MURRAY
CITY COUNCIL

Committee of the Whole
September 17, 2013

MURRAY
CITY COUNCIL

NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, September 17, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:00 p.m. **Committee of the Whole:** To be held in the Conference Room #107
Brett Hales conducting.

1. **Approval of Minutes**
   None scheduled.

2. **Business Items**

   2.1 Murray City Alarm Ordinance Discussion – Kirk Jensen (20 minutes)

   2.2 Murray City Center District Discussion – Tim Tingey (30 minutes)

3. **Announcements**

4. **Adjournment**

COUNCIL MEETING HAS BEEN CANCELLED.

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.

On Friday, September 13, 2013, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov. and the state noticing website at http://pmn.utah/gov .

_____

Janet M. Lopez
Council Administrator
Murray City Municipal Council

Committee of the Whole Internal Business

MURRAY
CITY COUNCIL

Discussion Item #1

Murray City Municipal Council
Request for Council Action

INSTRUCTIONS: The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. TITLE: (Similar wording will be used on the Council meeting agenda.)

MURRAY CITY ALARM ORDINANCE DISCUSSION

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)

Responsive and Efficient City Services

3. MEETING, DATE & ACTION: (Check all that apply)

____Council Meeting OR _x__ Committee of the Whole
_x__Date requested September 17, 2013
_x__Discussion Only
____Ordinance (attach copy)
Has the Attorney reviewed the attached copy? ____
____Resolution (attach copy)
Has the Attorney reviewed the attached copy? ____
____Public Hearing (attach copy of legal notice)
Has the Attorney reviewed the attached copy? ____
____Appeal (explain) _____
____Other (explain) _____

4. FUNDING: (Explain budget impact of proposal, including amount and source of funds.)

N/A

5. RELATED DOCUMENTS: (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

Murray Alarm Ordinance, Minutes from the Council Meeting on March 25, 2003; Minutes from the Committee of the Whole on June10, 2003; Alarm Ordinance Review Task Force findings dated July 29, 2004; and the Sandy City, Utah Alarm Ordinance.

6. REQUESTOR:

Name: Brett Hales
Title: Murray City Council Chair
Presenter: Kirk Jensen
Title: Murray City Resident, District 5
Agency:
Phone:
Date: September 6, 2013
Time: 1:08 p.m.

7. APPROVALS: (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Date:

Mayor: N/A Date:

8. COUNCIL STAFF: (For Council use only)

Number of pages: _____ Received by: _____ Date: _____ Time:_____
Recommendation: _____

9. NOTES: Mr. Jensen has requested that Council Members read the information on the website at: pleaserespond.org

ORDINANCE NO. 03-15

AN ORDINANCE AMENDING, IN ITS ENTIRETY, CHAPTER 8.08 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ALARM SYSTEMS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend, in its entirety, Chapter 8.08 of the Murray City Municipal Code relating to Alarm Systems and to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness of Alarm Systems in order to reduce or eliminate False Alarms and improve the reliability of Alarm Systems.

Section 2. Chapter 8.08 of the Murray City Municipal Code is amended to read as follows:

8.08.010 Definitions.

In this chapter:

"Alarm Company" means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System at an Alarm Site.

"Alarm Dispatch Request" means a notification to a Law Enforcement Agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

"Alarm Registration" (or Permits) means the notification by an Alarm Company or an Alarm User to the Chief of Police that an Alarm System has been installed and is in use.

"Alarm Site" means a single fixed premises or location served by an Alarm System or Systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex, shall be considered a separate Alarm Site.

"Alarm System "means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon Law Enforcement service of the municipality, including the Local Alarm System. Alarm System does not include an alarm installed on a vehicle or Person unless the vehicle or Personal alarm is permanently located at a site.

"Alarm User" means any Person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.

"Automatic Voice Dialer" means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a Law Enforcement Agency.

"Cancellation " is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring Law Enforcement Agency response.

"Chief of Police" means the Murray City Police Department Chief of Police or an authorized representative.

"City" means Murray City Corporation.

"Conversion" means the transaction or process by which one Alarm Company begins monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company.

"Duress Alarm" means a silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring Law Enforcement response.

"False Alarm" means an Alarm Dispatch Request to a Law Enforcement Agency, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed an investigation of the Alarm Site.

"Holdup Alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

"Keypad" means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.

"Law Enforcement Authority" means the City Police Department or other Law Enforcement Agency.

"License" means a License issued to an Alarm Company to sell, install, monitor, repair, or replace Alarm Systems by the State of Utah.

"Local Alarm System" means any Alarm System that annunciates an alarm only by an internal or external audio device.

"Monitoring" means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the City for the purpose of summoning Law Enforcement response to the Alarm Site.

"One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234 One Plus Duress Code = 1235)

"Panic" means an Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring Law Enforcement response.

"Person" means an individual, corporation, partnership, association, organization or similar entity.

"Takeover" means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

"Zones" are subdivisions into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

8.08.020 Duties of the Alarm User.

An Alarm User shall:

A. maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms;

B. make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within 30 minutes when notified by the City to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises;

C. not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report;

D. adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten

(10) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609);

E. have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms in a one (1) year period. After four (4) False Alarms within a one (1) year period, the Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate;

F. not use Automatic Voice Dialers; and

G. maintain at each Alarm Site a set of written operating instructions for each Alarm System.

8.08.030 Duties of Alarm Company providing installation.

A. Every Alarm Company providing installation shall:

1. provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Instructions shall specifically include instructions necessary to turn the Alarm System on and off and to avoid false alarms;

2. remove any One Plus Duress Alarm capability from any Alarm System when a takeover or conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to this Chapter;

3. use only alarm control panel(s) which meet SIA Control Panel Standard CP-01 on new installations;

4. review with the Alarm User, after installing an Alarm System, a false alarm prevention checklist approved by the Chief of Police.

B. Every Alarm Company providing installation shall not:

1. program Alarm Systems capable of sending One Plus Duress Alarms;

2. install a device to activate a Holdup Alarm, which is a single action, nonrecessed button; and

3. use Automatic Voice Dialers.

8.08.040 Duties of Alarm Company providing monitoring.

A. Every Alarm Company providing monitoring shall:

1. visually verify every alarm signal, except a Duress, Holdup Alarm, or Panic activation, before requesting a Law Enforcement Response to an Alarm System signal;

2. report alarm signals in a form and to telephone numbers designated by the Chief of Police;

3. communicate cancellations to the City in a manner and form determined by the Chief of Police;

4. maintain for at least one year following a request for an alarm dispatch, records relating to the dispatch, including the name, address and telephone number of the Alarm User; the Alarm System zones or points activated; the time of request for dispatch; and evidence of verification;

5. make the records in subparagraph 4, above, available to the Chief of Police upon request; and

6. not use incorrect, misleading or unverified information or terminology or withhold information to facilitate an alarm dispatch.

8.08.050 Violations.

The following are violations of this Chapter:

A. Fail to comply with the duties specified in Sections 8.08.030, 8.08.040 and 8.08.050 of the Murray City Municipal Code.

B. If the City, in responding to the False Alarm, determines that an on-site employee of the Alarm Company directly caused the False Alarm that resulted in City response.

C. The Alarm Company failed to visually verify.

D. The Alarm Company, its agent or employee made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

8.08.060 Penalties for Violations.

Any firm, corporation, tenant, owner, or other person who violates or refuses to comply with any of the provisions of this Chapter, shall be guilty of a class B misdemeanor.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 25th day of March, 2003.

MURRAY CITY MUNICIPAL COUNCIL

Krista K. Dunn, Chair

ATTEST:

Carol Heales
City Recorder

Transmitted to the Office of the Mayor of Murray City on this 1st day of April, 2003.

MAYOR'S ACTION: Approved

DATED this 1st day of April, 2003.

Daniel C. Snarr, Mayor

ATTEST:

Carol Heales,
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the 4th day of April, 2003.

City Recorder

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 25th day of March 2003 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Krista Dunn	Council Chair
Pat Griffiths	Council Member
Richard Stauffer	Council Member
Robbie Robertson	Council Member
"John" Christensen	Council Member - Conducted

Others who attended:

Dan Snarr	Mayor
D'Arcy Dixon Pignanelli	Chief of Staff
Frank Nakamura	City Attorney
Shannon Huff Jacobs	Council Director
Carol Heales	City Recorder
Blair Camp	Fire Chief
Pete Fondaco	Chief of Police
Craig Burnett	Assistant Chief of Police
David Hunter	Planning & Zoning Commission
Marsha Burnside	Murray City Arts Advisory Board
Sheri VanBibber	Planning & Zoning Commission
Jim Brass	Planning & Zoning Commission
Shanna Werner	Salt Lake City Police Department
Peggy Call	Salt Lake City Police Department
Murray Citizens	

Mr. Christensen conducted the meeting.

A. OPENING CEREMONIES

1. Invocation/Devotional

2. Pledge of Allegiance - Jennifer Brass

3. Approval of Minutes - None

4. Special Recognition - None

B. CITIZEN COMMENTS

(Comments are limited to 3 minutes unless otherwise approved by the Council.)

C. CONSENT AGENDA

1 Consider confirmation of the Mayor's appointment of Stephanie Russo to the Murray Arts Advisory Board representing District 3 for a term expiring January 15, 2006.

2 Consider confirmation of the Mayor's appointment of Marsha Burnside as a Member-at-Large of the Murray Arts Advisory Board, to fill the unexpired term of Carole Wood which expires January 15, 2004.

3. Consider confirmation of the Mayor's appointment of Connie Howard as an At-Large Member of the Board of Adjustment to fill the unexpired term of Joyce Anderson, which term expires April 2, 2007.

4 Consider confirmation of the Mayor's reappointment of Scott Mangum to the Planning and Zoning Commission to represent Council District 5 for a term expiring January 15, 2006.

5 Consider confirmation of the Mayor's appointment of David Hunter to the Planning and Zoning Commission to fill the unexpired Member-at-Large position and term of Scott Mangum, which term expires January 15, 2004.

Ms. Griffiths moved approval of the appointments that have been read.

Ms. Dunn 2nd the motion.

Call Vote Recorded by Ms. Heales.

AYE/NAY

A Ms. Griffiths
A Ms. Dunn
A Mr. Stauffer
A Mr. Robertson
A Mr. Christensen

Motion passed unanimously.

Ms. Griffiths asked appointees to introduce themselves and their families.

Mayor Snarr noted that Stephanie is from the new annexed area.

Ms. Burnside thanked everyone for being so kind to the people of the newly annexed area.

Mr. Hunter introduced his wife Cheryl and his son Spencer.

Ms. Griffiths expressed appreciation for the board members willingness to serve.

Mayor Snarr wanted to remind all the members of the Boards and Commissions banquet tomorrow, 6:30 p.m. the Gathering Place at Gardner Village.

D. PUBLIC HEARING

None scheduled.

E. UNFINISHED BUSINESS

None scheduled.

F. NEW BUSINESS

1. Consider an Ordinance amending, in its entirety, Chapter 8.08 of the Murray City Municipal Code relating to Alarm Systems.

   Staff Presentation: Krista Dunn, Council Chair

Ms. Dunn said she sponsored this Ordinance because of recent Annexations. The Council did not increase funding to provide additional employees for the annexations. Murray City has taken on approximately 10,000 new residents, and needs look at freeing up hours of our employees wherever possible. This Ordinance does a really good job of doing that. We would not be the first to do this of course. Salt Lake City, West Valley City and Taylorsville have done this. There are cities all over the country going to this response.

Ms. Dunn explained, by requiring alarm companies to deliver the extra security they promised to their customers, thousands of hours will be freed up. Officers time will be used to make calls for real needs and real issues in our community. Salt Lake City passed this ordinance back in 2000 and has seen a remarkable improvement.

Ms. Dunn acknowledged Mr. Nakamura and Ms. Jacobs assisted in writing this ordinance, and have done an excellent job.

Ms. Dunn shared some statistics with the audience. In the United States in 1998, there were 38,000,000 alarm activations at a cost of $1.5 billion. The vast majority of alarm calls between 94 and 98% were false. The reliability of alarms was generally between 2 & 6%. False alarms accounted for 10 to 25% of all police calls. In the United States alone, solving false alarm problems would relieve 35,000 officers from providing essentially private services. Officers are responding to false alarms, often spending time away from location where crime and disorder are actually occurring. The alarm industry has a responsibility to improve the quality of the equipment, more accurately install devices, and educate users about their product, which would reduce false alarm calls.

Every month Ms. Dunn reviewed reports for district #5. As she started reading through those reports and started keeping track of the calls, she was seeing on the average 1 to 2 false alarms every single day. Ms. Dunn asked Chief Fondaco about the number of calls about a year and one half ago. Chief Fondaco noted that most of all the calls were false alarms.

Ms. Dunn asked Chief Fondaco what they do on a false alarm call. He noted they send out two officers, the minimum amount of time, which is about 20 minutes, but more often an hour. If you take those two calls per day in District 5, multiply that by five districts, you have ten a day. If you add the annexed area, which gives us 22% more population, total calls go up even higher.

Ms. Dunn called VECC and requested numbers of calls for the past year. The number of calls was 3,284. Murray City is spending approximately 2,000 man hours per year responding to false alarms. That is equivalent of 1.25 full time officers. If you add the annexed area, you are looking at 2 full time officers of time that is spent responding to false alarms.

Ms. Dunn and co-worker Shanna Werner, who is the Alarms Coordinator for Salt Lake City Police Department discussed this issue. Ms. Werner told Ms. Dunn it is a real problem and Salt Lake City has done something about it. Ms. Werner educated Ms. Dunn about their program and stated SLCPD has won national awards.

Ms. Dunn pointed out most calls come in at 8:00 a.m. or 5:00 p.m. as businesses are opening and closing. Alarm companies will have to respond to those calls before Murray sends out an officer. The response time will probably not differ, even the ones that have to be verified first. The City will still maintain the 3 to 8 minute response time to human activated calls. The alarm companies have already hired their security people because of the adoption of these ordinances in other cities. Those security companies will be the same who serve the people in Murray.

Ms. Dunn introduced Ms. Shanna Werner of the Salt Lake City Department. She made a presentation about their alarm response program.

False Alarm Solution
Power Point Presentation by Shanna Werner, Alarm Administrator 801-799-3113, shanna.werner@ci.slc.ut.us

False Alarm Solution: Verified Response

Salt Lake City found that 99% of their calls were false. Out of 8,216 alarm signals only 23 were reportable events. False alarms represented 12% of dispatched calls. False Alarms were caused by user errors, lack of verification, improper installation, inferior equipment and application.

Salt Lake City implemented a *cost recovery model*. They attempted to manage false alarms with warnings, fines and permits. It had no significant long term effect and only minimal short term effect. Therefore, they continued to waste Salt Lake City Police Department's resources, which was not in the best interest of public safety.

Salt Lake City enhanced the *cost recovery model* with an *out source contract model*. This model required the alarm company to collect fines from customers. This system managed the problem, but did not solve it.

Salt Lake City Attorney's office legal opinion stated the alarm response is an expectation created by a civil contract between private parties. The police department is not a party to the contract, and has no legal obligation for it. The responsibility needed to be shifted to the appropriate parties.

Salt Lake City investigated the *verified response model* which has been successfully used in Las Vegas Metro Police Department since 1991.

Las Vegas alarm owners were concerned about response to alarms and the cost. The alarm industry was concerned that they could no longer sell police response as a product feature. The alarm industry felt sales would decrease and response time would increase.

Las Vegas results proved alarm sales did not decrease and revenue increased through guard response contracts. Combined private guard and police resulted in quicker response.

Salt Lake City Council approved the change from cost recovery to verified response by a 4-2 vote.

Benefits to the Salt Lake police force:

- more than 9,000 officer hours redirected
- alarm responses reduced by 90%
- nearly $500,000 in savings
- SLCPD average priority call response time reduced from five minutes to three minutes
- backlog calls reduced
- a reduced workload in communications, alarm unit, city treasury, and courts

Benefits to Salt Lake City Citizens:

- private guard response time three to 15 minutes vs. 40 minutes police response time
- service fees of $5 per month rather than $100 find for false alarm
- citizens without alarms no longer subsidizing a service that does nothing for them

- police resources redirected to really public safety problems

Benefits to Alarm Industry:

- faster response to their customers' alarm activations
- they can redirect time and effort into their business
- increased revenue

Verified Response received national recognition and was identified as #1 Best Practice.

Salt Lake City concluded that a twenty-year-old problem was solved. The ownership of the problem was shifted to the private sector. The SLCPD no longer attempts to manage the false alarm problem.

Mr. Stauffer asked about when there is a positive response from a security guard, it goes from a 3 to a 1 immediately, is that correct?

Ms. Werner stated yes, that way the police department knows there is a problem, and the response time will be much faster.

Ms. Dunn added there are some differences in Murray. Murray didn't exactly model ours after Salt Lake City. Murray City does not give fines for false alarms that will not happen, permitting is done. The way this is set up, it will be strictly a business deal between private entity and their customer and Murray City Police will respond when needed.

Mr. Christensen's concern would be if it is a contract between two private parties might not respond at all unless the alarm company verifies it is an intrusive act then calls VECC. It would save Murray City a lot of dispatch problems and should not to it at all.

Ms. Dunn noted we are responding only to crimes. Through this Murray City will only be responding to crimes. The owner of the alarm, it will be a misdemeanor offense on repeat false alarms. Those would be the panic type or human activated alarms.

Mr. Christensen noted there needs to be some training for the people who have the alarms and have them call the alarm company and not Murray City.

Mr. Christensen suggested tabling this item with a little more study, not because it is not needed, and have some input from the commercial sector, they are the people who are going to be affected the most.

Ms. Dunn noted the research has been done, all over the country. What Ms. Dunn did over the last year was collect newspaper article, studies of data which had been collected by the government, research firm, etc. You cannot find anything different as to what you have been told today.

Ms. Dunn indicated there will be no violations of anyone with false alarms, because they will not be seen. The only ones seen will be the human activated alarms. Those will be the ones that have a misdemeanor charge after so many times of violation.

Mr. Christensen had a problem with the language of this ordinance.

Clyde Feldsted, 5650 Goodway Drive, Murray, UT

Mr. Feldsted shared a story with the audience. Last week he had a big bang on his door. He went to the door and there was a fireman at the door, asking if this was 5650 because there was an alarm on this address. Mr. Feldsted indicated he does not even have an alarm system.

Robbie Russo, 523 Spruce Glen, Murray, UT

Mr. Russo suggested strongly to Murray City to accept this proposal. This has been done in the County and Taylorsville is one of their contract cities. It frees up a lot of their calls.

Jim Brass, 410 East Meadow Road, Murray, UT, business 216 West 4860 South, Murray, UT

Mr. Brass noted they have been in business in Murray for about 28 years, with 4 years at the current location. At the new building they have only had 2 alarm trips. There system is set up so they do not get nuisance alarms. They spend a lot of money to do that.

Mr. Brass was initially concerned about it being a class B misdemeanor, six months in prison or a $1,000 fine. It seemed a little harsh for problem with the alarm. They have had one officer respond and it takes about 5 or 10 minutes.

Ms. Dunn noted the business owner would not be held accountable for the false alarm.

Ms. Griffiths noted if we added the word "any firm, etc. who repeatedly violates or refuses to comply with." If adding that word would make it a lot more clearer.

GL Critchfield, Deputy City Attorney, noted each of these words are subject to be construed by a judge. If you say "repeatedly" it would be virtually impossible to determine case by case, is this a violation, is this not a violation. What you typically find is every criminal law Mr. Critchfield is aware of says "shall", but it still carries a presumption of innocence. The way it works in practice, he does not think he has seen a misdemeanant go to jail for six months on the first offense.

Ms. Griffiths asked Mr. Critchfield if changing the word would complicate the ordinance.

Mr. Critchfield answered yes it would.

Ms. Griffiths withdrew the suggestion.

Police Chief Fondaco noted he has talked to the Police Officers in Murray and they are all in support of the ordinance. With the annexations which just occurred, Murray is looking at different options to try to cut calls for service.

Mr. Critchfield directed Ms. Dunn's attention to the first line at the end "in charge of the premises," just leave it out.

Mr. Robertson made a motion to adopt the ordinance with the modification.

Ms. Griffiths 2nd the motion.

Call Vote Recorded by Ms. Heales.

AYE/NAY

A Ms. Griffiths
A Ms. Dunn
A Mr. Stauffer
A Mr. Robertson
A Mr. Christensen

Motion passed unanimously.

Ms. Dunn asked the Mayor's office for the next Update there is a small article which Ms. Dunn can put together on the alarm system. Also an article in the newspaper would be nice.

Ms. Griffiths thanked Ms. Dunn for the extra time she has taken in researching this item and arranging the presentation.

G. MAYOR

1. Report

✓ Mayor Snarr read a Proclamation designating March 29, 2003 as "*Scouting for Food Drive Day.*"

Mayor Snarr noted that Mr. Stauffer is the Granite Trail District Commissioner with the Scouting program.

Mayor Snarr indicated when he was down at the County Council Meeting, they made note that no State or City out performs the State of Utah with the Scouting for Food Drive across the nation. There is more collected in the State of Utah than the State of California. Salt Lake County collects more than Los Angeles does.

Mr. Stauffer thanked the Mayor for the Proclamation. Attorney General Mark Shurtleff is going to be jumping for food this Saturday out of an airplane.

✓ Mayor Snarr noted they had a very good meeting last night with the new residents of Murray City. In the meeting it was brought to our attention, by numerous residents, that they really felt our Police Department was doing an admirable job in responding to their needs.

Mayor Snarr went over to the annexed area with Kip Davies and Sam Dawson. They chatted with the residents, about their concerns of traffic issues. The officers took notes and let the residents know they would be there tomorrow and take care of the traffic issues.

Mayor Snarr let everyone know there are only two motor officers, for traffic enforcement currently in the City. Mayor Snarr discussed with Police Chief Fondaco about ordering two additional motorcycles for coverage of the annexed area.

Murray City has not hired an officer to replace an officer who was called to Active Duty over a year ago. This officer has been extended for active duty for another year. The dilemma the City has is if the City hired someone, the Mayor would have to let that new officer go if the officer on Active Duty returned.

Mayor Snarr proposed to the Council that City monies, which would have gone to pay for the Officer on Active Duty, be used to purchase two additional motorcycles.

Mayor Snarr noted the cost would be around $30,000 for both motorcycles. He will get back to the Council about this purchase.

2. Questions of the Mayor

Ms. Dunn mentioned the excellent meeting held last night. New residents on the east side of Murray, were absolutely delightful. She had fun meeting with them and getting to know them. There were more than 150 residents at the meeting. They were excited to be Murray residents and Ms. Dunn welcomed them in.

Ms. Dunn hopes the "Old Murray Residents" who have been here for a while will join with Ms. Dunn in welcoming them as new neighbors.

Ms. Stauffer asked about the vacancy at the Pointe @ 53rd, the south building.

Mayor Snarr indicated it is the Cold Stone Creamery. They are evaluating if they want to come to Murray.

H. ADJOURNMENT

Recorded by: Carol Heales, City Recorder

SCANNED
7-25-03

MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, June 10, 2003 at 5:00 p.m. in the Murray City Chamber, at the Murray City Municipal Building, 5025 South State Street Murray, Utah.

Roll Call Consisted of:

Richard V. Stauffer	Council Member
Robert D. Robertson	Council Member
"John" Christensen	Council Member
Patricia W. Griffiths	Council Member
Krista K. Dunn	Council Chair

Others in Attendance:

Doug Hill	Mayor ProTemp
Shannon Huff Jacobs	Executive Director
D'Arcy Dixon Pignanelli	Chief of Staff
Frank Nakamura	City Attorney
Carol Heales	City Recorder
Pete Fondaco	Police Chief
Linda Whiting	Citizen
Robert Whiting	Citizen
Blaine Cook	Citizen
Steve Christensen	MEPCO
Greg Aland	Sonitrol
Kevin Smith	UBFAA
Verda Thomas	Resident/ADT Representative
Jim Bryant	Salt Lake City Police Department
Shanna Werner	Salt Lake City Police Department
Frank Werner	Salt Lake City Police Department
Ken Fox	Professional Alarm
Dorothy Luing	Citizen
Harry Luing	Citizen
Betty Hawkes	Citizen
Jack Mitchell	Business Owner
William LaRochelle	Honeywell
Bill Cooper	ADT
Bill Moody	ADT/SIAC
Kathleen D.Schraufnagel	Brinks Home Security

Jeff Howe	Peak Alarm Inc.
Ed Bruerton	Anchor Alarm
Allan Dahle	Dahle Management
Wendi Kammerman	Citizen/Peak Alarm
Marc Kammerman	Citizen
Brian Sorenson	Armed Alert Security
Kim Woodbury	Murray Journal
Gerry Christensen	Murray City Police
Paul Jacobs	Citizen
Peter Dyre	Citizen/Protection One
Michael Hopkins	Protection One
Craig Burnett	Assistant Police Chief

Chairman Dunn called the meeting of the Murray City Committee of the Whole to order at 5:00 p.m. and welcomed all those in attendance.

Minutes:

Ms. Dunn asked for a motion to approve the minutes from the June 3, 2003 Budget and Finance meeting as well as the Committee of the Whole meeting.

Ms. Griffiths moved to approve both sets of the minutes from the Committee of the Whole as well as the Budget and Finance meeting that preceded it on June 3, 2003.

Mr. Robertson seconded the motion.

The motion to approve was unanimous.

Business Item # 1:

Discuss Chapter 8.08 of the Murray City Municipal Code relating to Alarm Systems.

Ms. Dunn said the meeting would be focused on discussion of the Murray City Municipal Code relating to alarm systems.

Ms. Dunn explained where the City stands regarding security alarms and how it came to be there at this point in time. She said Murray City recently annexed areas increasing the City's size by roughly thirty percent. She said the Council has worked diligently to find ways to better serve the community and to look at any way that the City may have in their means to better serve the citizens

without raising property taxes, without increasing personnel, and doing the best for Murray's Citizens.

Ms. Dunn said in looking at the security alarm systems response records she had the opportunity of looking at what some other cities have done in this direction.

In 1999 the only city alarm systems response was in Las Vegas, Nevada who had verified response. Since that time more than one hundred and twenty five cities have either gone to or are looking closely at verified response at this time. It is starting to snowball. The reason for that is simply that if you look at the bottom line, they are looking at public response to a private contract between a company and their customers and if cities continue to do that they are looking at a large number of calls that Murray Police Officers are responding to that they should not be responding to. Basically in Murray City they found that ninety nine percent of the calls that Murray officers responded to were false calls.

Ms. Dunn read from the records from Valley Emergency Communication Center (VECC) and said in the year 2002 Murray Police Officers responded to 3,284 calls, ninety nine percent of those were false with two officers responding to each call at a minimum of twenty minutes, each which is the equivalent of one point two five (1.25) full time officers all on false alarm responses. She said with the increase of thirty percent in population increase in the City that would transfer a cost to Murray City of two point seven five (2.7) full time officers. She said as Murray is looking at serving a thirty percent larger population than Murray had in the past, almost three officers makes a huge difference in the budget. Close to ten percent of Murray's residences and businesses have alarms. Those ten percent are being subsidized by the ninety percent that do not have an alarm system. She said that would be just fine if they were legitimate calls. She said she would be willing to subsidize that on a legitimate call but when ninety-nine percent of those are false, it is something city officials need to take a look at.

Ms. Dunn said generally in the Committee of the Whole meeting they don't take citizen comments but the Council has provided time for that at the end of this meeting. She said they will also provide time for representatives of the alarm industry, representatives from local areas, and municipalities from this area who have had experience with verified response.

The Murray City Chief of Police, Pete Fondaco, took a few minutes to talk about the alarm ordinance in Murray City.

Ms. Dunn welcomed Chief Fondaco who will be followed by Sgt. Jim Bryant from Salt Lake City Police.

Chief Fondaco said he has already provided the Council with up-dated statistics which were taken off the record system making them as currrent as they could get them.

He said on June 5, 2002 VECC (Valley Emergency Call Center) started to assign a case number to every call for service and that was the beginning date for his gathered data. Prior to that what happened was on an alarm drop one officer or sometimes two would respond if the alarm was false they would *no case it which means there was no record of the response.* He said there was no way of tracking unless there was actually a case number assigned.

From June 5, to April 4, 2003 Murray City Police Department responded on 2,170 total alarm drops. Sixty-six of those were canceled by the complainant prior to the officers arrival which still accounts for two officers in route responding to the drop.

Chief Fondaco said out of those 2,170 alarm drops twenty-five were actually good alarm drops. A good alarm drop is different for the police than the alarm companies. A good alarm drop for a police department is an attempted or an actual entry into the alarmed business or residence by an unauthorized person. He said when he met with the alarm companies he found out that their terminology for a *false drop is, anytime the alarm does not react the way it was installed to react.* He said, in other words, if a family member goes into an alarmed residence and accidentally sets off the alarm the alarm actually worked the way it was supposed to. Therefore they do not consider that a false alarm or a bad drop because the alarm worked and that is what it was installed and intended to do. He said it is a little different for the police department.

He said the police department did find a little over one percent of all the alarm drops dispatch found were good drops. Over ninety eight percent were false drops that the police department was responding to. There was also a cost of $6.69 per call assessed through VECC so that assessment cost Murray City $14,517.00 for response on those false drops. Again, that data is from June 2002 through April 2003.

Chief Fondaco said the data on the second page reflects the tracking results from the new tracking system after the ordinance was passed. It showed from April 1, 2003 through May 31, 2003 and they actually added the no response to burglary alarms on April 13, 2003, but they added those thirteen days in.

He said from April 1 to May 31, 2003 they had 29 business burglaries.

15 of those 29 did not have alarms
9 of them had an alarm installed but the alarm failed to function
9 had an alarm installed but there was an alarm drop
4 had an alarm installed but it wasn't set. There was an alarm installed but there was no drop
1 was a County assist that was actually in Salt Lake County

Chief Fondaco reported on the residential. He said there were:

39 total burglaries,
34 of them had no alarm installed.
2 of those reports were canceled by the complainant when they discovered that a family member or someone else went in and there was no property missing.
1 was a short form, which he already explained, was a way for an officer to cancel the case.
1 had an alarm installed and the alarm actually went off
1 had an alarm installed and there was no drop.

He said these are actually in the departments record system. These are as accurate as Chief Fondaco could provide. He said they respond to about ninety eight point five (98.5) percent of all the alarm drops.

He said he talked with Assistant Chief Craig Gibson, West Valley City, who is available to speak at this meeting. West Valley City started the verified response in the year 2000.

Mr. Christensen wanted to know out of the 49 burglaries that did not have an alarm system, how many burglars were caught.

Chief Fondaco said during April they caught two burglars outside of Riverside Junior High School who were students.

Mr. Christensen asked if the school had an alarm system.

Chief Fondaco said his officers responded to that drop as the students were coming out of the building. He said Murray Police responded because that is a Murray City owned property, belonging to Murray School District, in this case. He said Murray police are responsible for that property so they respond to any Murray City property calls. He added they have an alarm at the animal control center.

Mr. Christensen said without the alarm they would not have known they were in the building.

Chief Fondaco agreed.

Mr. Robertson asked what the cost was for the false alarm responses over the years.

Chief Fondaco said he does not have officer costs with him, just the VECC costs that he reported.

Mr. Christensen asked what the value was of the stolen property on the forty-eight alarms that were responded to.

Chief Fondaco said that information would be in the burglary report, he did not bring the property loss information with him.

He said they had to change their record keeping system because if the officers responded on an alarm drop, before this ordinance, when there was a burglary the nature of the call changed from an alarm drop to burglary. The record keeping system, at that time, didn't allow them to really look at that so Officer Maglish went through all of the burglary reports for this time period and read them to see if there was in fact an alarm. Since the ordinance, he said, they have changed that recording so they can actually run a report.

Mr. Christensen said that is the period he was asking about. April 1 through May 31, 2003.

Chief Fondaco said he does not have the property loss for those burglaries.

Mr. Christensen said the property loss value could have been any amount. He said if you are putting value on things he would like to know the value of the property taken from those forty-eight burglars that were not caught.

Ms. Dunn introduced Salt Lake City Police Sergeant, Jim Bryant.

Mr. Bryant said he has a vested interest in this issue at least in Murray. He said he grew up in Murray, in fact attended grade school on the very site this building stands on. He said most of his family still lives in Murray and he is always interested in things that save tax money, protect his family and that they get the best services possible.

He urged understanding and said when you are hearing from various sides of the issue it can become heated. On the one hand there are people who are in a business, to sell and service alarms systems, making money, and it is their livelihood. If they have to pay for response they have to pass it along to their customers if it costs them money.

On the other hand there are law enforcement officials that, have the satisfaction of knowing that they are providing a better service to the people that they have sworn to protect and to serve.

He said a couple of the issues they considered in Salt Lake City when they put this program together was policy and they talked to the City Council about it. First is the issue that this is a private contract between private parties and a public entity with public dollars being used to service that contract. Another issue is the high false alarm rate. He said Chief Fondaco said that the false alarm rate in Murray City is ninety-nine percent. He asked how many would entertain any other program with public dollars that was only successful one percent of the time. He said if these were one hundred percent good alarms, as Ms. Dunn said, that would be another matter entirely.

He said public budgets are shrinking. He does not know what the call load is or the officer work load in Murray City. He believes Murray would be outside of the norm if the Chief said he had five more cops than he needs. There is plenty of work for everyone and in Salt Lake City one of the things that they did was quit responding to doing full blown investigations on minor traffic accidents. He said they simply decided that was a service they could no longer, in good conscience, offer to the citizens. It was basically a civil matter, the police department wanted to make sure the information was exchanged and go on their way. He said they finally reached a point where they had to look at the number of false alarm responses as well and found that it was not in the best interest of the citizens to spend police resources on that particular issue. He said it would not take much of a law enforcement administrator or any one in the city finance office to be able to trod out the figures about what sort of resources the City is spending on this problem.

Mr. Bryant said what it comes down to, is the question of whether it is worthwhile, given the high false alarm rate, is it worthwhile to spend those resources.

Sgt. Bryant said he believes in this program, he has seen it save Salt Lake City Police time, and effort. He said he was a beat cop before he was promoted. He worked industrial areas and went on a lot of alarms when he got there, time after time, it was the same false alarm which was very frustrating. There are a number of issues to bring up besides wasting resources, the waste of time, the waste of public monies.

He said officers become complacent, *it is just another burglar alarm.* He said it happens to the point that, some of the cops would be tempted to cancel their backup officer saying it is just another alarm. What if they get there and there is a burglar?

He said he assumed Murray is doing something very similar in terms of a verified response. One of the issues that was critical was the fact that they were so busy that it was taking them an average of forty minutes to get to an alarm.

He said some figures show that private security companies arrive much quicker. He said that is better for the citizens, they get a better response.

It is better for the police department because they are not spending resources that are not needed. He said if they were getting eight thousand calls, which was their most recent figure before verified response, from a group of citizens reporting crimes that did not occur, they would have an ordinance that made it a crime to make a false police report and given the resources they were committing they should have considered prosecution in those cases. Essentially that is what is happening with false burglar alarms.

He said he believes in this program and has no vested interest to see alarm companies lose money or make money, he said it doesn't matter to him. He said he does have a vested interest in the

citizens of Murray as he already stated. He has a vested interest in good police service no matter where it is. He believes that Murray is in the right place and should stay there.

Mr. Stauffer said this verified response shows the actual respond time has gone down from forty minutes. Sgt. Bryant said the response time that the alarm customers are receiving from a private security company is significantly lower than it was for the police department. Mr. Stauffer said when you get a verified response from the security company then the police respond.

Sgt Bryant said the police response time is greatly reduced as well.

Mr. Robertson said what kind of priority did the police place on the alarms.

Sgt. Bryant said the alarms were a priority three, thus the high response time.

Mr. Robertson said when it is verified it becomes what?

Sgt Bryant said if it is a burglary in progress it becomes a two. He did not have an exact time figure, he suspected they are in the five to ten minute time frame.

Ms. Dunn opened the meeting to comments and said they will put a three minute time frame on everyone. She said they will allow as many as they can until 6:20 p.m. which if fifty-five minutes. She asked if comments have already been made by another please be courteous and allow that to go as said. If there are new comments or new information to provide she said they will be happy to hear that.

Mr. Stauffer encouraged hearing from the representative from West Valley City.

Craig Gibson, Assistant Police Chief of West Valley City said Chief Fondaco invited him to speak at this meeting. He said he knows Murray is having a difficult time because this is a difficult issue which West Valley City has already faced.

He said it is not his purpose to sway Murray City in anyway. He wants to say what happened in West Valley City. He provided handouts and said in the year 2000 West Valley City got a new Chief of Police from LAPD (Los Angeles Police Department) who had used a verified response. He said one of the tasks he was assigned was to try to lessen West Valley Police response time to other calls. That was his first priority when he arrived at West Valley City. He reviewed the organization and one of the things he saw was their high responses to false alarms. In 1999 they responded on 7,000 alarms ninety-eight percent (98%) were false. He said they only send one car because they had accepted the fact that they were dealing with a lot of false alarms and actually accepted the fact that they would only send one car. Considering a half hour response time was about 3,000 officer hours that were being used to respond to false alarms.

The police chief at that time spoke with the Council, and the City Manager and decided that they would do a verified response similar to LAPD's. They went through the issues with the alarm companies, and their citizens. They know it is an emotional issue when you cut services but sometimes when you want better service you have to analyze the current service as a whole. He provided handouts about occurrences once they made that commitment to change to a verified response. They went from seven thousand (7,000) alarms in 1999 and in April of 2000 they dropped significantly and are down to about three hundred and fifty (350) alarms because they still do respond to certain alarms; such as, duress, robbery, and manually pressed alarms. He said they still provide that service but they have obviously reduced the number of calls significantly.

He said their crime analysis prepared something for what happened to burglaries and also what happened to business burglaries and that data is also available to the Council. He said it shows no significant spike in either one. When they were responding to the alarms, in 1999 and 1998 which was as far back as their research went they actually had more residential burglaries than they do now. He does not know the reason for that and does not equate that to alarm response or lack thereof. He said he provided the information for Murray's analysis.

Ms. Dunn asked if it was considered a success for West Valley City Police Department.

He said yes, anytime you can direct officers and eliminate three thousand (3,000) wasted hours then it is a success.

Mr. Stauffer asked how many alarm services provide a panic button in the homes and what priority the manually pushed panic button receives.

Ms. Dunn said just for public information the ordinance that was adopted by Murray City does provide for top priority response to all panic, duress, manually pressed, and robbery alarms.

Michael Hopkins, General Manager for Protection One for the State of Utah said he has been in the industry for about twenty-five years and he commended the police department and said they are a tremendous value that cannot be wasted. He suggested an alternate course of action that many cities have taken. It is true that only about ten percent, of the home owners are using security systems.

Mr. Hopkins said it is also true that Salt Lake City has a thirteen percent higher crime rate than similar size Cities throughout the United States and that the demand for the security is rising and the market share is increasing. He said the course of action that he is familiar with is a little different course of action than he experienced in Mesa, Arizona about a year ago. They put the responsibility where the responsibility lies and that is with the end user.

Mr. Hopkins said he needs to clarify that the false alarm is not an equipment failure. It is a user

issue. Less than one percent of all alarms are caused by faulty equipment. It is very clear to those in the industry they need to do a better job of training customers and they have taken that initiative in almost all of the market they are in. He said the programs they have seen be most effective, solve two problems.

1. It generates revenue for the City.
2. It puts the responsibility where the responsibility lies and that is a significant fine on the second, third, or subsequent false alarms thereafter.

Many Cities are fining for false alarms at $100.00 or more and that very quickly pays for the additional manpower on the street. A funny analogy that he heard at one Council meeting was it is very analogous to giving traffic tickets. As you drive around each day you will see hundreds of infractions and yet those are probably only several tickets issued that day. It is a revenue issue for the City but it is also a life safety issue. The reason there are patrol officers maintaining public order on the streets isn't mainly to generate revenue but to have that deterrent effect. There are three "D"s in the alarm or the security business as they prefer to call it.

1. Deterrent factor
2. Detection and
3. Documentation

He said all of those things occur. He closed with the suggestion that the complete abandonment by the police department is one end of the spectrum. Having the police department do all the work is the other end. He suggested a middle ground that is both beneficial to the Cty in terms of revenue and helps the private contractors. Here in Salt Lake City there are only two private response companies that he has to chose from and they feel that puts their Citizens and Customers at risk.

Jeff Howe, Stock Holder, Treasurer, Secretary of Peak Alarm Guard and Patrol as well as Peak Alarm Company which both install and service alarm systems as well as respond to alarms. He said he is also here to represent the Fire Alarm Association. He said they are very concerned about any unnecessary requests for police services and he proposed a few initiatives that can service Murray Police resources. He said they understand that one of the main subjects here is the resources and Murray's budget. He said they understand that most City Council's have a tight budget.
He said they wanted to talk about the ordinance, and believe it is very good and said it has excellent provisions within it.

Mr. Howe suggested some simple modifications that they believe would perfect the ordinance the way it stands. He said one of the things they would like to see done by the Council is having a task force assigned to look at this issue a little bit more. He knows there is a lot of data that has been collected and analyzed but he thinks in the next hour and one-half there is not enough time to delve into it and study the whole issue in just an hour and one-half. He proposed a task force be assigned to look into it.

Mr. Howe said, as members of this task force they would like some business owners from the community to participate, made upof Citizens, police officers and representatives from the security industry and he said they hope this task force can look into various things to help perfect this ordinance. He said one of the things he would like them to look into is something they call in the industry *a full cost recovery.* He said that is a way of collecting the money in order to pay for the costs, where it would not cost a dime to the City to send the officers out to respond to these alarms and at the same time provide a better service toward the Citizens. The other thing he hoped was that the task force would also look into the ramifications of this ordinance regarding public safety and that is both to the people's lives and the property.

Mr. Howe said one of the things that was discussed earlier was that in 1999 none of these verified responses was in order and he thinks it was still fairly new to understand what the ramifications are and that is why they would like to see a task force appointed to gather the data and really analyze it.

Mr. Christensen asked how many systems Peak Alarm has in Murray?

Mr. Howe said Peak Alarm Company has about 200-300 and said they usually have an estimated seven percent of the market share.

Ms. Griffiths asked how many Cities served by Peak Alarm have verified response ordinances.

Mr. Howe said he knows of about five in the country. He said Peak services locally.

Ms. Griffiths clarified that there are only five in the *country* who have verified response.

Mr. Howe said from his understanding there is only five in the whole country. Three of them, Murray being one, West Valley City and Salt Lake City are the three in this valley.

Mr. Stauffer said the statistics handed out by Chief Fondaco indicated about 2,000 false alarms and he believes about two point seven (2.7) police officers. Which means you would have to charge about $200.00 per false alarm to pay for the salaries of those police officers, plus they would also have to pay the finance department and the treasurer to set up a system to collect those fees. He said there is a lot of administrative costs that go with that.

Mr. Howe said that is true and there is a lot of data that needs to be analyzed. He said there is only one small part of the pie that they really need to look at. He said there is not an hour and one-half to discuss all of that data that needs to be gathered in order to answer all of these questions. The numbers do go out to about 2,100 responses in ten months, and he cannot dispute that, he believes what the chief said.

Ms. Griffiths asked how many security personnel Peak Alarm employees.

Mr. Howe asked which Ms. Griffiths is referring to - the alarm side or the patrol side?

Ms. Griffiths responded, the number of people who they dispatch to verify alarms.

Mr. Howe said there are about three patrol officers throughout the valley. He said that is the, "whole valley," North Salt Lake down to Draper. He believes that Peak is one of the largest patrol companies here in Utah. That is only three officers out on site that could respond to all of these alarms.

Ms. Griffiths asked if that is twenty four/seven (24 / 7) coverage.

Mr. Howe said it is (24 / 7) coverage. He added as a representative they do want to believe in the police response and believe that is the better way. The guards do have a place in this community but responding in place of an officer to a site is not one that Peak supports.

Ms. Wendy Kammerman said she is a dispatcher for Peak Alarm but she is also a Murray resident who has lived in Murray ten years, her husband has lived in Murray all his life. She said she was the dispatcher that handled the Riverview School call, and at the time there was still a glitch in the dispatching through VECC and Murray would not respond. She said they sent the janitor to respond and he walked into the school where there were four people breaking into Riverview Junior High. Two of those people were apprehended. The damage totaled $4,000. She said her concern is, sending an unarmed civilian into a place where there could be two or more burglars. She asked, who is to protect that person. She herself has an alarm system and has had two actual burglaries and is very grateful that Murray Police responded. Not only Murray Police but a policeman with a gun.

She said the security personnel for Peak Alarm are not armed with weapons.

Ms. Dunn said for public information the Murray ordinance does not ask the security guards to go inside a building. They only ask them to check and see if a door is open or a window broken. They should not go inside and if they go in, it is on their own.

Ms. Kammerman works ten hours a day as a dispatcher. If an alarm goes off they have a call list that they follow. They do try to get hold of people on the list before they dispatch a guard or a police agency. Murray High School has four people they can call. Gary Pehrson, Supervisor of Custodial services, at Murray High School has said he will not go into the school when they suspect unauthorized entry. He will wait for an officer whether he sees a broken door or window. He said it is not worth it to him and that is also her concern as a Citizen.

She said her husband has an alarm company and he responds to calls. She said it terrifies her that he goes in unarmed and the potential danger.

Ms. Dunn said, *again*, the ordinance says the guards should not go inside.

Robert Whiting, Murray City resident who lives on 5900 South, said he is glad all of the alarm people were in attendance because he wanted to say, he thinks they should share in the cost. He said he is paying for the service and the alarm company doesn't want to put anything back, they just want to collect. He believes the people could pay some and the alarm company could pay some. Otherwise everyone is going to cancel their alarm systems and the alarm companies will be out of business. He said the alarm companies should consider that. He said looking at the figures shows the alarm system is a good deterrent because out of 39 total burglaries 34 of them were not alarmed so that means the criminal is paying attention to what is going on. The criminal will find out that Murray Police are not responding anymore and what will happen then, the alarm is worthless.

Mr. Alan Dahle, President of Dahle Management Corporation said they have a business in Murray and he has been a resident of Murray for thirty years plus. He said they have stores in other areas, one of the areas is Las Vegas, Nevada. He said he could assure these gentlemen that their program does not work in Las Vegas, Nevada. He said they pay a lot of tax dollars and pay a lot of sales tax dollars he wants policemen responding to his alarms. He has twenty different stores. It is very rarely their alarm is triggered that it is not an actual break in or the police are not needed to respond to the alarm and he thinks all of the people sitting in this meeting should ask the same question that was asked earlier," *who do you want responding when you have a problem."*

Mr. Dahle said all his life he has been taught that the easy way out, in most situations, is the wrong way. He thinks this is the easy way out. He said if Murray wants to annex thirty percent more people into the City, they should figure out how to service those people before they do it. He said he thinks it is ridiculous that Murray spends millions of dollars on a recreation center and a pond for people to fish at when they have critical issues regarding public safety and the safety of the businesses in the Murray community. He said, would it not be better to promote Murray as the place where policemen are concerned about their citizens and their businesses rather than all of these other Cities copy catting them about shirking their responsibilities and having less of an involvement by the police department.

Greg Aland, General Manager of Sonitrol, Salt Lake City. Mr. Aland resides in Murray and his children attend Murray schools. Riverview is one of them his daughter goes to. He said he is the son of a retired police officer, thirty years with the Utah Highway Patrol he has a lot of respect for the police department. He said Sonitrol is a unique company and he agrees, to a degree, with the ordinance that is going in about verified response. Their claim to fame, if you will, is an impact activated audio response an audio verification response on their alarms; meaning, if there is an event going on after the system is alarmed that it will activate micro phones located throughout the building and will verify that there is something going on inside before they contact the police department. It also has stored audio, meaning they hear actually before the event happened. If something happens they can actually hear the second before the event then it calls the central station who gets live audio on the line

and there are ears inside the building that are listening and they can verify if something is going on or is not. If not they simply reset the alarm.

If a clap of thunder goes off Sonitrol resets the alarm, no harm no foul.

Mr. Aland said Ms. Dunn mentioned in her opening remarks that if there was a legitimate alarm call that they would be happy to respond to it and they feel that with their technology and the way they install things they can verify that alarm before they send the police to the location. With that being said they have a location in Las Vegas and they have been dealing with a no response policy for a number of years. They have had tremendous success.

Mr. Aland said written in the ordinance is *audio verification.* He added they are currently working with Shanna Werner and Salt Lake City to get audio response or audio verification included on their response. He said a member of their national dealers association, Tom Patterson, met with Ms. Werner and himself and she said the timing for changing the ordinance is not right, but she is on their side leaning toward including audio verification. He said her analysis was, *just because you can't see something, does not mean it is not going on.* He said if they can actually record the audio and have it verified why not send the officer out there? He asked the question how soon could the police officer respond if they knew something was going on.

He said their company also offers a false alarm guarantee and their national false alarm rate is about fifteen percent and they stand behind it. If they send a false alarm out in error and the customer gets charged for that false alarm they just send the bill to the company and they pay it or bring it before the judge to explain why they shouldn't, if there were extenuating circumstances.

Mr. Robertson asked for a full literature packet, which Mr. Aland will provide to the Council , the Mayor and Chief Fondaco.

Kevin Smith, President of Utah Burglar and Fire Alarm Association, said their biggest concern with this entire issue is simply public safety. He knows that during the first couple of weeks the ordinance was in effect there were three incidents where citizens arrived at locations with either a crime in progress or one that had just happened. That is a public safety issue for everyone. According to the Chief of Police there were over two thousand calls last year and there were 23 burglaries and his numbers could double this year due to a greater population. He said they want to address that through the information that has come from Salt Lake City and the information that has come from West Valley and other locations.

Mr. Smith said Las Vegas is not a verified response location. There ordinance is very different, they do not have to respond, but it is not a verified response. He said that has been mentioned several times at this meeting and continues to be mentioned, but that is incorrect. He said officers still do respond to burglaries from burglar alarms in Las Vegas. Not all but it does happen. He said he

wanted to present to the Council an option to look at something different. They want to get Citizens and influential business people involved. There are alarm companies and police officers and not everyone agrees with the way this ordinance has gone and he would like to see this re-addressed and have full input from everyone because there are some significant factors that were not taken into account.

Mr. Smith said there was a question about the number of alarms in Murray from Peak Alarm. He said ADT has 1,000 customers in Murray and he thinks that the issue would not have been brought back to light had there not been quite a number of Citizens who have a concern about this as well.

Mark Kammerman, Citizen of Murray for his entire life, said in the business that he is in, in the middle of the night he has probably been called out eighty times in the last ten years. He said it is not fun and Murray's ordinance says if there are not broken windows or doors unlocked then they don't go in or they just call and wait. He said every business here has a sky light and every school has them He said there are other ways to get into buildings, someone has to go in if the police officer is not going to respond there still has to be someone that goes in. Either someone that works for the place or the guard company and there still could be someone in the building even if there is not a broken window or an unlocked door or some other access that cannot be seen. He said all it will take is for one person to go inside and get shot or beat up then the two and one-half police officer money that is saved will not cut it, one life is all it will take.

An attendee from the audience asked if Murray would still respond to medical emergencies and fire emergencies?

Ms. Dunn said yes.

Jack Mitchell, Business Owner in Murray for fifteen years, who resides in Sandy brought this ordinance before his management committee and they felt very strongly that it did not address the needs of their business. Most of the people live outside of the City and for them to respond would take fifteen to thirty minutes. Then they still have to verify and get a policeman to the scene. He said they feel there is a difference between a residence and a business and he does not see that addressed well in the ordinance. A business does not have people around it after hours, there are no neighbors, there is no one inside the building sleeping as compared to a home burglary when someone is at home.

A business pays a lot more in taxes. He said their company paid almost $800,000 in sales taxes and other property taxes. He expects some service for the money and he expects a policeman to respond and hopes that will happen. He said he has responded to false alarms himself when something has happened in the building; such as, a case falling over. His managers have responded a few times in the last fifteen years. He does not believe they have had more than one need for response every couple of years but said it does happen on occasion.

He said they are not a bank and won't be robbed. If an alarm goes off during the day it's a false alarm for them it is only at night time that their business is a concern to them. He said there has been a lot of vandalism, a lot of gang painting. He asked if anyone knows how many times an alarm goes off that it doesn't scare a potential burglar off. He said their alarm is an audible alarm it makes a lot of noise and when data is collected that is an unknown while you talk about false alarms, this alarm may have served as a deterrent

Isabell Salsa, 418 East 7270 South, Murray. She said she has lived in Midvale for fifteen years. She was robbed. She said it took forever for the Sheriff's Department to show up. After that she could not sleep, she was afraid to go home. Consequently she moved out of Midvale and into Murray. The only reason she lives in Murray is because she feels more secure.

Ms. Salsa said she does have an alarm system with Protection One who called her and informed her of this meeting. She said she feels very strong that if Murray changes the procedure of reporting that it will increase robberies as the word gets out. She said her alarm has gone off once since she has been with Protection One and it was not a false alarm. She was very impressed that it took the cops five minutes to get to her home. She said having been robbed, she knows it is a very terrifying experience. She lives in Murray because she feels safe in this City and she thinks that is very important.

Shanna Werner, Alarm Coordinator with Salt Lake City Police Department, said when she started as an alarm coordinator she noticed several things. She said they were trying the monetary fine system, including warnings, so many free ones, and every five minutes she had calls from Citizens complaining saying it was not their fault it was their alarm companies fault. It placed the police as the bad guys because now they were fining Senior Citizens $100.00 for false alarms and the Citizens had not been properly trained on the system. Most of them did not know how to use their system. The alarm was going off but yet they felt helpless, they could not get service from their alarm companies and yet they were being fined.

Ms. Werner said she had one lady who was an 82 year old customer. She was schizophrenic and believed she saw intruders. In this instance another alternative should have been used instead of an alarm system. Her fine was dismissed and she was referred to County Aging to get some help.

Ms. Werner said she has met with some of the Murray Police Officers and she knows that Motor Sports Land had ninety false alarms in one year. She said when they quit going to false alarms and they started having the guards respond first, their priority response time to high emergency calls went down on traffic accidents where someone is injured, domestic violence, things where you would need an officer immediately. Their priority time dropped from five minutes down to two minutes. She said if you are laying there bleeding time becomes critical. There is always faster response on domestic violence, or man with a gun calls and those kinds of things.

Ms. Werner said there are nine guard companies in this valley. She said they brought them in and said they wanted them to respond because they could respond faster. They were told if you find any sign of criminal activity the police will be called because it is not a priority three any longer it is a priority one. An alarm signal is not an indicator of criminal activity. Eighty percent of those alarms are caused by user error. She said they feel like they saved the Citizens one half million dollars in Salt Lake City. She said they have implemented the fines and the permits and bring in $150,000 a year, but it was costing them $492,000 a year. She said that is not a good return on your money.

Ms. Werner said based on the studies she has done every two dollars that your city puts into an alarm unit, with cost recovery you might get one dollar back. The guards are already out there. The guards are checking malls, theaters, apartment complexes, so they simply ask them to run by and look at the alarm signal instead of dispatching police to false alarms set off by kids, cats, dogs, or balloons. The police go when a guard says he knows there is a need for an officer. She found businesses have three times the calls that residents have. She said most of it was due to cleaning crews who go to multiple buildings and are not always trained on the alarm system.

The question was asked how much additional time does it take to dispatch a guard who verifies the need for an officer.

Ms. Werner said they surveyed the guards because when they started this they looked at what Las Vegas did and the only thing Las Vegas does differently is they broadcast all of the calls. They put them out over the air and if an officer wants to voluntarily stop by they do, that is the difference between Salt Lake and Las Vegas. She said they did not want to clutter up their 911 Center so the guards in their surveys back to Ms. Werner said they would be there in four to fifteen minutes.

One of the alarm companies that is here tonight set off their alarm accidently their guard company was there in two minutes. She said they had a priority three and some of their alarms were taking up to three hours response time. As Murray tries to stretch manpower to cover the new thirty percent increase in population their response time is going to slow down because they can't do it all.

She said when the guard calls the center, their average response time to the guard call, because now they know there is a problem, is fifteen minutes She said they have apprehended more burglars because what burglar is going to hang around for three hours. She noted an example when a guard responded to a doctor's home three juveniles were running out of the home with prescription pads. The guards arrested those juveniles because they can do a citizen's arrest and probably half of the guard companies do carry weapons and they are trained to use those weapons. They arrested the juveniles, called the center, the police showed up and hauled them off to detention center.

Kevin Smith, UBFAA, said they did not come here to debate the facts and run statistics they can all look at them from every perspective and every point of view and dispute this and that. He said they came simply to ask for an opportunity for more people to be involved in looking at this decision

and making the best decision for Murray City the best decision for public safety and if the best decision is for Murray to go with a non response, that is the deal. There was very little input, virtually no public input, and he said they would like for the input to happen. He said they should let the people who are receiving or not receiving these services be the ones who help to make this decision. If it stays the same way it is, so-be-it. If it changes it does, and as he said there are statistics that fly everywhere and he can refute everything Shanna said as she can refute everything he says. He said they want input all the way around.

Peter Dyre who is with Protection One and resides in Murray said he has lived and worked in a variety of areas that do have non-response. He said please keep in mind that officers traditionally continue to spend large amounts of time patrolling neighborhoods by responding to alarms. He is in a newly annexed area and sees that Murray has a much larger and stronger presence than the County did. He said they greatly appreciate that. He said part of responding to alarms does fall right into that. The expenses, the hours that are being evaluated does apply to that group. In addition, some of the numbers heard in regard to the ratings on the responses, the ones and twos on the alarm responses, are not going down because Murray is not responding to the threes. The threes will be canceled and rerouted if they become ones and twos.

William N. Moody, President, Mohawk Data Management, (MDM,) representing the security industry alarm coalition said this is a non-profit corporation that represents the industry throughout North America in matters relating to alarm management. He said he wanted to reinforce two or three minor points that were made.

He said as far as he can find out or as far as their research can determine there are only two Cities in the country that have ordinances that stipulate non-response. Murray and Salt Lake City. All of the other jurisdictions that go on non response are police policy.

The police policy is subject to change with no public hearings and they consider it to be something that is a matter of concern. In addition to that it was mentioned very well by a peer from Protection One that there is a very broad spectrum of solutions to the alarm management problem and he said he gives the law enforcement people a great deal of credit for having compiled a set of numbers that are repeated time after time. The industry has not chosen here, or in most places, to try to refute those numbers or challenge them because they feel that is not what the argument should be.

Mr. William N. Moody, President Mohawk Data Management (MDM) said the issue is, what are the spectrum of solutions to the alarm management issue that can be applied?

How have they worked in other jurisdictions and how do those jurisdictions, public safety and cost of response, and use of patrol officers compare to the two Cities that do have non-response ordinances. He said he wanted to add his voice to the plea to add a task force to be assigned, as an example, the task force in Los Angeles researched the data from the law enforcement side that was

presented, they researched the data that was in the city records in the hall of records and the data that could be gathered from the citizen associations in the City. He said it seemed to him that if one looks carefully at the resolution that task force came up with, which was unanimously accepted by the Los Angeles City Council, he thinks it gives a fairly balanced picture and so he thinks that is what the industry really wants is a balanced picture, before the decision is made, and the only way it can be a balanced picture is to dedicate a few resources to gather data and analyze them the way they were done in Los Angeles.

Frank Werner, Salt Lake City Police Department, said he has been with the Salt Lake City Police Department since 1969 and is about ready to retire. This issue is rather heated. He said he has heard all sorts of things and the basic problem isn't whether or not police respond, the problem is we are talking about false alarms.

Mr. Werner said in October of last year he and Shanna were in Toronto and the question was asked by the moderator, "should we spend our money resolving the problems or attacking people like Shanna and the alarm ordinances." He said there are only two Cities that did it by ordinance and he lives in one and works for the other. Everybody else has done it by policy. The problem is false alarm management can be done by the spectrum that has been talked about, currently it is not cost effective. He said where is it when you have a private individual and a private company that get involved in a private contract which legally obligates a law enforcement agency to go to a problem, which turns out to be a false alarm.

Mr. Werner said the gentleman from Sonitrol has some leading technology. He said he has seen some impressive companies and presentations for visual and audio systems. He said he can see how, down the road, that could be addressed, and used as a verification of a crime. The numbers have to be addressed. He said what they need to do is fix the false alarms. One companies system activates when you put the key in and turn it. The key pads are problems. He said let's work on the problems.

Ms. Dunn said first of all she wanted to inform people that this is a Committee of the Whole meeting, no action can be taken in this meeting this was simply a meeting to collect information and so no action can be taken at this meeting. She said she wanted to address, for the public information to make sure the public understands what this ordinance actually does because some things have been mentioned that are not quite factual, on both sides.

Ms. Dunn said Murray City Police Department will respond on all crime calls, every crime. The ordinance allows for verified response on a break-in, on panic, duress, manually depressed alarms or robberies that the police will respond to all high priority without verification.

Ms. Dunn said the ordinance states, again, that a private security response officer does not enter the premises. That they check for illegal activity and call for police assistance in the event that anything suspicious is seen or heard.

She said one other thing she addressed because it was mentioned is about annexation.

Ms. Dunn said someone said Murray shouldn't annex areas without checking on these types of things first. She said Murray City did not annex areas the home owner requests came to Murray and by law Murray had to accept them. That is the way it is done and they need to look at all the ways to service the entire population and again they need to remember that they are talking about ten percent of the people that own property and businesses in Murray City. She said they need to be fair to all one hundred percent.

Ms. Dunn asked the Council members if they had any comments.

Mr. Christensen said he had some items to go over.

Mr. Christensen read a letter from one of his constituents who is fifty-nine years old, living alone, and raising her six year old grandson.

> **Excerpts from her Letter -** if someone gains entry to her condo she depends on ADT Security to have the police come and help her. She said she would be pretty helpless against an intruder. There are three levels on the back of her condo unit and two stories on the front. It would not be possible to see a broken window or a forced door from the ground. She is partially deaf, if someone was to surprise her while going into her unit and has a gun her only recourse would be to open the front door and set off the alarm.
>
> She has a special alarm that vibrates and she keeps it under her pillow at night. ADT has a standing order to send the police if her alarm is activated any time between 10:00 p.m. and 6:00 a.m.
>
> She has instructed her grandson that if an intruder enters the house or if there is any emergency, when he needs the police, all he needs to do is open one of the outside doors and set off the alarm and help will come. This is an easy thing for a six year old to accomplish in any high stress situation.
>
> She said there are ways for intruders to enter a home without breaking a window and she has had an intruder use a crowbar on the gate in the basement at the back of the condo. The alarm went off and the police arrived, and one or the other frightened the intruder away. Having the policeman arrive at her home was extremely valuable to her. She said she would have been afraid to enter her home without having a police officer to accompany her, after an incident like this, so he could verify her safety.

Mr. Christensen said this lady lives in Three Fountains, and she makes a very good case for having an alarm. Not necessarily the theft of her property or the burglarizing of her home but her family safety.

Mr. Christensen said not being able to make a motion at this meeting he will submit to the City Attorney's office an amendment about first time verifiable, false alarms which is akin to the police being

called for an altercation in the park and someone says they have called the cops, they scatter. The police arrive and there is no one there. That could also be considered a false alarm.

Mr. Christensen will recommend

That the first time verifiable false alarm the police department responds to should be a warning ticket to the homeowner.

The second time that there is a verifiable false alarm a $50.00 citation will be issued.

When the third time false alarm is verified they will be issued a $100.00 response citation and receive notification to contact their hosting alarm company.

False alarms of three or more within a sixteen month period is excessive, the standard in the industry is during a sixteen month period an alarm will be accidentally tripped at least once.

He said, multiple false alarms, three or more, within a sixteen month period at the same location will not be responded to by the Police but will be referred to the hosting alarm company for investigation or verification. Alarm suppliers will be responsible for verification that the equipment is performing to design and industry standards.

Mr. Christensen said he will submit this to the attorney's office and it will be brought back to the table for a vote after it has been publically noticed and reworked. He said the answer is somewhere in between not responding and fines for having a false alarm that goes off. He said that needs to be worked on so all parties concerned come out with some kind of parity. He said you are not going to get the total parity but maybe close. He provided a copy to the City Attorney, Mr. Frank Nakamura for his review.

Mr. Nakamura asked Mr. Christensen if that was three or more, or four or more.

Mr. Christensen said as he read eighty percent of the alarms are set off by twenty percent of the users. Mr. Christensen said a note will be attached to the third verified false alarm and a notice indicating that the next, the fourth alarm will not be responded to by the police.

Ms. Dunn asked Mr. Christensen to consider the following items when this comes up:

1. How will this proposal be tracked. Will Murray hire new personnel to run an alarms office to keep track of these warnings and citations.
2. Why would you want to make Murray City the bad guys in this by fining the users, when it is a private contractor's responsibility.

3. Ms. Dunn verified that on the third verified false alarm, notice would be given that there would be no response to a fourth alarm.

Mr. Christensen said that is not exactly what he said. He said it would be referred to the alarm company just as it is now for the provider to inspect.

Mr. Stauffer suggested the possibility of fining the alarm company.

Ms. Dunn asked Mr. Stauffer to submit that to the City Attorney.

Mr. Christensen said you are talking about a private contract, let them work it out amongst themselves. He is certain the alarm companies are smart enough business owners to do that.

Mr. Christensen said if you look at the stats on the fire department, which he has a copy of they had 1200 responses and 270 false alarms. He asked if they were going to quit responding to those. He added, somewhere parity has to be met so that there is a balance between business and home owners with an alarm system and the City's response time.

Mr. Stauffer said he would like to go back to the suggestion that they set up a task force and work through this.

Ms. Dunn said this can't be worked on tonight but there are some ideas that have been presented that should be reviewed.

Mr. Stauffer said he thinks it is a good idea to examine it again.

ADJOURNMENT:

Ms. Dunn adjourned the meeting at 6:30 p.m.

Carole W. Lee
Administrative Secretary

Murray City Alarm Ordinance Review Task Force
Lynn H. Turner, Chairman
555 West 6400 South
Murray, Utah 84123

July 29, 2004

Murray City Municipal Council
5025 South State Street
Murray, Utah

Honorable Members of the Municipal Council:

It has been a pleasure to have served as a member and to chair the Council's Alarm Ordinance Review Task Force.

The Task Force concluded its study and deliberations on June 30, 2004. Attached is a summary of the process followed by the Task Force which should give you an idea of the thoroughness of the study and discussion engaged by the seventeen voting members of the Task Force with the aid of resource individuals who provided their expertise.

Pursuant to the majority vote of the Task Force members, I am including herewith a suggested amended ordinance for the Council's consideration. This draft ordinance incorporates a provision known as *broadcast and file* which provides flexibility for the Chief of Police to establish a written policy for limited response without verification by an alarm company.

This ordinance was prepared by the Murray City Attorney's office in conjunction with input from the Chief of Police and concurrence by the Task Force. I submit it to the Council with the hope of your favorable consideration in the very near future.

As Chairman, I feel that the Task Force was respectful of all opinions and parties represented and have the utmost faith in the decision that was reached individually and collectively. As citizens, we feel that our due diligence was met, and I would be happy to answer any questions concerning the process, deliberations and final vote of the Alarm Ordinance Review Task Force.

Again, on behalf of the members of the Task Force, thank you for the opportunity to serve.

Sincerely,

Lynn H. Turner, Chairman
Alarm Ordinance Review Task Force

LHT:shj

c: Task Force Members

Enclosures

Murray City Alarm Ordinance Review Task Force
Conclusions

Purpose:

To review the City's existing verified response ordinance, determine if it can be improved upon, and make recommended amendments.

Scope of Review:

- Review how other jurisdictions have addressed the issue of false alarms;
- Examine "verified response" ordinances and policies adopted by other communities; and seek input relative to the impact on crime and public safety budgets in those cities;
- Review the current City ordinance and determine if it is currently serving the City's needs; and
- Provide suggested measures to finance any associated costs.

Process:

Held six meetings, beginning on April 21, 2004. Resource individuals representing the alarm industry and law enforcement were excused from committee attendance on May 19, 2004, and remained on standby in case additional information was needed.

At the June 16, 2004 meeting, voting members submitted written or verbal position statements for the record.

The final meeting was held on June 30, 2004 with voting members only, position statements were confirmed, and vote was taken and the Chairman was charged with preparing the Task Force recommendation to be submitted to the Murray City Municipal Council on its behalf.

Prior to sending the recommendation to the Municipal Council, Task Force members were given 10 days to offer any additional comment or make corrections to the minutes.

Issues discussed and studied:

- Ordinances of 21 jurisdictions, including the current Murray City ordinance, were provided for the Task Force review
- An Executive Summary of Alarm Ordinances and Police Policies of Salt Lake County jurisdictions was provided
- Policies of police agencies in other states, including Las Vegas, NV, and Los Angeles, CA, were provided for the Task Force's information
- Comprehensive Studies performed since 2001 regarding Police Response were also given to Task Force members
- Statistical Data included crime index tabulations from the U. S. Department of Justice, burglary statistics from both Murray Police Department and Salt Lake City Police Department, and the Alarm Industry
- Newspaper articles from various jurisdictions, both inside and outside of Utah.

Position papers/statements

Position papers were solicited and received from voting members. Written position and industry response was also submitted and received from the alarm industry representative.

A summary of the positions and votes of the 17 voting members of the Task Force were read into the record follows:

Supports the Ordinance without amendment	Amend to include *Broadcast & File* Police Policy	Either repeal, or as a compromise, include a *Broadcast & File* Police Policy
3	**10**	**4**

Conclusion

By majority vote, the Alarm Ordinance Citizens' Task Force supports the current ordinance with the following additions to Sections 8.08.040(A)(1) and (B), and 8.08.050 (C)of the Murray City Municipal Code relating to Alarm Systems:

8.08.040 Duties of Alarm Company providing monitoring

A. Every Alarm Company providing monitoring shall:

1. visually verify every alarm signal, except a Duress, Holdup Alarm, Panic activation or, as provided in Section 8.08.040 B herein, before requesting a Law Enforcement Response to an Alarm System signal;

2. no change
3. no change
4. no change
5. no change
6. no change

B. The City's Chief of Police shall establish a written policy that provides for limited response without verification by the Alarm Company to a broadcast by the Valley Emergency Communications Center (VECC) of an activated alarm based on several factors including location of the alarm, content of the premises, availability of units and the discretion of the shift commander.

8.08.050 Violations

A. no change
B. no change

C. The Alarm Company failed to visually verify as required herein

D. no change

Other comments and recommendations:

- ✓ Task Force members unanimously agreed that burglar alarms are a crime deterrent;
- ✓ Citizens and businesses should be encouraged to have alarm systems;
- ✓ Alarm companies should continue on-going training for alarm customers to minimize user error alarm drops;
- ✓ It is incumbent upon alarm companies to make new and existing alarm customers aware of the verified response ordinance of Murray City to allay the perception that police officers will respond to alarm drops;
- ✓ A method needs to be established to allow Murray Police Department to keep alarm statistics;
- ✓ Recognizing that growth impacts the ability and cost of providing services to new areas of the City, particularly public safety, Task Force members encourage the Municipal Council to include in its budget deliberations the potential need for funding for additional law enforcement personnel.

Discharge from Duty

The Chairman will provide a copy of the minutes of the June 30, 2004 meeting, and these conclusions and recommendations to Task Force members for comment. Comments that are consistent with the approved record of proceedings which are received within ten (10) days will be included in the final recommendation sent to the Municipal Council. Upon receipt by the Council, the Task Force will be discharged by the Municipal Council.

MURRAY CITY CORPORATION

801-264-2640 FAX 801-264-2641

MEMORANDUM

TO: Shannon Huff Jacobs, Executive Director of Murray City Municipal Council

FROM: Frank M. Nakamura, City Attorney

DATE: July 28, 2004

RE: Alarm Ordinance

Attached is an Ordinance incorporating amendments presented by the Alarm Ordinance Review Task Force. If you need additional changes, please advise.

FMN/jwr

Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 8.08.040 AND 8.08.050 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ALARM SYSTEMS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Sections 8.08.040 and 8.08.050 of the Murray City Municipal Code relating to Alarm Systems.

Section 2. Section 8.08.040 of the Murray City Municipal Code is amended to read as follows:

8.08.040 Duties of Alarm Company providing monitoring.

A. Every Alarm Company providing monitoring shall:

1. visually verify every alarm signal, except a Duress, Holdup Alarm, ~~or~~ Panic activation or, as provided in Section 8.08.040 B herein, before requesting a Law Enforcement Response to an Alarm System signal;

2. report alarm signals in a form and to telephone numbers designated by the Chief of Police;

3. communicate cancellations to the City in a manner and form determined by the Chief of Police;

4. maintain for at least one year following a request for an alarm dispatch, records relating to the dispatch, including the name, address and telephone number of the Alarm User; the Alarm System zones or points activated; the time of request for dispatch; and evidence of verification;

5. make the records in subparagraph 4, above, available to the Chief of Police upon request; and

6. not use incorrect, misleading or unverified information or terminology or withhold information to facilitate an alarm dispatch.

B. The City's Chief of Police shall establish a written policy that provides for limited response without verification by the Alarm Company to a broadcast by the Valley Emergency Communications Center (VECC) of an activated alarm based on

several factors including location of the alarm, content of the premises, availability of units and the discretion of the shift commander.

Section 3. Section 8.08.050 of the Murray City Municipal Code is amended to read as follows:

8.08.050 Violations.

The following are violations of this Chapter:

A. Fail to comply with the duties specified in Sections 8.08.030, 8.08.040 and 8.08.050 of the Murray City Municipal Code.

B. If the City, in responding to the False Alarm, determines that an on-site employee of the Alarm Company directly caused the False Alarm that resulted in City response.

C. The Alarm Company failed to visually verify as required herein.

D. The Alarm Company, its agent or employee made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

8.08.060 Penalties for Violations.

Any firm, corporation, tenant, owner, or other person who violates or refuses to comply with any of the provisions of this Chapter, shall be guilty of a class B misdemeanor.

Section 4. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of July, 2004.

MURRAY CITY MUNICIPAL COUNCIL

Krista K. Dunn, Chair

ATTEST:

_____
Carol Heales
City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2004.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2004.

_____
Daniel C. Snarr, Mayor

ATTEST:

_____
Carol Heales,
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ___ day of _____, 2004.

_____
City Recorder

S:\CCO\COUNCIL\WPDOCS\BOARDS.C\AlarmOrdTaskForce\Ordinance amendment to Alarm System 8.08.040 and 8.08.050.wpd

The formatting and pagination of this digital version of the code may vary from the official hard copy of the code. This digital version of the code is provided for informational purposes only and may not reflect all of, or the most current, legislation that has been passed. Prior to any action being taken, please consult the City Recorder for any ordinances that have been enacted that are not contained in this digital version. In case of any discrepancy between this digital version and the official ordinances, the ordinances prevail.

Chapter 17 BURGLARY AND ALARM SYSTEMS

5-17-1. Definitions.

(a) "Alarm Business" means any persons engaged in the business of installing, planning the installation, assisting in the planning or the installation, servicing, maintaining, repairing, replacing, moving or removing alarm systems in Sandy City.

(b) "Alarm coordinator" means the individual designated by the chief of police to issue permits and enforce the provisions of this title.

(c) "Alarm dispatch request" means a notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

(d) "Alarm site" means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex shall be considered a separate alarm site.

(e) Alarm system" means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

(1) Alarm devices which are not installed, operated or used for the purpose of reporting an emergency to the police department;

(2) Alarm devices installed on a temporary basis by the police department;

(3) Alarm devices which do not register alarms that are audible, visible, or perceptible outside the protected premises; and

(4) Alarm devices affixed to motor vehicles, unless the vehicle is permanently affixed to the real property at the alarm site.

(f) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or

facility or portion thereof wherein an alarm system is maintained.

(g) "Answering service" means a telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems and the subsequent relaying of such messages by a live voice to the police department.

(h) "Apartment complex" means any building or group of buildings containing two or more rental units.

(i) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message indicating the existence of an emergency situation that the alarm system is designed to detect.

(j) "Central station" means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

(k) "Duress alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

(l) "Emergency" means the commission or attempted commission of a robbery, burglary or other criminal action or the occurrence of a medical event requiring immediate response.

(m) "Employee" means any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the City.

(n) "False alarm" means the activation of an alarm system which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature which are normal for that area and subject to control by the alarm business operator or alarm user. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature not reasonably subject to control, such as tornadoes, floods or earthquakes.

(o) "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(p) "Intrusion alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.

(q) "Local alarm" means any noise-making alarm device audible at the alarm site.

(r) "One Plus duress alarm" means the manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code [Normal code=1234; One plus code=12345].

(s) "Permittee" means the person to whom an alarm user permit is issued.

(t) "Person" means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

5-17-2. Applicability of Provisions.

The provisions of this chapter shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which the ordinance codified in this chapter became effective, and subsequent thereto.

5-17-3. Registration Required to Operate Alarm Business.

It is unlawful for any person, partnership, corporation or association to engage in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system in or on any building or other property within the City of any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a valid license therefore under the provisions of the Burglar Alarm Security and Licensing Act, Sections 58-65-101 et seq., Utah Code Annotated 1953, as amended, or its successor and the name, address and certificate number or identification number has been registered with the Chief of Police. There shall be no fee for registration within the City under this section.

5-17-4. Alarm User Permits.

(a) Every alarm user shall have in his/her possession an alarm user permit issued by the chief of police at no charge. Such permit shall be issued upon filing by the user or alarm business, with the police department, a completed alarm permit application as provided by Section 5-17-5 or its successor section. A separate permit shall be required for each alarm site. The permit application shall be submitted to the alarm coordinator no later than fifteen (15) days following the alarm installation or following an existing system being taken over by a different alarm user. The alarm user shall be responsible for the maintenance and operation of the alarm system and for the payment of all fees and penalties under this chapter.

(b) It is unlawful to operate an alarm system without an alarm permit.

(c) An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. Alarm permits shall not be transferable.

5-17-5. Alarm Permit Application.

(a) An alarm permit application shall be completed and submitted to the police department's alarm coordinator by the user and/or by the alarm business prior to the operation of an alarm system.

(b) The permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the licensed alarm system business installing, monitoring, maintaining or servicing the system, as well as the type of system to be installed, operated or maintained. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit application shall contain such additional information as the chief of police shall reasonable deem

necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.

(c) A penalty service fee may be assessed upon a user when the peace officers responding to an alarm are unable to contact any of the listed parties due to outdated or inaccurate information provided by the user. The penalty service fee shall be determined by treating any such failure by a user as if it were a false alarm; as provided in Section 5-17-7 or its successor section, and may be considered as an additional false alarm for the purpose of computing fees. In addition, the Chief of Police may, at his/her discretion, choose not to provide police response to any further alarms at an alarm site in the event an alarm user fails to comply with this section.

5-17-6. User Instructions.

(a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and to avoid false alarms. Written operating instructions, and the phone number of the monitoring station, shall be maintained at each alarm site. The alarm business shall notify the alarm user of the permit requirements.

(b) After March 31, 1998, no alarm business shall program alarm systems so they are capable of sending One Plus duress alarms. Alarm businesses may continue to report One Plus duress alarms received from alarm systems programmed with this feature prior to March 31, 1998; however, after that date, when performing a takeover or conversion, an alarm business shall remove the One Plus duress alarm capability from the alarm system being taken over or converted.

5-17-7. False Alarms.

(a) Permit holders shall be responsible for false alarms caused by anyone with authorized access to the premises. Revocation of a user permit shall be in accordance with the license revocation provisions specified in Section 5-2-10(d) of City Ordinances, or its successor chapter. A hearing officer at a revocation proceeding shall have authority to suspend a user permit in lieu of revocation in appropriate cases. Any city alarm user whose permit is suspended or revoked by the City shall pay a reinstallment of one hundred dollars to the City before such permit shall be reinstated or reissued.

(b) A service fee is imposed for false alarms on a physical duress or intrusion alarm system to which a peace officer responds. The fee is assessed on the user of the alarm system for each false alarm after four false alarms in any twelve-month period. The amount of the fee is one hundred dollars for each alarm after four false alarms in any twelve-month period.

(c) All penalties assessed under this chapter shall be due and payable on the date written notice of any penalty due is issued by the City. If any penalty is not paid within 90 days of the due date, the City may

use such lawful means as are available to collect such penalties. In the event the City files an action in court to recover such penalties, the City shall be entitled to recovery of its costs

and attorney's fees in addition to the penalties due and owing.

(d) The alarms coordinator may implement a false alarm prevention course to be made available to the public on a monthly basis at no cost. The course shall inform alarm users of problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall receive a service fee credit for one false alarm. No permittee shall be entitled to take such course and receive such service fee credit more than once.

5-17-8. Apartment Complex Alarm Systems.

(a) If an alarm system installed, or caused to be installed, by any tenant in an apartment complex is monitored by an alarm business, the tenant shall provide the alarm coordinator the name of a representative of the apartment complex owner or property manager who can grant access to the rental unit by police officers responding to an alarm dispatch. Such tenant shall obtain an alarm permit from the alarm coordinator before operating or causing the operation of an alarm system in the tenant's rental unit.

(b) A tenant which has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site.

5-17-9. Deliberate False Alarms.

(a) No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact.

(b) The following shall be presumed to be unintentional alarms:

(1) emissions of malfunction signals from monitoring equipment; and

(2) repeated false alarms from the same site within a reasonable period.

5-17-10. Local alarm system - When Cutoff Required.

Burglary, robbery or other emergency alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic device which will terminate the audible or visual alarm within ten minutes.

5-17-11. Police Call Records.

Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall

be made available to the Chief of Police or the chief's designated representative at any time during normal business hours.

5-17-12. Administration and Enforcement.

The provisions of this chapter shall be administered and enforced by the Chief of Police. The Chief of Police, or his or her authorized representative, which may be the Chief Building Inspector, is authorized to make inspections of burglary, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the City to undertake such inspections and to determine whether such systems are being used in conformity with the provisions of this chapter.

5-17-13. Operational Defects to be Remedied.

Alarm users and alarm businesses are required to insure that sensory mechanisms used in connection with the robbery, burglary or other emergency alarm systems have been adjusted to suppress false alarms, so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, or other forces unrelated to genuine alarms.

5-17-14. Automatic Dialing and Prerecorded Message Alarm Systems Unlawful.

(a) It is unlawful to maintain, operate, connect, or allow to be maintained, operated or connected, any automatic dialing device which automatically dials the police department and then relays any prerecorded message to report any robbery, burglary or other emergency.

5-17-15. Violation Penalty.

(a) Notwithstanding any other provision in this chapter, failure of any person to comply with the requirements of this chapter shall constitute an infraction and shall be punishable by law as set forth in Section 1-2-2 of these Ordinances, or its successor section.

(b) In addition to other penalties provided in this chapter, failure by an alarm user or an alarm business to pay any penalty within 120 days of the due date shall constitute grounds for suspension or revocation of an alarm user permit. All service fees assessed under this chapter are due and payable on the date written notice of any fee due is issued by the City. If any service fee is not paid within thirty days of the due date, a penalty of ten dollars shall be added to each on hundred-dollar service fee so unpaid. If any service fee is not paid within sixty days of the due date, an additional penalty of ten dollars shall be added to each one hundred-dollar service fee so unpaid, for a total penalty of twenty dollars. If any service fee is not paid within ninety days of the due date, an additional penalty of ten dollars shall be added to each one hundred-dollar service fee so unpaid, for a total penalty of thirty dollars. If any service fee is not paid within one hundred twenty days of the due date together with all applicable penalties, the City may use such lawful means as are available to collect such fee, including all penalties, costs and attorneys' fees.

5-17-16. Appeal Procedure.

(a) Any alarm user may appear before the alarm coordinator and present and contest the assessment of any penalty. The burden to prove any matter shall be upon the person raising such matter.

(b) If the alarm coordinator finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the alarm coordinator may dismiss the penalty and release the alarm user from liability there under, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

(1) The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the penalty.

(2) The alarm for which the penalty has been assessed was, in fact, not false, but was rather the result of an actual or attempted burglary, robbery, or other emergency.

(3) The police dispatch office was notified by the permit holder or the alarm business that the alarm was false prior to the arrival of a police officer to the alarm site in response to the false alarm; or

(4) Such other mitigating circumstances as may be approved by the City law department.

(c) If the alarm coordinator finds that a false alarm did occur and no applicable defense exists, the alarm coordinator may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty.

(d) Any decision made by the alarm coordinator under this section may be appealed to the Chief of Police.

MURRAY
CITY COUNCIL

Discussion Item #2

Murray City Municipal Council
Request for Council Action

INSTRUCTIONS: The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

   Murray City Center District (MCCD) Proposed Ordinance Modification

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

   Welcoming and Thriving Business Climate

3. **MEETING, DATE & ACTION:** (Check all that apply)
   ____Council Meeting OR _X_ Committee of the Whole
   _X_ Date requested 9/17/13
   _X_ Discussion Only
   ____Ordinance (attach copy)
   Has the Attorney reviewed the attached copy? ____
   ____Resolution (attach copy)
   Has the Attorney reviewed the attached copy? ____
   ____Public Hearing (attach copy of legal notice)
   Has the Attorney reviewed the attached copy? ____
   ____Appeal (explain) _____
   ____Other (explain) _____

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

   N/A

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

   See attached memo

6. **REQUESTOR:**
   Name: Tim Tingey
   Presenter: Same
   Agency:
   Date: 8/30/2013
   Title: Director of Administrative and Development Services
   Title:
   Phone: (801) 264-2680
   Time:

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)
   Department Director: _____ Date: 8/27/13
   Mayor: _____ Date: 8/30/13

8. **COUNCIL STAFF:** (For Council use only)
   Number of pages: _____ Received by: _____ Date: _____ Time: _____
   Recommendation: _____

9. **NOTES:**

MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems
Information Technology
Recorder Division
Treasurer Division

TO: Murray City Council

FROM: Tim Tingey, Director of Administrative and Development Services

DATE: August 30, 2013

SUBJECT: Murray City Center District (MCCD) Proposed Ordinance Modification

Staff will be present at the September 17, 2013 Committee of the Whole meeting to discuss proposed changes to the Murray City Center District ordinance. Please contact me at 801-264-2680 if you have any questions.

Adjournment