

## Chapter 10

### LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS\*

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\* **Charter References:** Authority to license, § 3(8).

**Cross References:** Cable television generally, Ch. 5; cable television franchise fee, § 5-20; licensing and registration of bicycles, § 11-61; taxation, Ch. 19.

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**Art. I. In General, §§ 10-1--10-15**

**Art. II. Peddlers, Hawkers, Etc., §§ 10-16--10-19**

**Art. III. Reserved, §§ 10-20--10-39**

**Art. IV. Liquor Licenses, §§ 10-40--10-49**

**Art. V. Burglar and Hold-up Alarms, §§ 10-50--10-60**

**Div. 1. Generally, § 10-50**

**Div. 2. Alarm System Requirements, § 10-51--10-56**

**Div. 3. Alarm Business License and Requirements, § 10-57--10-60**

#### ARTICLE I.

#### IN GENERAL

**Secs. 10-1--10-15. Reserved.**

#### ARTICLE II.

#### PEDDLERS, HAWKERS, ETC.\*

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\* **Cross References:** Use of parking spaces in parks for selling merchandise, § 12-40.

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#### Sec. 10-16. Permit.

(a) It shall be unlawful for any person to hawk, sell, peddle or offer for sale, in or upon the streets or highways within the city, or to go from house to house, either in a vehicle or on foot, upon the streets or highways within the city, for the purpose of selling, peddling or hawking, or offering for sale, at retail, any fruits, vegetables, fish, meat, poultry, oysters, goods, wares, magazines, books, photographic service or merchandise of any kind whatsoever, or home services, without having previously registered the organization and obtained from the city manager a permit to do so, in advance, for each person so engaged on the streets or highways within the city under such rules and regulations as the city manager shall deem necessary.

(b) The city manager is hereby authorized to issue such permits after such person has registered with the city manager.

(c) In the event that a holder of a permit is found to be in violation of this article, the city manager may revoke his permit. Should such revocation occur, the permittee shall not be entitled to a refund; however, he shall have the right to appeal the city manager's decision to the city council, which may reverse the city manager on questions of fact, law or because of a finding of unusual hardship upon the licensee.

(Code 1971, §§ 14-1, 14-2, 14-6)

**State Law References:** Special privileges for growers or producers selling farm produce from a wagon at retail, Anno. Code of Md., Art. 56, § 30.

### **Sec. 10-17. Registration fee.**

(a) The registration fee under this article shall be twenty-five dollars (\$25.00) per organization for a permit valid for one (1) year from date of issue. In addition, there shall be a charge of five dollars (\$5.00) for each sales person, over one in number, operating within the city limits for the organization. Such individual permits shall be valid for the same period as that of the parent organizations, regardless of when issued. In addition to the fees required above, each vendor requesting permission to conduct business at a fixed roadside location under the provisions of Section 10-19 shall be required to pay a fee of seventy-five dollars (\$75.00).

(b) In the event that a nonprofit, religious, civic, fraternal or welfare organization wishes to engage in activities controlled by this article, they shall register with the city and secure all needed permits however, for such an organization, the permit fee shall be waived.

(Code 1971, § 14-3)

### **Sec. 10-18. Operating hours, etc.**

(a) Before 9:00 a.m. or after 8:30 p.m. on Monday through Saturday or before 1:00 p.m. and after 8:30 p.m. on Sunday, no peddler, huckster or hawker shall make or cause, permit or allow to be made any noise of any kind by carrying out, calling or shouting, or by the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn or similar mechanical device or sound amplification system, for the purpose of advertising any goods, wares or merchandise or of attracting the attention or inviting the patronage of any person to any business whatsoever.

(b) No commercial solicitor who goes door to door shall begin his solicitation before 9:00 a.m. or continue after 8:30 p.m. on Monday through Saturday nor before 1:00 p.m. or after 8:30 p.m. on Sunday. No street or street-side vendor shall operate before dawn or after sunset on the city streets or rights-of-way. Any peddler who sells from his vehicle shall stop to conduct business only in areas where he will cause no danger to vehicles using the roadway or to customers or pedestrians in the area. No peddler who sells from his vehicle shall park his vehicle in any one place upon a city street right-of-way for more than fifteen (15) minutes without first obtaining a permit as required in Section 10-19. For the purposes of this section, the good faith judgment of a police officer shall be deemed conclusive evidence of congestion and of danger to vehicles and pedestrians.

(Code 1971, § 14-4)

### **Sec. 10-19. Roadside sales regulations.**

(a) Only those vendors who are selling agricultural commodities may sell their produce, upon obtaining a permit from the city manager, from a fixed location upon a street right-of-way. Before a vendor shall be issued a permit for the use of a city road right-of-way at a fixed location to sell and display his wares, he must submit with his application for permit a description of his intended locus of operation. The city manager shall then issue a permit to the vendor only if he finds the location meets the following requirements:

- (1) There is adequate visibility of the site to traffic traveling in both directions on the road.
- (2) The site is no closer than fifty (50) feet to the nearest intersection.
- (3) The site has adequate pull over area for customer parking.
- (4) The traffic patterns and volume on the adjacent roadway are such as to make the location safe for such uses.
- (5) The usable portion of the rights-of-way is adequate for displaying wares and shopping activities.
- (6) The site does not interfere with the parking needs of the surrounding area nor with the use of pedestrian walkways.
- (7) The site is not located in front of any residence.
- (8) The site has not been previously granted to another vendor.
- (9) The site in no way is in violation of any other city ordinance or state law. Upon the denial of the use of a requested location, no permit shall be issued until the vendor designates an acceptable alternative.

(b) All vendors selling on city rights-of-way shall display their goods no closer than ten (10) feet to the traveled portion of the roadway and within a radius of ten (10) feet from their vehicle. No such display of merchandise or the vendor's truck shall in any way interfere with the use of city rights-of-way by pedestrians, cyclists or motor vehicles, nor shall they interfere with parking in designated roadside parking stalls. All goods, display equipment, signs and vehicles shall be removed when the vendor is not soliciting business.  
(Code 1971, § 14-5)

**State Law References:** Special privileges for growers or producers selling farm produce from a wagon at retail, Anno. Code of Md., Art. 56, § 30.

### **ARTICLE III.**

#### **RESERVED**

**Secs. 10-20--10-39. Reserved.**

### **ARTICLE IV.**

#### **LIQUOR LICENSES**

**Sec. 10-40. Liquor license fee.**

Any place of business located in the City of Greenbelt that holds a liquor license issued by the board of license commissioners for Prince George's County shall be required to pay an annual fee to the City of Greenbelt equal to twenty (20) percent of the license renewal fee charged by the board of license commissioners for Prince George's County. This fee shall be due on or before July 1 of each calendar year. Upon receipt of the fee a Greenbelt city liquor license will be issued.

(Ord. No. 1132, 6-12-95)

**Sec. 10-41. Penalties.**

Failure to obtain a city liquor license as required by this chapter shall be considered a municipal infraction and is subject to a fine of one thousand dollars (\$1,000.00).

(Ord. No. 1177, 2-22-99)

**Secs. 10-42--10-49. Reserved.**

**ARTICLE V.**

**BURGLAR AND HOLD-UP ALARMS**

**DIVISION I.**

**GENERALLY**

**Sec. 10-50. Definitions.**

For the purpose of this chapter, the following words, terms, and phrases shall have the meaning given herein:

*Alarm business* means any business which sells, installs, leases, maintains, repairs, replaces, alters, services, monitors, or responds to an alarm system.

*Alarm signal* means the activation of an alarm system.

*Alarm site* means a single premises or location served by an alarm system. Each tenant, if served by a separate alarm system, in a multi-tenant building shall be considered a separate alarm system.

*Alarm system* means a device or series of devices, including but not limited to, systems interconnected with radio signals, which are designed to emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition. Alarm system includes devices activated automatically, such as burglar alarms, and devices activated manually, such as hold-up and duress alarms. Alarm system does not include fire alarm systems and alarm systems which monitor temperature, humidity, or any other conditions not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises, an alarm installed on a vehicle, or an alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the premises.

*Alarm user* means the person who (has primary control over the residence or commercial premises in which a burglar or hold-up alarm is installed or the person who contracts for alarm service) uses an alarm system at the person's alarm site.

*Automatic dialing device* means any device which is interconnected to a telephone line and is programmed to select a predetermined telephone number, then transmit a prerecorded voice or code message signaling the existence of entry or criminal activity at the protected premises.

*Central monitoring station* means a commercial company whose primary business is monitoring alarm signals and performing contracted services for alarm users.

*Certification or certified* means the system has been inspected by a licensed burglar and hold-up alarm contractor or technician licensed in Maryland and/or Prince George's County and that the system meets all the requirements of this Code and all other applicable national or local codes.

*Chief of Police or Chief* means the chief of the City of Greenbelt Police Department or designee.

*City* means the City of Greenbelt and any authorized agent or employee of the city.

*Control panel* means the central processing unit designed to manage and control an alarm system.

*Direct connection (hard-wired)* means an alarm system, either silent or audible, that transmits an alarm signal via interconnecting wires to a remote location dedicated to that purpose.

*Direct dial* means an alarm system that transmits a signal or pre-recorded message via a telephone line to a police department, or other emergency communication system, advising of an alarm activation and/or requesting police or emergency service response or attention.

*Dual technology sensor* means a single device that is manufactured to require two (2) simultaneous inputs by two (2) different technologies to cause alarm activation.

*Duress alarm* means the deliberate activation of a silent alarm by entering at a touchpad a code different from the normal arm/disarm code, or by a separate deliberate act at other device(s).

*False alarm* means any request for immediate police department assistance which is not in response to actual or threatened criminal activity or activation of an alarm system which results in an emergency response by the police to an alarm site for which the responding police officer finds no evidence of a criminal offense or attempted criminal offense at the alarm site. An emergency response to an alarm signal which is canceled by the alarm user or alarm business prior to the time the responding police officer reaches the alarm site shall not be considered a false alarm. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; or signals which are purposely activated to summon the police in non-emergency situations.

*Hold-up alarm* means a silent alarm generated by the deliberate activation of a hold-up device.

*License or permit* means a license or permit issued to an alarm business or an alarm system user by the city.

*Local* means an alarm system that sounds audibly at the protected premises.

*Nonresidential or commercial alarm user* means any alarm user that is not a residential alarm user.

*Panic alarm* means the deliberate activation of an audible alarm.

*Police connection* means direct connection in which the remote location is a police facility.

*Residential alarm user* means the occupant of any dwelling unit with an alarm system.

*Silent alarm* means an alarm system that has no audible sound at the protected premises.

*Touchpad* means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

*Wireless system* means those types of systems which transmit electromagnetic waves or messages through the air from remote sensor devices to the control panel to indicate a condition exists for which an alarm signal should be sounded or from a control device to arm/disarm the system, activate the alarm signal or reset the system.

(Ord. No. 1149, 7-29-96; Ord. No. 1196, § Div. I, 9-11-00)

## **DIVISION 2.**

### **ALARM SYSTEM REQUIREMENTS**

#### **Sec. 10-51. Alarm system installation and operation requirements.**

(a) All burglar and hold-up alarm systems shall be installed, serviced and maintained in compliance with regulations of Prince George's County government, as may be modified from time to time.

(b) The alarm user shall make provision for silencing the local audible alarm, either automatically or by one of the authorized persons, within one-half ( 1/2) hour from the time the signal is activated.

(c) It shall be the responsibility of the alarm user and/or permit holder that the system is properly operated, maintained, inspected and repaired as required herein.

(d) Direct dial alarm systems are prohibited.

(Ord. No. 1149, 7-29-96; Ord. No. 1196, § Div. II, 9-11-00)

#### **Sec. 10-52. Alarm user permits.**

(a) *Permit.* Every alarm user shall obtain an alarm user permit for each alarm system he operates on commercial or nonresidential premises from the city. No permit will be issued for any system utilizing an

automatic dialing device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the City of Greenbelt Police Department.

(b) *Alarm user permit application.*

(1) Commercial or nonresidential alarm user permit application. Each new application or application for renewal for a commercial or nonresidential alarm user permit must contain, but is not limited to, the following information:

- a. Registration number assigned by the city (if renewal).
- b. Nonresidential alarm user's name and trade name, if different.
- c. Employer ID number (EIN).
- d. Street address where alarm is located, including room or suite number.
- e. Telephone number at the alarmed location.
- f. Type of business or activity conducted at the alarmed location.
- g. Type of alarm system: burglary, robbery, duress, panic, etc.
- h. Dangerous or special conditions information at location.
- i. Parent company name, address and telephone number.
- j. Name and telephone number of person responsible at the parent company location for the alarm system at the alarm site, and the name and telephone number of the person responsible for the alarm system at the alarm site.
- k. Names, addresses and telephone numbers of three (3) persons (an alarm business will be acceptable in lieu of one (1) person) who are able to and have agreed to:
  1. Receive notification of an alarm activation at any time;
  2. Respond to the alarm site within one-half ( 1/2) hour; and
  3. Grant access to the alarm site and deactivate the alarm system if such becomes necessary.
- l. Name, address and telephone number of alarm business that installed and/or monitors the alarm system, if applicable.
- m. A statement as to whether the alarm user has ever previously registered an alarm system or been issued a permit in Prince George's County and/or the City of Greenbelt.

- n. An acknowledgment that they must keep a copy of the alarm permit application form and installation certificate or certification at the alarm site and must produce such registration information for inspection upon reasonable request by the city.
- o. Any other information deemed necessary by the city.
- p. An acknowledgment that the permitted system conforms to requirements for installation and operation as set forth in this chapter.

- (2) The information in the application shall be maintained current at all times. Any changes in the application information must be forwarded to the license office within ten (10) days.
- (3) An alarm user permit is valid only for the premises registered and is not transferable to another alarm user premises. A new permit must be obtained for each alarm site.
- (4) Exemptions. Local, state or federal government facilities are exempt from payment of permit fees and false alarm response fees, but are requested to register alarm sites specified in this article if the City of Greenbelt police personnel are normally expected to respond to these facilities.

(5) Residential alarm users shall not be required to obtain an alarm user permit.

(c) *Alarm user permit fees.*

- (1) There shall be a one hundred dollar (\$100.00) nonrefundable commercial/nonresidential alarm permit fee for the first year. Payment shall accompany the application. It shall be the responsibility of the alarm user to pay the applicable fee.
- (2) There shall be a nonrefundable annual commercial/nonresidential alarm renewal fee of one hundred dollars (\$100.00). It shall be the responsibility of the alarm user to pay the applicable fee. The fee must be paid prior to the expiration date of the current permit, or the permit will be subject to the reinstatement fee.
- (3) There shall be a twenty-five dollar (\$25.00) fee for duplicate registration stickers.
- (4) If an alarm user permit has been revoked or suspended or has expired, a reinstatement fee of one hundred dollars (\$100.00) shall be paid prior to the reinstatement or reissuance of the alarm permit.

(d) *Confidentiality.* The information contained in an alarm user permit application required by this article and other information received by the city through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by police officers or city employees specifically assigned the responsibility for handling and processing alarm user permits in the course of official duties. If any employee of the city is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any other

person for any purpose not related to this article or official law enforcement matters and without the express written consent of the alarm user supplying such information, the city employee shall be guilty of a misdemeanor.

(e) *Registration sticker.* Upon the issuance of a permit, the permittee shall be given a registration sticker with a registration number which shall be posted at the main entrance of the alarm site in such a manner as to be readily seen by police without entry.

(f) *Violation.* Any alarm user who operates an alarm system without first obtaining a permit as required by this section, or who after having a permit expire, or be revoked or suspended, or is indebted to the city for false alarm fees and/or fines incurred by the alarm user under the current or a previous permit and after exhausting his/her rights to hearing and appeal, fails to disconnect the alarm system, shall be in violation of this article.

(Ord. No. 1149, 7-29-96; Ord. No. 1196, § Div. II, 9-11-00; Ord. No. 1301, 8-10-09)

**Sec. 10-53. False alarms.**

(a) For each false alarm from the alarm users alarm system, an alarm user shall pay a false alarm response fee, as set forth in the following table:

False Alarm Signal Occurrence	False Alarm Response Fee
1st, 2nd or 3rd	no fee
4th, 5th or 6th	\$ 50.00
7th, 8th or 9th	100.00
10th, 11th or 12th	150.00
13th, 14th or 15th	250.00
16th, 17th or 18th	500.00
19th, or greater	1000.00

(b) False alarm response fees shall be paid within thirty (30) days of the notification that fees are due. The failure to pay the false alarm response fee within thirty (30) days of notification shall be grounds to place the alarm users system in a police non-response status and for revocation or suspension of the alarm user permit. Fees not paid within thirty (30) days of notification shall be subject to a late fee of fifty dollars (\$50.00), in addition to the false alarm response fee. Fees not paid within sixty (60) days shall be referred to the city attorney for collection.

(c) After an alarm users alarm system has six (6) or more false alarms in a twelve-month period, the alarm user must have the alarm system recertified by a licensed burglar and hold-up alarm contractor. This recertification, along with a twenty-five dollar (\$25.00) recertification fee, shall be submitted to the city within thirty (30) days after receipt of the notice that recertification is necessary. Failure to have an alarm system recertified as required by this section shall be grounds to place the alarm users system in a police non-response status and to revoke or suspend the alarm users permit.

(d) After an alarm users alarm system has twelve (12) or more false alarms in a twelve-month period, the alarm user must have the system upgraded to meet current city standards as set forth in section 10-51 of this chapter or upgraded to a more reliable system technology which shall include, but not be limited to, the

installation of dual technology sensor devices. System upgrading must be accomplished within thirty (30) days after receipt of the notice that system upgrading is required. The system upgrade must be accomplished by a licensed burglar and hold-up alarm contractor. The alarm system user shall submit a certification of the system upgrade, along with a fifty-dollar (\$50.00) certification fee, to the city. Failure to have a system upgraded as required by this section shall be grounds to place the alarm users system in a police non-response status and/or to revoke or suspend the alarm users permit.

(e) False alarm response fee waiver.

(1) A false alarm response fee may be waived if the alarm system was activated by an act of God, including violent conditions of nature, such as blizzard, earthquake, high intensity winds, extreme thunder storms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the alarm system or alarm user. The request for a waiver of the false alarm fee shall be made in writing and shall include a statement which details the reason, if known, for the false alarm.

(2) If it is determined by the city that a false alarm signal was due to an event beyond the reasonable control of the alarm user, the alarm signal event shall not be considered a false alarm and the fee shall be waived.

(3) If alarm signals were caused by a malfunctioning alarm system, which caused two or more false alarms in a twelve-hour period, and the alarm user and the alarm monitoring business exercised their best efforts to limit the alarm signals caused by the malfunction, all false alarms within a single twelve-hour period will be counted as one false alarm.

(f) False alarm appeal process and filing fee.

(1) An alarm user may appeal the determination by a police officer that an alarm signal was a false alarm to the chief within ten (10) days after a notice of a false alarm is received by the alarm user.

(2) The appeal must be in writing and contain sufficient information to determine whether the responding officer's determination that the alarm signal was a false alarm was correct. Any appeal must be accompanied by a twenty-five dollar (\$25.00) filing fee which shall be returned to the alarm user if the alarm signal is not determined to be a false alarm or if the false alarm fee is waived.

(3) The chief shall review the appeal and render a written decision based on the facts presented by the appeal. The police department's daily alarm records shall be prima facie evidence that a false alarm has occurred and shall constitute a presumption which may be rebutted by the alarm user. The appeal shall be resolved in favor of the alarm user unless a preponderance of evidence indicates that the alarm signal was a false alarm.

(4) An appeal of the decision of the chief to uphold the determination of a false alarm shall be made to the City of Greenbelt board of appeals. The appeal shall be based on the record developed by the chief, consisting of the police department's reports, the alarm users written appeal and any

documentation submitted therewith and the chief's determination.

- (5) The amount of the false alarm response fee is not appealable.
- (6) The alarm user must pay the false alarm response fee for a false alarm within thirty (30) days after receipt of the chief's decision upholding the determination that a false alarm has occurred.
- (7) The chief shall not hear any appeal regarding a dispute between an alarm user and an alarm monitoring business concerning responsibility for a false alarm or a series of false alarms.

(g) Upon receipt of a notice of intent to revoke or suspend an alarm users permit pursuant to this section or upon receipt of a notice of intent to suspend police response, the alarm user may within ten (10) days of such receipt submit a written request by first class mail, return receipt requested, for a hearing before the chief of police, setting forth the reasons that the permit should not be revoked or suspended and/or police response suspended. Written notice of the time and place of the hearing shall be served on the alarm user by the chief of police by certified mail at least ten (10) days prior to the date set for the hearing. Such a request for hearing shall be accompanied by a non-refundable fee of fifty dollars (\$50.00).

- (1) At the hearing before the chief of police, the alarm user, or his/her authorized representative, shall have the right to present evidence in his/her own behalf. After the hearing, the chief of police may either issue an order of revocation, withdraw the notice of revocation, or suspend the permit until all fines and penalties due have been paid and/or such time that the chief is satisfied that the cause or causes of the false alarms have been eliminated.
- (2) Any alarm user whose permit has been revoked or suspended pursuant to this section shall have the right, within ten (10) days after receiving notice of action from the chief of police, to file a written appeal by first class mail or hand delivery with the board of appeals and no alarm user shall be required to discontinue use of his/her alarm system prior to the expiration of such ten-day period. Such appeal shall set forth the specific ground or grounds on which it is based. The board of appeals shall hold a hearing on the appeal within thirty (30) days after its receipt, and shall cause the appellant to be given at least ten (10) days written notice of such hearing. At the time of the hearing, the appellant or his/her designated representative shall have the right to present written or oral argument, or both, in support of the appeal. The board of appeals shall issue its decision within ten (10) days after the hearing.
- (3) If an alarm user files an appeal pursuant to this section, he/she shall not be required to discontinue the alarm system until a final decision is made on the appeal.

(h) If a monitored alarm system user permit is revoked or suspended or police response suspended, the alarm users alarm business or monitoring company will be notified by the city to not request police dispatch on any alarm signal to the alarm users location until the alarm user permit is reissued or the suspension is lifted.

(i) Any person who operates an unlicensed alarm system, or operates an alarm system for which an alarm permit has been suspended or revoked, or for which police response has been suspended, will be subject to an assessment of a two hundred fifty dollar (\$250.00) fine for each false alarm, in addition to any other fines or fees set forth in this article.

(Ord. No. 1149, 7-29-96; Ord. No. 1196, § Div. II, 9-11-00; Ord. No. 1209, 3-11-02)

**Sec. 10-54. Enforcement and penalty.**

(a) The failure of any person to obtain an alarm user permit as required in this article or to obey any order of the city or the chief of police of suspension or revocation of an alarm user permit, or other operation of an alarm system in violation of requirements of this article, constitutes a misdemeanor punishable by a court of competent jurisdiction by a fine of up to five hundred dollars (\$500.00) and/or sixty (60) days in jail. Each day that such a violation continues shall constitute a separate offense.

(b) In lieu of penalties set forth in section 10-54(a) of this article, a person or persons who operate, monitor, install, modify, certify, sell, or use a burglar or hold-up alarm system in violation of this article shall be subject to the issuance of a municipal infraction civil citation and must pay the city a monetary fine subject to the person's right to trial.

(1) The person issued the civil citation shall be subject to a monetary fine of two hundred fifty dollars (\$250.00) for each violation of this article.

(2) Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(c) In addition to other remedies provided herein, the city may seek an injunction, mandamus, or other appropriate action or proceeding to enforce the provisions of this chapter.

(d) Any individual operating a direct dial alarm system shall be subject to a fine of two hundred fifty dollars (\$250.00), in addition to other fees or fines set forth in this article.

(e) Fees and penalties established in this article for violations of the City Code which are not paid as required herein shall be included in the nonpayer's real property tax bill, in the event the alarm user owns real property, and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefore is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.

(Ord. No. 1149, 7-29-96; Ord. No. 1196, § Div. II, 9-11-00)

**Sec. 10-55. Suspension of police response.**

The city may suspend police response to an alarm location if:

(a) The alarm user has failed to make timely payment of fees or fines as set forth in this article;

(b) There is a false statement of a material fact in the application for an alarm permit;

(c) The alarm user has failed to certify or upgrade the alarm system within the time limits set forth in this article;

- (d) The alarm user has failed to obtain or maintain as current the alarm registration, if required;
- (e) The alarm user is found to be operating a system in violation of installation standards set forth in this article; or
- (f) The alarm user is found to be in violation of any requirements of this article, and has failed to remedy such violations as set forth herein.
- (g) The alarm user, by failing to properly operate, repair, maintain or otherwise manage the alarm system, causes an excess number of false alarms, which in the judgment of the chief of police creates an operational hardship on the police department.

Prior to the revocation of suspended police response, the alarm user shall pay a fee of one hundred dollars (\$100.00), in addition to all other outstanding fees and fines.  
(Ord. No. 1196, § Div. II, 9-11-00; Ord. No. 1209, 3-11-02)

**Sec. 10-56. Disclaimer.**

Registration or operation of an alarm system is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police or city response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and government immunity as provided by law is retained. By registering or operating an alarm system, the alarm user acknowledges that police response may be based on factors such as: the availability of police units; priority of calls; weather conditions; traffic conditions; emergency conditions; or staffing levels.  
(Ord. No. 1196, § Div. II, 9-11-00)

**DIVISION 3.**

**ALARM BUSINESS LICENSE AND REQUIREMENTS**

**Sec. 10-57. Alarm business license requirements.**

- (a) Any person engaging in an alarm business in the City of Greenbelt must apply to the city for a license to operate as an alarm business. Such application must be signed by either the owner of the business for a sole proprietorship, one partner for a partnership, or a corporate officer for a corporation.
- (b) The license application must include:
  - (1) The name, address, fax and telephone number of the alarm business, the type of business organization (sole proprietorship, partnership, or corporation), and employer ID number (EIN);
  - (2) The number of active residential and nonresidential alarm customers in the city with which the alarm business conducts business;
  - (3) The name, address, and telephone number of the official responsible for the operation of the alarm business in the city;

- (4) A statement acknowledging that no employee of the alarm business has been convicted of a felony or a misdemeanor or theft within the preceding seven (7) years;
- (5) Complete list of associated (contracted) alarm businesses, including name, address, telephone number, and alarm business license number, that may alter, install, lease, maintain, monitor, repair, replace, sell at retail, service, or respond to an alarm system in the city;
- (6) An alarm business that is incorporated in a state other than Maryland, must include on the alarm business license application form the name and address of the resident agent located in Maryland.

(c) The license application must be accompanied by a biennial, nonrefundable processing fee of three hundred dollars (\$300.00), which will be due and payable biennially on the anniversary of the issuance of the alarm business license. If the alarm business license has been revoked or suspended or has expired, a reinstatement fee of one hundred dollars (\$100.00) plus the regular fee must accompany a reinstatement application.

- (1) An applicant must not conduct business in the city until the alarm business license is approved.
- (2) An applicant must give written notice of any changes to the information contained in the application to the city within ten (10) days of the change.

(d) Should an alarm business license be suspended, revoked, or refused, the alarm business must notify, by first class mail, within five (5) days, each of its alarm users that the alarm business is unable to request [City of] Greenbelt police department dispatch to the users alarm system for the duration of the suspension, revocation, or refusal. The alarm business must also provide the city, by first class mail, within five (5) days, a list containing the name and complete address of the alarm businesses registered alarm users.

(e) A licensed alarm business must not enter into a contract regarding their business in the city with an alarm business that does not have a valid city alarm business license.

(f) The owner, partner, or corporate officer of an alarm business must conduct a criminal history background check on all employees of the alarm business involved in the sale, installation, monitoring, or maintenance of an alarm system. The background check must cover the past seven (7) years.

(g) Any licensee or applicant who requests a hearing before the chief to show cause why an alarm business license should not be revoked or suspended or the license application should be granted or renewed must include an appeal filing fee of one hundred fifty dollars (\$150.00). This fee will be returned if the action of revocation or suspension is reversed.

(h) An alarm business without a current city license must not request a police response to an alarm signal from an alarm system in the city.  
(Ord. No. 1196, § Div. III, 9-11-00)

**Sec. 10-58. Alarm business license revocation and appeals.**

(a) The city may refuse to grant a license under this article to an alarm business, and may suspend, revoke, or refuse to renew the license of an alarm business, if it finds that the alarm business:

- (1) Fails to perform installation, repairs, maintenance, or other work in a workmanlike manner;
- (2) Regularly provides customers with faulty, defective, or malfunctioning equipment;
- (3) Requests a police response to an alarm signal when the alarm user has not authorized the alarm business to make the request;
- (4) Requests a police response to an alarm signal when the alarm business has been notified that the alarm user has:
  - a. Failed to register the users alarm system as required under this article;
  - b. Failed to pay a false alarm fee, or other fees and fines, due under this article; or appealed the false alarm;
  - c. Failed to conform their alarm system to city installation standards under this article;
  - d. A permit which has been suspended or revoked pursuant to provisions of this article;
  - e. Been placed in a non-response status for police response.
- (5) Does not comply with procedures for requesting a police response to an alarm signal;
- (6) Submits false information on an alarm business license application;
- (7) Enters into a contract regarding their business in the city with an alarm business that does not have a valid alarm business license;
- (8) Had a similar license suspended, revoked, or refused in another jurisdiction;
- (9) Knowingly, after reasonable inquiry, has an officer, manager, agent, or employee involved in the sale, installation, monitoring, or maintenance of alarm systems who has been convicted of a felony, or a misdemeanor involving theft, within the past seven (7) years; or
- (10) Violates any other provision of this article, or any other law or regulation relating to the sale, installation, monitoring, or maintenance of alarm systems.

(b) Before revoking, suspending, or refusing to grant or renew a license under this article, the chief must give the licensee an opportunity for a hearing to show cause why the license should not be revoked or suspended, or the license application should be granted or renewed. The licensee or applicant must be given fifteen (15) days written notice of the hearing, by personal service or certified mail delivered to the last address provided by the licensee or applicant. The notice must specify the time, date, and place of the hearing, and must

contain sufficient information to give the licensee or applicant notice of the nature of the complaint. The notice must specify that the licensee or applicant has a right to representation by counsel and that the licensee's license may be suspended or revoked or the applicants license may not be granted or renewed by the city.

(c) Any appeal of a decision of the chief to suspend, revoke, or deny an alarm business license must be made to the City of Greenbelt Board of Appeals within the (10) days after notification of the chief's decision. (Ord. No. 1196, § Div. III, 9-11-00)

### **Sec. 10-59. Alarm business responsibilities.**

(a) An alarm business that installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services, or monitors any alarm system must ensure that an alarm user has obtained a permit for the alarm system, if required, before the alarm system is activated or placed into service.

(b) The alarm business must provide a certification to the alarm user that the system has been installed or currently meets the alarm system requirements of this article. This certification must also state that the alarm user has received training sufficient to prepare the alarm user to operate the system without false alarms caused by improper operation and that the alarm user has been informed that they may be required to obtain a permit from the city before police dispatch may be requested by the alarm monitoring business.

(c) An alarm business that sells at retail any alarm system or equipment to an alarm user must provide the purchaser the alarm users information, including, but not limited to, a summary of the alarm user law, the application form (if required) and a list of all fees and fines.

(d) Procedures to request police response:

(1) Before requesting a police response to an alarm signal, an alarm business must attempt to verify every alarm signal, except a duress alarm activation, by a telephone call to the alarm user of other person(s) designated by the alarm user.

(2) An alarm business must not request a police response to an alarm signal if:

a. A commercial or non-residential alarm user has not obtained and maintained as current an alarm permit as required in this article;

b. The alarm business has been notified that the alarm users permit has been suspended or revoked, or the system has been placed in a non-response status for police response.

(3) An alarm business must provide the following information when contacting the [City of] Greenbelt police dispatch center, to report an activated alarm signal and to request a police response:

a. Name of the alarm business reporting the activated alarm, name of employee making the report, number of the alarm business, and a toll-free call-back telephone number;

b. Registration number issued to the alarm user, if required;

- c. Location of the activated alarm, including complete business or homeowners name, street address, and telephone number;
- d. Type of alarm (such as audible or silent, robbery, hold-up, duress, panic, burglary). If the alarm system is zoned, give the specific location of the alarm activation (such as interior, perimeter, vault, motion);
- e. Any available information about the non-residential site (such as if the business is open or closed, guards on-site, guard dogs, dangerous or special conditions within the location);
- f. Any available information about the residential site (such as if the homeowner is present or out of town, presence of pets, handicapped individuals, etc.);
- g. If a representative of the alarm user or alarm monitoring company is responding and their estimated time of arrival.

(4) An alarm monitoring business shall not request a police response to an alarm signal if the alarm business has been notified by the city that the alarm permit has been suspended or revoked, or police response to the alarm user has been suspended.

(5) An alarm monitoring business must cancel any request for police response immediately when the alarm business determines that the alarm signal is a false alarm.

(e) An alarm monitoring business must notify the alarm user or his/her designee in writing within seventy-two (72) hours after the alarm business requests police response to a signal from the users alarm system.

(f) The alarm monitoring business must keep a record of the date and time for each alarm signal which requires a police response and the date, time, and method by which the registered alarm user or designee was notified. Such record must be retained for at least one (1) year and must be made available for inspection within five (5) days, upon request by the city.

(Ord. No. 1196, § Div. III, 9-11-00)

### **Sec. 10-60. Enforcement and penalty.**

(a) The failure of any person to obtain an alarm business license as required in this article or obey any order of the city or the chief of police relating to requirements of this article, constitutes a misdemeanor punishable by a court of competent jurisdiction and by a fine of up to five hundred dollars (\$500.00) and/or sixty (60) days in jail. Each day that such a violation continues shall constitute a separate offense.

(b) In lieu of penalties set forth in section 10-60(a) of this article, a person or persons who operates an alarm business in violation of this article shall be subject to the issuance of a municipal infraction civil citation and must pay the city a monetary fine subject to the person's right to trial.

(1) The person issued the civil citation shall be subject to a monetary fine of five hundred dollars (\$500.00) for each violation of this article.

(2) Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(c) In addition to other remedies provided herein, the city may seek an injunction, mandamus, or other appropriate action or proceeding to enforce the provisions of this chapter.

(d) Any alarm found to be caused while an alarm business, or employee of the alarm business, is installing, maintaining, repairing, replacing, altering, and/or servicing an alarm system, shall be subject to a fine of two hundred fifty dollars (\$250.00).

(e) Any alarm business transmitting a request for police response for alarm users whose permits or systems have been suspended or revoked, or for whom police response has been suspended, shall be subject to the issuance of a municipal infraction civil citation and shall be subject to a fine of two hundred fifty (\$250.00). Such fine shall be paid prior to the reinstatement of police response to the alarm user for whom the request for police response was requested.

(Ord. No. 1196, § Div. III, 9-11-00; Ord. No. 1209, 3-11-02)