

business or monitoring service whose duties include the altering, installing, maintaining, repairing, servicing, monitoring or responding to an alarm system.

d. "Alarm sales" means activities related to marketing and sales, rental or leasing of alarm systems, alarm systems installation, and maintenance intended for residential or business alarm users. Alarm sales activities include the distribution of product and service information to members of the public by electronic, telephonic, broadcast, signage, posting of printed material or other written means and include oral information provided door-to-door or otherwise. Excluded from this definition are retail establishment sales of alarm system hardware to on-site customers and who provide no other alarm system services with the exception of equipment warranty coverage.

e. "Alarm sales personnel" means that person or those persons employed by, contracted by, or otherwise engaged in the sale, rental or leasing of alarm systems within the city. "Alarm sales personnel" does not mean a person or persons employed or contracted by a retail establishment to assist customers in on-site sale of alarm system hardware and selling no other alarm system services with the exception of equipment warranty coverage. "Alarm sales personnel" does not mean any person or persons engaged in the preparation or design of marketing or sales information or materials and not engaged in other alarm system sales activities.

f. "Alarm system" means any mechanical or electrical equipment arranged to signal the occurrence of a fire, burglary or robbery alarm requiring immediate fire or police department notification, including local alarms which are audible or visible upon the exterior of a structure.

g. "Alarm user" means the person in control of any building, structure or facility or portion thereof in which an alarm system is in operation.

h. "False alarm" means an alarm notification summoning a city agency to the location of an alarm activation, when the responding officer finds no indication of burglary, attempted burglary, robbery, attempted robbery or fire. "False alarm" does not include an alarm activation signal caused by extraordinary conditions of weather such as high winds, thunder and lightning storms or other systemic electric disturbances.

i. "Falsely verified alarm" means a verified alarm in which the police responded and determined the alarm to be a false alarm.

105-75. Private Alarm Systems and Regulations. 1. PURPOSE.

The purpose of this section is to regulate alarm systems and to minimize false alarms from these systems. Alarm businesses shall be licensed by the city under this section. A direct alarm connection to any agency of the city shall comply with s. 105-73.

2. DEFINITIONS. In this section:

a. "Alarm business" means any person engaged in providing, selling, leasing, renting, installing, monitoring, servicing, altering, moving or causing any alarm system to be sold, installed, monitored, serviced or altered in or on any other person's building, place of business, structure, residence or other facility for compensation. Excluded from this definition is any person engaged solely in the business of designing the system for the location.

b. "Alarm monitoring service" means any person that provides service to alarm users by receiving signals, at a central station or other site, from an alarm system or systems that indicate an activation of a fire, burglary or robbery alarm, notifies or dispatches alarm representatives or a first responder service to alarm sites or reviews appropriate real-time electronic or other verification, and relays alarm messages to fire or police departments. An alarm monitoring service may be located within the state of Wisconsin or at locations outside this state. An alarm monitoring service does not include monitoring of any person's own business or residential alarm.

c. "Alarm representative" means any person employed or contracted by an alarm

105-75-3 Public Safety

j. "Local alarm system" means any equipment arranged to signal the occurrence of a robbery or burglary with alarms from the premises in the immediate area of the structure.

k. "Non-verified alarm" means an alarm which has not been verified by a person or private first responder.

L. "Person" means an individual, firm, partnership, association, corporation or any other business entity with the exception of any government agency, government employees or individuals acting in the course of government business.

m. "Private first responder service" means a service provided by an alarm business, either through an alarm representative or through a private security company is under contract with the business, that determines, by means of on-site inspection, whether a cause for alarm has occurred at the site of an activated burglary alarm. Excluded from the definition of private first responder service are those services or personnel directly employed or contracted by businesses to respond to their own alarm systems.

n. "Prompt dispatch" means that the arrival at the alarm site of an alarm representative for verifying the alarm occurs within 30 minutes of alarm activation in the absence of unanticipated or extraordinary circumstances.

o. "Verified alarm" means an alarm that a person or private first responder has determined is not a false alarm prior to contacting the police department.

3. LICENSE REQUIRED.

a. No alarm business, alarm sales business or private first responder service shall engage in business without first obtaining an alarm business license.

b. Application for an alarm business license, private first responder service license or for an alarm sales license shall be filed with the city clerk on a form provided therefor. The application shall require:

b-1. The name and home address of the applicant.

b-2. The name of the alarm business, the alarm sales business, or the private first responder service.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and home address of each of its officers, directors and designated managers, if any. The application shall be verified by an officer of the corporation. If one or more of the officers is a corporation, the provisions of this

section pertaining to a corporate applicant shall apply to the corporate officers.

b-4. If the applicant is a partnership, the application shall set forth the name and home address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and home addresses of all officers and be verified by an officer of the club, association or organization.

b-6. The date of birth of the applicant.

b-7. If the applicant is an alarm business or alarm sales business, a detailed plan of operation that includes the following information:

b-7-a. Identification of any subcontracting or cooperating business that provides or will provide services related to alarm systems installed or to be installed within the city, including monitoring services, private first responder services, repair and maintenance services, together with contact information for each. All private first responder services identified under this section, whether or not licensed, shall comply with the verified response requirements of sub. 14-c-4.

b-7-b. Information identifying operations managers or supervisors with oversight of alarm system sales, installation and monitoring of private alarm systems or oversight of private alarm systems response activities within the city including phone numbers, fax numbers, and electronic mail addresses.

b-7-c. A statement detailing the manner in which alarm sales activities will be conducted and certification that all alarm sales personnel will receive a minimum of 14 hours training within the first 2 weeks of employment in sales activities.

b-7-d. If the application is for an alarm sales business license, a certification that a list of alarm sales personnel will be registered with the city clerk and updated within 10 days of employment of any additional alarm sales personnel and within 10 days of the termination of sales activities by any person previously registered as a salesperson.

b-7-e. A certification that photographs of alarm sales personnel for all personnel who engage the public directly and in person in the

course of sales activities will be submitted to the city clerk promptly upon engagement of alarm sales personnel in sales activities. The list provided in subpar. d shall separately identify those individuals who engage members of the public directly and in person in the course of sales activities from those individuals whose contact with members of the public is limited to telephonic or other electronic or remote medium of communication, or to individuals engaged in activities of posting or distribution of brochures, placards, flyers or other written communications.

b-7-f. A list of any additional services provided to alarm users or subscribers which shall be updated within 10 days of any change in service subcontractor.

b-7-g. If a private first responder service is provided either directly or by subcontract, a statement whether prompt dispatch is guaranteed.

b-7-h. A statement whether the applicant will accept service of process or other notice by first class mail and providing the address for receipt of first class mail.

b-8. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

b-9. All applicants not maintaining a place of business in the state of Wisconsin shall continuously maintain in this state a registered office and a registered agent for service of process, notice or demand required and permitted by law to be served on foreign corporations, the address of such office and the name and address of such agent to be filed with the city clerk.

c. Post office box numbers shall not be acceptable for addresses required on applications.

d. All applicants shall be fingerprinted. If the applicant is a corporation, the agent shall be fingerprinted. If the applicant is a partnership, each partner and agent shall be fingerprinted. If the applicant is a club, association or other organization, the agent shall be fingerprinted. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. The fingerprinting requirement shall also not apply to the officers and directors of nonprofit corporations which apply for a license, except that the fingerprinting requirement shall apply to the agent of such corporations. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for purposes of verification.

4. CHANGES TO BE REPORTED.

a. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal

application form. The licensee shall make this notification in writing within 5 days after the change occurs.

b. Whenever an alarm business changes any of its corporate officers, directors or agents, the corporation shall file the appropriate application and pay the fee required in s. 81-2-5. This application shall be completed and processed in the same manner as a new application subject to all the requirements of this section.

c. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of such change.

5. FEE. All applications for alarm business licenses, alarm sales licenses and private first responder service licenses shall be accompanied by the fee specified in s. 81-2.

6. ISSUANCE. a. Applications shall be referred to the chief of police who shall cause an investigation to be made and report their findings to the licensing committee. If no objection is filed to an application, the license shall be forwarded to the common council for approval. If an objection is filed to an application, the license shall be forwarded to the licensing committee for its recommendation as to whether or not a license should be issued.

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

105-75-7 Public Safety

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-3. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

7. RENEWAL AND NON-RENEWAL.

a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application for renewal to the chief of police for review. For any application for renewal of an alarm business license for an alarm business which provides to alarm users alarm monitoring services for the receiving of burglary alarm messages, the application shall state that among the services offered by the alarm business to alarm users is a private first responder service that verifies, in the case of an activated burglary alarm, that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department. If the chief of police files no information with the city clerk that could form the basis of an objection, the license shall be referred to the common council for

approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee of the common council for its recommendation.

b. Non-Renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 8 shall govern.

7.5. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

8. PROCEDURES FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be non-renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing.

b. Non-renewal, suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Review by the Common Council. If there is a possibility that the licensing committee will not recommend renewal of the license, or when revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

d. Grounds for Non-renewal or Revocation. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications, including failure to comply with the plan of operation submitted by the licensee as a part of the license application as it may be amended and including compliance with the requirement to timely report changes in the licensee's plan of operation and changes in the licensee's address for receipt of first-class mail.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the licensed activity, by the licensee or by any employe of the licensee.

d-3. Failure of the alarm company to keep adequate records as to the locations where alarm systems are installed as well as the name, home or billing address, and telephone numbers of the purchaser or subscriber or alarm systems or service.

d-4. Failure of the licensee to obtain, in the case of a burglary alarm, a verified response that a cause for alarm has occurred at the alarm site before transmitting the alarm signal or information about the alarm signal to a city agency.

d-5. Failure to provide a private first responder service, as required by sub. 14-c-4.

d-6. Any other factor which reasonably relates to the public health, safety and welfare.

e. Licenses to be Treated Separately. A recommendation by the committee that an alarm business license, alarm sales license or a private first responder service license be suspended, revoked or not renewed shall not be based on any adverse recommendation relating to a license separately held by the applicant or licensee. Nothing in this paragraph shall prohibit or limit the discretion of the committee in considering any related business activities of an applicant or licensee in making the committee's recommendation to the common council

10. REQUEST TO SURRENDER A LICENSE. a. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the

request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.

11. PROHIBITED SYSTEMS.

a. Automated Alarm Notification Prohibited. No person may use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any alarm system that upon activation will initiate, transmit, or deliver an alarm notification to any city agency by automated means except for fire alarms.

b. Panic Alarm Notification Prohibited. No person may initiate, transmit, or deliver an alarm notification in the nature of a panic alert, police alert, medical alert or disturbance alert to any city agency by automated means, electronic or telephonic means, or other miscellaneous signal or message as distinguished from burglary, robbery (hold-up) or fire alarms.

c. Multiple Trip Sensor and Audio Sensor Notification Prohibited. No person may initiate, transmit, or deliver by automatic means, electronic or telephonic means, any request for service to any city agency based upon multiple trip sensors or audio sensors.

d. Exception. d-1. A request for service may be made to any city agency based upon a recorded and reproducible video or 2-way voice intercom by any person able to provide specific information based upon personal observation to the operator, dispatch personnel or officer of a city agency and able to respond to questions of the operator, dispatch personnel or officer to support a conclusion that there exists a cause for alarm or an emergency is in progress. Communications made to a city agency under this paragraph shall be treated as a reported incident and not as an alarm requiring verification by a first responder service.

d-2. Any recordings relating to reproducible video or 2-way voice intercom shall be provided to the police department within 24 hours and submitted as an e-mail attachment sent to a police Internet site or in such other manner as otherwise directed by the police department. Electronic files submitted under this subdivision shall be in a standard format designated by the department.

13. ALARM MONITORING SERVICE.

a. Any alarm monitoring service providing the service of receiving burglary, robbery or fire alarm messages from alarm systems and relaying alarm information to a city agency shall have trained employes on duty at all times. In the case of an activated burglary alarm, the alarm

105-75-14 Public Safety

monitoring service shall relay the message to the police department only after the monitoring service's private first responder service has verified that a cause for alarm exists at the alarm site. An alarm monitoring service shall provide pertinent information to the department at the time of telephone notification of the activation of any alarm, which shall include:

a-1. The alarm user name, address location of the activated alarm, identification of the type of alarm signal and telephone number of the alarm user

a-2. The name and address of the alarm business or agent which has the responsibility for the alarm system activation.

b. Any business which maintains keys to the alarm site shall promptly dispatch an alarm representative with keys to the alarm site upon request of the responding department.

c. An alarm business which does not maintain keys to the premises shall operate in the following manner:

c-1. Notification to the fire or police department shall include notice that the alarm business does not maintain keys to the alarm site and will not arrive at the scene while the department is present.

c-2. The alarm business shall file a report with the responding department within 72 hours of the occurrence which shall include:

c-2-a. Alarm business name and address.

c-2-b. Alarm user name and address, and telephone numbers.

c-2-c. Time of occurrence reported to the alarm business and time relayed to the department.

c-2-d. Cause of alarm, if known.

c-2-e. Action taken by alarm business.

c-3. An alarm business which does not maintain keys to the premises shall not be exempt from the requirement of par. a to obtain, in the case of a burglary alarm, a verified response that an attempted or actual crime has occurred before relaying the message to the police department.

14. ALARM SALES AND ALARM BUSINESS REQUIREMENTS.

a. A business engaged in alarm sales activities shall:

a-1. Provide the city clerk with the name, address and an electronic file containing an accurate depiction of the photo-identification badge for alarm sales personnel prior to the conduct of any sales activities by that alarm sales personnel.

a-2. Require all alarm sales personnel to complete 14 hours of sales training within 2 weeks

of first engaging in alarm sales activities on behalf of the alarm sales licensee.

a-3. Require that no person employed with or on behalf of the alarm sales licensee engage in sales activities with any prospective alarm user prior to completion of 14 hours of sales training except in the direct presence of a registered sales personnel who has received a minimum of 14 hours of sales training.

a-4. Require that all alarm sales personnel display photo-identification badges that include the names of the sales persons, the names of the alarm sales business, and the names of the alarm business, if different. Photo-identification badges shall also prominently display telephone contact information for the alarm sales business licensee.

b. All contracts with alarm users shall:

b-1. Be in writing and identify the services to be provided by the licensee. A copy of contracts proposed for alarm sale, installation, maintenance, monitoring, responder and any other alarm services shall be written in plain language with key points in bold or 10-point font. Failure of the applicant or licensee to provide an accurate copy of proposed contracts meeting these specifications shall be subject to the penalties provided in sub. 15-d.

b-2. Be presented to prospective individual customers together with a pamphlet or other written information, prepared or approved by the city clerk, that includes a statement of rights and responsibilities of alarm users.

b-3. State that, after a city agency is notified of 2 false alarms within a calendar year, the alarm user is subject to municipal citation as provided in sub. 15.

b-4. Include, at the time of renewal, a written statement of the provisions of subd. 3 together with a written statement of any changes in the terms of service or the identity of service providers from the original or most recently renewed contract.

c. An alarm business shall:

c-1. Be responsible for the proper installation of alarm systems by persons licensed under s. 222-11.

c-2. Be responsible for insuring that private alarm systems under maintenance contracts are maintained in good working order and that defects which could cause false alarms are promptly repaired.

c-3. Instruct appropriate personnel as to the operation of private alarm systems, including the setting, activation or resetting of the alarm equipment.

c-4. Provide a private first responder service, unless the alarm system transmits the alarm signal as provided in sub. 11-d, that shall verify, in the case of an activated burglary alarm, that a cause for alarm exists at the alarm site before the alarm signal is transmitted to the police department; any person employed by a first responder service who engages in on-site verification shall hold a valid state private security person permit issued by the Wisconsin department of safety and professional services.

c-5. In the case of an activated burglary alarm, relay the message to the police department only after a private first responder service has verified that a cause for alarm exists at the alarm site.

15. PENALTIES. a. No alarm user shall cause or permit a city agency to be notified of a false alarm. If after a city agency is notified of 2 false alarms within a calendar year, the alarm user shall be subject to a forfeiture of not less than \$50 nor more than \$100 for the first false alarm thereafter. Subsequent false alarms shall be subject to a forfeiture of not less than \$100 nor more than \$250.

b. No alarm business shall cause or permit a city agency to be notified of a non-verified alarm. An alarm business shall be subject to a forfeiture of not less than \$50 nor more than \$100 for the first non-verified alarm. Subsequent notification of non-verified alarms at the same site within 2 years of the first offense shall subject the alarm business to a forfeiture of not less than \$100 nor more than \$250.

c. Any violation of sub. 11-b or c is subject to a forfeiture of not less than \$100 nor more than \$200 for a first offense and not less than \$200 nor more than \$400 for each subsequent offense occurring at a single site or caused by a single alarm or sensor within 5 years of any prior offense.

d. Except as otherwise provided in this section, any person violating any provision of this section shall upon conviction forfeit not more than \$500, together with the costs of prosecution.