number of the owner and of each partner (general, limited, silent, etc.), of the directors, principal officers and stockholders holding more than twenty percent (20%) of the corporation authorized and issued stock, and the State where incorporated, as is appropriate for the form of the business seeking the license.
 - (2) Certification that within ninety (90) days after the effective date of this Section or upon receipt of notice of approval of a license application, whichever date occurs later, the alarm business shall maintain a description of the alarm system and devices offered for sale or lease to the public and a description of any services related to alarm devices offered to the public.
 - (3) Certification that within ninety (90) days after the effective date of this Section or upon receipt of notice of approval of a license application, whichever date occurs later, a complete list of the names and addresses of all persons in the City to whom or for whom alarm systems have been sold and/or installed and who are currently under contract to the alarm business for services on or after the effective date of this Section shall be maintained for inspection by the Chief of Police during the course of his official business.
 - (4) A complete list of any criminal convictions, except for traffic offenses, of the applicant of each partner, officer, local office manager, and/or employee acting in capacity of an alarm agent.
 - (5) A statement that the applicant shall inform the Police Division within ten (10) days after any substantial change in the information required by Subsection (b)(1) hereof.

(c) Applicants already doing business in the City on the effective date of this Section may continue to do business while their license applications are being processed. An applicant not previously doing business in the City on the effective date of this Section shall not commence doing business until his application is approved. (Ord. 120-76. Passed 11-22-76.)

971.03 ACTION ON ALARM BUSINESS LICENSE APPLICATIONS.

(a) The Chief of Police shall cause a report on the application to be prepared based on the information contained in the application together with such other relevant information as may be obtained pertaining to the applicant and his business.

(b) On the basis of such report, the Chief of Police shall within sixty (60) days after the receipt of an application for an alarm business license either approve or deny the issuance of a license. Upon making a decision, he shall:

- (1) In the case of approval, issue the license to operate to the applicant.
- (2) In the case of denial, notify the applicant, in writing, of the denial and of the basis for the denial, which may only be nonconformance with any part of this Title Seven. If the basis for the denial can be corrected, the writing shall so state and shall explain how these corrections may be made and shall inform the applicant that he may appeal the denial and set forth the procedure for appeal. The procedure for appeal shall be as follows:
 - A. Within ten (10) days after mailing of the notice of denial, the applicant shall file a notice of appeal with the Safety-Service Director stating the basis of the appeal.
 - B. Within ten (10) days after receipt of notice of appeal, the Director or his designated representative, shall arrange for a conference with the applicant and the Chief of Police to attempt to reach an agreement concerning the appeal. The Director shall render the final decision on the appeal.

(Ord. 120-76. Passed 11-22-76.)

971.04 REVOCATION OF ALARM BUSINESS LICENSES.

(a) In addition to any penalties which may be imposed for the violation of certain provisions of this Title Seven, the City may, pursuant to the provisions of this Section, revoke the license of an alarm business upon any of the following grounds:

- (1) Fraud or willful and knowing misrepresentation of application for a license.
- (2) Fraud or willful and knowing misrepresentation or false statement made in the conduct of an alarm business.

(3) Failure to correct any deficiencies in equipment or operation within ten (10) days after receipt of notice of same from the Chief of Police or within a reasonable time if such deficiencies cannot be corrected within the ten (10) days.

(4) Failure to pay any fees as required by this Title Seven.

(5) Failure to comply within a reasonable time with any order or notice issued by the Chief of Police after the licensee's rights to hearing and appeal have been exhausted or failure after reasonable notice to permit the Chief of Police to inspect any lists which he is authorized to inspect under this Title Seven, or failure to comply with the standards imposed by this Title Seven within a reasonable time, not less than thirty (30) days after notice or order from the Chief of Police.

(b) No alarm business license shall be revoked until a hearing is held by the Chief of Police. Written notice of the time and place of the hearing shall be served the holder of the license at least three (3) days before the date set for the hearing. Such notice shall set forth a summary of the grounds advanced as the basis for the revocation of the license.

(c) At the hearing before the Chief of Police, the licensee or his authorized representative, shall be given an opportunity to confront and examine any adverse witness, and to present evidence on his own behalf. After such hearing, the Chief of Police shall either dismiss the complaint or shall forward the complaint to the Safety-Service Director with his recommendation that the license be revoked. Within ten (10) days after receiving such recommendation, the Director shall approve or disapprove the recommendation. In either event, the Director shall cause the holder of the license to be given notice in writing of his decision within ten (10) days after making it.

(d) Within ten (10) days after an alarm business receives notice of revocation of its license, or after it has exhausted all appeals with respect to such revocation, it shall notify by written notice mailed certified return receipt requested, all persons for whom it is required to maintain a list pursuant to Section 971.02(b)(3) of such revocation, and the notice shall advise such persons that the alarm business must cease providing service for or selling alarm systems to such persons immediately upon receiving notice of revocation. When such required notice has been completed, the alarm business shall submit a sworn certificate to the Chief of Police that it has met the notice requirements of this Subsection.

(Ord. 120-76. Passed 11-22-76.)

971.05 APPLICATION FOR ALARM AGENT LICENSE;
IDENTIFICATION CARD.

(a) Every alarm agent employed by an alarm business within this City shall be required to obtain a license in the form of an identification card from the Chief of Police. The owners, managers, corporate officers and partners of all alarm businesses are also required to obtain licenses from the Chief of Police if they directly engage in selling, installing, servicing, maintaining or responding to alarm systems within the City. Any person who is not an alarm agent, who, as an employee of a licensed alarm business has access to confidential information of an alarm user, shall also obtain a license. Within thirty (30) days of the effective date of this Section, alarm agents and, if required by this Subsection, owners, managers, corporate officers and partners shall submit applications to the Chief of Police for licenses. The application for the license shall be in a form prescribed by the Chief of Police and shall include the following:

(1) The applicant's full name and any other names previously used, residence and business addresses for the past five (5) years, telephone numbers and social security number.

(2) The applicant's date and place of birth.

(3) A list of all felony and misdemeanor convictions of the applicant.

(4) Two (2) classifiable sets of fingerprints.

(5) One (1) recent photograph of the applicant of a type prescribed by the Chief of Police.

(6) The name and address of the alarm business where the applicant is or will be employed.

(7) The applicant's employment record for the prior ten (10) years.

(8) A statement that the applicant shall inform the Chief of Police of any change in the above information or the termination of the applicant's employment by the alarm business within ten (10) days of such change.

(9) Any other information which the Chief of Police may deem necessary to determine whether the applicant meets the requirements of this Title Seven.

(b) Every new alarm agent shall submit an application to the Chief of Police for a license under this Section within fourteen (14) days of the commencement of employment with an alarm business.

(c) The identification card required by this Section shall be carried by a person required to obtain a license whenever such person is engaged in the business of the licensee in the City and shall be exhibited at the demand of any lawful authority, customer or prospective customer of such licensee.

(d) An alarm agent shall not be required to obtain a license if he already has obtained a license from another city within Cuyahoga County, Ohio, or the County itself, if such city or county requests its alarm agents to meet the same minimum qualifications of this Section and requires an alarm agent to obtain a license in the same general form as required by Section 971.02 provided, however, that such city or county shall recognize and accept identification cards of alarm agents who hold valid identification cards issued by this City. (Ord. 120-76. Passed 11-22-76.)

971.06 ACTION ON ALARM AGENT LICENSE APPLICATIONS.

(a) The Chief of Police shall cause a report on the alarm agent applicant to be prepared based on the information contained in the application together with such other relevant information as may be obtained pertaining to the applicant. No license shall be issued if:

- (1) The applicant has been convicted of a felony, or a misdemeanor involving moral turpitude.
- (2) The application contains any false statements made willfully and knowingly.
- (3) The applicant is not employed as an alarm agent or is not to be employed as an alarm agent by an alarm business if he is issued a license.

(b) If an application is approved, the Chief of Police shall cause a license to be issued to the applicant.

(c) If an application is denied, the Chief of Police shall notify the applicant, in writing, of the denial and of the basis for the denial. The notice of denial shall inform the applicant that he may appeal the denial and set forth the procedure for appeal which shall be as follows:

- (1) The applicant shall have ten (10) days after receipt of the notice of denial to file a notice of appeal with the Safety-Service Director, or his designated representative, stating the basis for appeal.

- (2) Within ten (10) days after receipt of the notice of appeal, the Director, or his designated representative, shall either reverse the Chief of Police's ruling and order a license to be issued, or uphold the decision of the Chief of Police and cause the applicant to be notified. The ruling of the Director or his designated representative shall be final.

(Ord. 120-76. Passed 11-22-76.)

971.07 REVOCATION OF ALARM AGENT LICENSES.

(a) In addition to any penalties which may be imposed for the violation of provisions of this Title Seven, the City may, pursuant to the provisions of this Section, revoke the license of an alarm agent on any of the following grounds:

- (1) Fraud or willful and knowing misrepresentation or false statement made in an application for a license under Section V.
- (2) Fraud or willful and knowing misrepresentation or false statement made while employed as an alarm agent.
- (3) Conviction of a felony, or of a misdemeanor involving moral turpitude.

(b) No license shall be revoked until a hearing is held by the Chief of Police. Written notice of the time and place of the hearing shall be served on the holder of a license at least ten (10) days before the date set for the hearing. The notice shall set forth a summary of the grounds advanced as the basis for the revocation of the license.

(c) At the hearing before the Chief of Police, the licensee shall be given an opportunity to confront and examine any adverse witness, and to present evidence in his own behalf. After the hearing, the Chief of Police shall either dismiss the complaint, or shall forward the complaint to the Safety-Service Director with his recommendation that the license be revoked. Within ten (10) days after receiving such recommendation, the Director shall approve or disapprove the recommendation. In either event, the Director shall cause the holder of a license to be given notice in writing of his decision within ten (10) days after making such decision.

(Ord. 120-76. Passed 11-22-76.)

971.08 IDENTIFICATION CARDS; FORM AND RETURN.

(a) An identification card issued by the Chief of Police shall contain a recent photograph of the applicant, the date of issue, the expiration date, the applicant's signature and such other information as the Chief of Police may in his discretion require. All identification cards shall be consecutively numbered.

(b) It shall be a violation of this Title Seven for an alarm agent license holder or his alarm business to willfully fail to return any identification card issued under this Title Seven to the Chief of Police.
(Ord. 120-76. Passed 11-22-76.)

971.09 ADMINISTRATIVE RULES.

(a) The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Title Seven and for determination of grounds for suspension or revocation of any license or permit required by this Title Seven. Such rules shall be subject to approval by the Safety-Service Director and shall be open for inspection by the public.

(b) Any action taken or decision made by the Chief of Police under this Title Seven toward an alarm business or alarm agent shall first meet the approval of the Fire Chief if such alarm business or alarm agent is engaged to any degree whatsoever with fire alarm systems as part of the operation of such business or agent.

(c) The Fire Chief shall be responsible for the inspection of all fire alarm systems and supervision of the activities of alarm businesses and alarm agents in regard to fire alarm systems under this Title Seven. He shall report any violation to the Chief of Police who shall take action as set forth in this Title Seven. The Fire Chief or his authorized representative shall appear at any hearing that stems from such report of violation under this Title Seven.
(Ord. 120-76. Passed 11-22-76.)

971.10 ALARM BUSINESS AND AGENT LICENSE TERMS.

Each alarm business license issued under this Title Seven shall be effective for a period of one (1) year from the date of issuance. Each alarm agent license shall expire on December 31.
(Ord. 120-76. Passed 11-22-76.)

971.11 LICENSE FEES AND PAYMENT PROCEDURES.

(a) License fees to cover administrative and inspection costs under this Title Seven shall be as set forth in Section 1321.06 of the Codified Ordinances.

(b) All fees shall accompany the application, be made payable to the City and shall not be refundable. License fees as set forth herein, shall be prorated for those portions of a year less than a full year term.
(Ord. 120-76. Passed 11-22-76.)

971.12 LICENSE RENEWAL NOTICE.

The Chief of Police shall issue notice of alarm business licenses renewals thirty (30) days prior to expiration of such license. Such notice shall be sent only to each alarm business covered by this Title Seven. It is the duty of such alarm businesses at least thirty (30) days prior to expiration to notify its agents in regard to renewal of their alarm agent licenses.

(Ord. 120-76. Passed 11-22-76.)

971.13 LIABILITY OF CITY.

The issuance of any license in conjunction with this Title Seven shall not constitute acceptance by the City of any liability to maintain any alarm systems and related equipment, to answer alarms, or for anything in connection therewith.

(Ord. 120-76. Passed 11-22-76.)

971.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses

(Ord. 7-82. Passed 2-8-82.)