Item # 26 Prepared by

Commissioner WELLFORD Approved by Thomas R. Russell

ORDINANCE NO: 208

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE XI, CODE OF ORDINANCES OF SHELBY COUNTY, TENNESSEE RELATIVE TO SECURITY ALARM SERVICES

SECTION 1. BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that Chapter 7, Article XI of the Code of Ordinances of Shelby County, Tennessee is hereby amended by repealing all of the language contained in the said Chapter and Article and by substituting in lieu thereof, the following:

ARTICLE XI.
POLICE EMERGENCY ALARM SYSTEMS

Division 1.
PURPOSE - DEFINITIONS - SYSTEM TYPES

Sec. 7-301. PURPOSE AND DEFINITIONS.

PURPOSE:

(A) The purpose of this Article is to encourage alarm users and alarm businesses to maintain operational reliability; properly use alarm systems; and reduce or eliminate false alarm dispatch requests.

(B) This Article governs systems intended to summon police response; requires permits; establishes fees; provides for penalties for violations; establishes a system of administration; and sets conditions for suspension or loss of permits.

DEFINITIONS:

As used in this Article:

Alarm Administrator - means the Administrator of the Alarm Office.

Alarm Agent - means any person employed by a licensed alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, or monitoring of an alarm system. This definition shall only include persons who work for an alarm business as defined in this section. The owners, managers, corporate officers, and partners of all alarm businesses are classified as alarm agents. Further, any person who is not an alarm agent, who, as an employee of a licensed alarm business or a contractor for the alarm business, has access to confidential information of an alarm user or who monitors radio equipment, shall be considered an alarm agent.

Alarm Business, also Alarm System Contractor, - means a

firm, company, partnership, or corporation, which sells, or attempts to sell, installs, services or monitors alarm systems, signal devices, burglar alarms, television cameras or still cameras use to detect burglary, breaking and/or entering, intrusion, shoplifting, pilferage or theft. This definition shall not include persons who sell alarm systems strictly in an over-the-counter capacity in an established location or businesses where the alarm system is owned, operated, and monitored by the same entity, or proprietary alarm divisions of a company where the alarm user is also an employee of the alarm service provider.

Alarm Dispatch Request - means a notification to the police or the sheriff by an alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm Office - means the Office of the City of Memphis having the responsibility to administer the permitting, licensing and oversight of alarm systems, alarm system contractors, and alarm agents subject to the authority of this ordinance and the, regulations and procedures established by the Metro Alarm Review Board.

Alarm Site - means a single premise or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a building or complex, shall be considered a separate alarm site requiring separate permits.

Alarm System - means a device or series of devices which are designed to discourage crime, by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition. Alarm system does not include an alarm installed on a vehicle unless the vehicle is permanently located at a site or when activation of the vehicle's alarm will cause emergency services to be dispatched.

Alarm User - means any person, firm, partnership, corporation, or other entity who (which) uses an alarm system

ANSI - means the American National Standards Institute.

Answering Service - means a telephone answering service providing among its services the receiving, through trained employees, of emergency signals from alarm systems, and the relaying of the message by live voice to the communications center of the police services division or the Sheriff's Department.

Automatic Telephone Dialing Equipment - means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal to report a police emergency condition which the alarm system is designed to detect.

Board - means the Metro Alarm Review Board created for permitting, licensing and oversight of alarm systems, alarm systems contractors, and alarm agents.

Certification - means the authority granted by the Board to do business as an alarm systems contractor.

Conversion - means the transaction or process by which one alarm business begins monitoring of an alarm system previously monitored by another alarm business.

Designated Qualifying Agent - means any individual licensed by the Board whose qualifications have been demonstrated to the Metro Alarm Review Board for overseeing and supervising alarm systems contractor operations of any classification or combination of classifications covered under this Article.

Director - means the Director of Police Services of the City of Memphis.

Duress Alarm - means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

False Alarm - means the activation of an alarm system through mechanical failure, malfunction, improper installation, or through the negligence of the owner or user of the alarm system, which activation results in a response by a law enforcement agency. If the alarm business shall have notified the Alarm Administrator the first business day that an alarm system is subject to an intermittent repetitive malfunction which is under investigation by the alarm business, all activations of that alarm system within one continuous two week period shall be counted as a single such false alarm. This system shall be said to be under a trouble-shooting maintenance period.

False Alarm Dispatch - means an alarm dispatch request to the alarm office, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site. An alarm dispatch request which is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch.

False Alarm User Awareness Class - means a class operated pursuant to procedures established by the Board for the purpose of educating alarm users about the problems created by false alarm dispatches and to counsel users in the responsible use of their alarm system.

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

Interconnect - means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Keypad - means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or

letters.

Malicious False Alarm - means the intentional false reporting to the police or Sheriff of an emergency condition, or the intentional setting off of an alarm system which will cause another person to report the signal to the police or Sheriff. However, this definition is not to include the testing of an alarm system by a licensed alarm business under guidelines established by the Metro Alarm Administrator.

Metro Alarm Administrator - means the administrator of the alarm office.

Metro Alarm Review Board - means the board established herein for permitting, licensing and oversight of alarm systems, alarm system contractors and alarm agents and shall consist of six (6) members as follows: A dispatcher or other person appointed by the Director, a dispatcher or other person appointed by the Sheriff, two local alarm business representatives appointed by the local alarm association, and two members of the public-at-large, appointed by the governing mayors. The appointments must be ratified by the City Council and the Board of County Commissioners.

Monitoring - means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the responsible law enforcement department for the purpose of summoning law enforcement response to the alarm site.

Monitoring Station or Central Station - means an office to which remote police alarm and supervisory signaling device are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, investigate signals, and retransmit alarm signals to appropriate agencies.

Notice - means written notice given by the issuance of a citation left at the scene of a false alarm by officers or given by personal service upon the addressee, or given by U.S. Mail addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the U. S. Postal Service.

Officer - means a city police officer or a Shelby County Deputy Sheriff.

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 Alarm - means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring law enforcement response.

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

Police Emergency Alarm System - means an assembly of equipment or devices which is designed, arranged, or used for the detection of a hazardous condition or an unauthorized entry or attempted entry into a building, structure or facility , or for alerting persons of a hazardous condition or the commission of an unlawful act within a building, structure or facility, and which emits a sound, or transmits a signal or message when activated, to which annunciation a law enforcement agency or other service agency may be summoned to respond, but shall exclude a proprietary system as defined herein.

Primary Trunk line - means a telephone line leading directly into the communications center of the police services division or of the Sheriff's Department that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the jurisdiction of the police services division or the Shelby County Sheriff's Department.

Proprietary System - means an alarm system emitting alarm or supervisory signals from within a control center, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes any signal visible or audible outside the protected premises, it thereby becomes a police emergency alarm system as defined in this section.

Sheriff - means the Sheriff of Shelby County.

Special Trunk line - means a telephone line leading into the communications center of the police services division or the Sheriff's Department and having the primary purpose of handling emergency signals or messages originating either directly or through a central location from automatic dialing devices.

Subscriber or User - means any person who purchases, leases, contracts for, or otherwise obtains or use an alarm system.

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.

Telephone Company - means the publicly regulated industry which furnishes telephone communication services to the citizens of the city or county.

Transmitting device - means an instrument which sends a signal to a monitoring point indicating intrusion into a given protected area.

UL - shall stand for Underwriter's Laboratories.

Verify - means an attempt by the alarm business, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid

an unnecessary alarm dispatch request.

SYSTEM TYPES:

Sec. 7-302. System Types.

(a) No automatic telephone dialing devices of any kind shall be permitted to dial directly to the alarm dispatch center. No business or person shall cause a programmed tape, digital, or other recorded message to be sent to the alarm dispatch center, nor shall any business or person cause a programmed tape, digital, other recorded message to be sent to any person or place to call for law enforcement emergency services. Law enforcement communications cannot receive calls from automated dialers.

(b) After June 1, 1999, alarm businesses shall not program alarm systems so that they are capable of sending One Plus Duress Alarms without the written approval of the Alarm Administrator's Office. Alarm businesses may continue to report One Plus Duress Alarms received from alarm systems programmed with this feature prior to June 1, 1999. However, after June 1, 1999, when performing a takeover or conversion, an alarm business must make every effort to remove the One Plus Duress Alarm capability from the alarm system being taken over or converted. Any One Plus Duress Alarm must have the written approval of the Alarm Administrator after June 1, 1999.

(c) After June 1, 1999, alarm businesses shall not install devices for activating a hold-up alarm which is single action, non-recessed button.

Division 2
INDIVIDUAL USERS/OPERATORS
Permits, Applications, Fees.
Multi-Dwellings Requirements

Sec. 7-302. Alarm User Permits; Responsibilities

I. REQUIRED.

(a) No alarm user shall operate, or cause to be operated, an alarm system, at its alarm site without a valid alarm permit issued by the Alarm Administrator. A separate permit is required for each alarm site. This paragraph does not require that a licensed alarm business obtain a permit under this section when it leases or provides services to alarm system users. If a licensed alarm business does, however, use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this section. Alarm user permits are renewable each year on June first. The alarm user applying for the permit is required to state on a

permit application form prepared by the Metro Alarm Review Board and approved by the City Attorney the information below and as periodically prepared or revised by the Metro Alarm Review Board.

(b) Upon receipt of a completed application form and the permit fee, the Alarm Administrator shall issue an alarm permit to an applicant unless the applicant has:

1. Failed to pay a fine assessed under this section.

2. Had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected to the satisfaction of the Metro Alarm Review Board.

II. APPLICATION INFORMATION

Except as otherwise set out here below;

(a) Each permit application must include the following information:

1. The name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Section;

2. The classification of the alarm site as residential, commercial, apartment, proprietary,government owned facility, bank or school;

3. Signed certification from the alarm user and the alarm business stating:

(a) the date of installation, conversion or takeover of the alarm system whichever is applicable; and

(b) the name, address, telephone number, Tennessee Alarm Contractor's License number, and Tennessee Qualifying Alarm Agent's license number for the alarm business performing the alarm system installation, conversion or alarm system takeover and responsible for providing repair service to the alarm system. If the alarm business is not required to be licensed under the Tennessee Alarm Contractor's Licensing Law, all provisions in Section 7-307. and Section 7-309. of this Chapter shall be met by the alarm company in addition to all other provisions under this Chapter prior to an alarm user permit being issued; and

(c) the name, address, telephone number, Tennessee Alarm Contractor's License number and the Tennessee Qualifying Alarm Agent's license number for the monitoring company or central station if different from the alarm business performing the responsibilities listed in Section (b) above. If the monitoring company is not required to be licensed under the Tennessee Alarm Contractor's Licensing Law, all provisions in Section 7-307. and Section 7-309. of this Chapter shall be met by the monitoring company in addition to all other provisions under this Chapter; and

(d) a list containing the names, addresses, and telephone numbers of at least two (2) persons having keys and keypad numbers for the residential alarm site; and

(e) that a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, and the penalties and consequences for false alarms under this chapter have been provided to the end user; and

(f) that the alarm business has trained the applicant for a minimum of thirty (30) minutes in proper use of the alarm system, including instructions on how to avoid false alarms; and

(g) a certificate from an alarm business duly licensed under the Tennessee Contractor's Licensing Board signed by the designated qualifying agent stating that the alarm system has been tested. If the alarm business is not required to be licensed under the Tennessee Contractor's Licensing Board, then all provisions in Section 7-307. and Section 7-309. of this Chapter, in addition to all other provisions under this Chapter, shall be met by both the alarm business and the designated qualifying agent.

(h) Entities identified as proprietary under definition in Section 28-126 are exempt and provide only that information as required by the Metro Alarm Review Board.

4. Classification of the alarm site as being equipped with duress alarm, panic alarm, or hold up alarm if applicable.

(b) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to

issue or renew a permit.

(c) An alarm permit cannot be transferred to another person. An alarm user shall inform the Alarm Administrator of any change that alters any information listed on the permit application within five business days.

III. FEES.

(a) All fees owed by an applicant must be paid before a permit may be issued or renewed.

The permit shall be issued by the Alarm Administrator, or his designee, upon the following conditions:

(1) There shall be a thirty dollar ($30.00) permit fee for the first year.

EXCEPTION:

For a one-year trial period beginning with adoption of this section, upon presentation of written verification, persons who have qualified for low-income housing under U.S.C. 42-1437(a) and who are living in low-income apartment complexes, as defined by federal guidelines set out in H.U.D. Section 8 Standards, shall be excluded from payment of a fee.

(2) There shall be an annual renewal fee of five dollars ($5.00).

(3) Permits shall not be renewed if outstanding fines or penalties which have been incurred as a result of the use of the system have not been paid. If the fines or penalties are being processed through administrative channels or a court system, then a permit may be issued or renewed.

IV. MULTI-DWELLINGS

SYSTEMS IN MULTI-TENANT DWELLING COMPLEXES

(A) ALARM SYSTEMS IN APARTMENT COMPLEXES CONTRACTED FOR BY INDIVIDUAL TENANT.

If an alarm system is installed by an individual tenant in an apartment complex unit, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the alarm business which is providing any services to the alarm user pertaining to the alarm system.

A tenant of an apartment complex shall also obtain an alarm permit from the Alarm Administrator before operating or causing the operation of an alarm system in the tenant's residential unit. The annual fee for

this permit or the renewal of this permit shall be the same as the fee for a residential alarm site.

For the purpose of enforcing this Section against an individual residential unit, the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's residential unit.

(B) ALARM SYSTEMS IN APARTMENT COMPLEXES FURNISHED BY THE APARTMENT COMPLEX AS AN AMENITY.

If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall be required to obtain a permit, or apply for a permit for each living unit and show proof of a permit prior to activating the alarm system(s). The permits are transferable from tenant to tenant at the same alarm site. However, if the owner or property manager requires individual tenants to apply for and obtain permits, the permit shall not be transferable. Regardless, each living unit within the apartment complex shall be considered one alarm site and be required to be permitted.

All units shall be required to be permitted if the alarm system is active, regardless of the unit's occupancy status.

The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a non-residential area of the complex, including, but not limited to common tenant areas and office, storage and equipment areas. An annual fee for such a permit shall be the same as the fee for an alarm site.

For purposes of assessing fines and enforcing this section, the master alarm permit holder is responsible for payment of fines for false alarm dispatches emitted from the alarm systems in residential units.

(C) PERMIT DURATION AND RENEWAL

A permit shall expire at midnight on June 1st of each calendar year. It must be renewed annually by submitting an updated application and a permit renewal fee of $10.00 to the Alarm Administrator. The Alarm Administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of their permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarms system and citations and penalties shall be assessed without waiver; except, if the alarm system is installed after January 1st, but before June 1st, and the $30.00 permit fee was paid,

the alarm site will not be subject to an annual renewal fee until the following June 1st, provided the alarm site has not exceeded its false alarm threshold.

If the alarm user fails to renew by June 15th, the alarm user will be required to apply for a new permit. The permit fee shall be $30.00, plus any applicable fines.

(D) PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE

An Alarm User shall:

(i) maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches; and

(ii) make every reasonable effort to respond or cause a representative to respond to the alarm system's location within one hour when notified by the city, the county or the alarm company to deactivate a malfunctioning alarm system, to provide access to the premises, and to provide security for the premises; and

(iii) not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(iv) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site will sound for no longer than fifteen (15) minutes after being activated. This shall apply to burglary signals only.

(v) The alarm user shall cause a properly sized and easy to locate address to be placed at the alarm site as determined by the Metro Alarm Administrator or his designee.

Sec. 7-304. CONTENTS CONFIDENTIAL.

Application contents shall be confidential. The information contained in an alarm user permit application required by this Section and other information received by the Alarm Administrator through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the Alarm Administrator or certain law enforcement officers or employees specifically assigned the responsibility for handling and processing alarm user permits in the course of official duties. If the Alarm Administrator, police director or any employee of the city or county is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in any correspondence or communications with an alarm user to any other person other than the alarm user or the alarm user's licensed alarm business for any purpose other than an official law enforcement matter without the express written consent of the alarm user and the alarm business, that

person or persons shall be guilty of a violation of this Chapter and Article. Each such violation shall be punishable by a penalty of up to five hundred dollars ($500.00).

Division 3
FALSE ALARMS
False Alarm Duties
Fines/penalties
Request Records
Appeal Provisions.

Sec. 7-305. FALSE ALARMS FINES; DISPATCH RECORDS; APPEALS.

I. FINES:

(a) On-Site written notice and a warning letter shall be provided to the permit holder after each false alarm. An alarm user shall have a properly licensed alarm business inspect his alarm system after three (3) false alarm dispatches in a one year period. After four (4) false alarm dispatches, the alarm user must have a properly licensed alarm business modify the alarm system to be more false alarm resistant or provide additional user training as appropriate. Notification signed by the alarm business qualifying agent shall be provided to the Metro Alarm Review Board confirming the above procedures. If there is a reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm. The alarm business, responding authority, or alarm user may also request a conference.

(b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the sixth (6) false alarm dispatch within the twelve (12) month period based upon the following schedules:

NUMBER OF FALSE ALARM DISPATCHES	ACTION TAKEN	FINES
1.	On Site written notice and warning letter #1.	No fine
2.	On Site written notice and warning letter #2.	No fine
3.	On Site written notice and warming letter #3.	No fine
4.	On Site written notice and warning letter #4.	No fine
5.	On Site written notice, certified letter to User	

requiring alarm inspection from Metro Alarm Review Board and certified Inspection letter from alarm company to Board.

No fine

6. On Site written Notice, certified letter to User requiring alarm inspection from Metro Alarm Review Board and certified Inspection letter from alarm company to Board.

No Fine

7. On site written notice and required alarm users training class and mandatory

$25.00 fine

8. **OR MORE**
On site written notice and required Board hearing and potential suspension of permit

$25.00

(c) Any person operating a non-permitted alarm system, whether revoked, suspended or never acquired, will be subject to a citation and a false alarm penalty as defined herein in addition to any other fines. The Metro Alarm Review Board may waive this additional penalty for a non-permitted system if the alarm user applies for a permit within ten (10) business days after such violation.

(d) An alarm user with seven(7) false alarm dispatches, shall be required to attend the False Alarm User Awareness Class. Failure to attend the class shall result in a $150.00 penalty.

(e) An alarm dispatch request caused by an actual criminal offense, or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.

(f) The Alarm Administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken as outlined in this Chapter.

II. ALARM DISPATCH REQUEST RECORDS:

(a) The officer responding to an alarm dispatch request shall record such information as necessary to permit the Alarm Administrator to maintain records, including,but not limited to the following information:

i) Identification of the permit number for the alarm site.

ii) Identification of the alarm site.

iii) Date and time alarm dispatch received.

iv) Date and time of arrival at the alarm site.

v) Weather conditions.

vi) Area and/or sub-area of premise involved.

vii) Name of alarm user's representative on premises, if any.

viii) Identification of responsible alarm business. If unable to locate the address, notify monitoring company.

(b) The responding officer shall indicate on the dispatch record whether in such officer's judgment the dispatch was caused by a criminal offense, an attempted criminal offense, an alarm user error, weather conditions, or an unknown cause.

(c) In the case of an assumed false alarm dispatch, the responding officer shall leave notice at the alarm site that the law enforcement officer has responded to a false alarm dispatch. The notice shall include the following information:

1. The date and time of law enforcement response to the false alarm dispatch.

2. The identification number of the responding officer, and the event number of the false alarm dispatch.

3. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid misuse of law enforcement response and imposition of fines and other penalties.

III. APPEAL FROM FINES:

(a) An alarm user may appeal an assessment of a false alarm dispatch charge to the Metro Alarm Review Board by filing a written request for a review or hearing setting forth the reasons for the appeal within ten(10)days after receipt of the False Alarm Notice or fine. The filing of a request for an appeal hearing with the Alarm Review Board stays the assessment of any fine until the Board makes a final decision.

(b) The Metro Alarm Review Board shall conduct a formal hearing when necessary, and consider the evidence by any interested person(s). The Board shall make its decision on the basis of the preponderance of evidence presented at the hearing including, but not limited to,evidence that a false alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by a criminal offense or attempted criminal offense. The Board must render a decision within thirty (30) days after the

request for an appeal hearing is filed. The Board shall affirm, reverse or modify the assessment of the fine. The decision of the Board is final as to administrative remedies.

Division 4.
ALARM BUSINESS NOT LICENSED BY STATE
Alarm Systems Standards
Licensing and Qualifications
Monitoring Stations
Monitoring Procedures
User Instructions
Alarm Agent,
Qualifying Agent
Violations and Hearings

Sec. 7-306. Alarm System Standards.

(A) Alarm businesses which perform monitoring services must maintain for a period of at least one (1) year following request for law enforcement dispatch to an alarm site, records relating to the dispatch. Those records are to be maintained June 1st 00:00 to May 31st 23:59. Records must include the name, address, and phone number of the alarm user, the alarm system zone(s), or point(s) activated, if applicable, the time of the request for law enforcement dispatch and evidence that an attempt to verify was made to the alarm site prior to the request for law enforcement dispatch, where applicable. The Alarm Administrator may request copies of such records for individually named alarm users.

(B) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator, or the alarm business may require a conference with the alarm user, the alarm business and/or the Alarm Administrator. If the alarm user or the alarm business is unwilling or unable to resolve the problem, the alarm site permit shall be revoked and the alarm system shall be disconnected from the monitoring station. Audible and visual devices will be disconnected. The permit will not be reinstated until a designated qualifying agent duly licensed under the provisions of this Chapter certifies that the system has been brought up to current acceptable industry standards.

Sec. 7-307. Licensing Procedures and Qualifications.

(A) (1) Any person engaging in an alarm business or installing, servicing, or monitoring alarm systems in the City or in unincorporated County territory not licensed under the Tennessee Alarm Contractors' Licensing Law or any person or business not required to be licensed under the Tennessee Alarm Contractor's Licensing Law but engaging in the installation,

service, maintenance, or monitoring of any alarm system in the city or in unincorporated County territory shall apply to the Metro Alarm Administrator for a license to operate as an alarm business. Such application shall be signed by the individual proprietor of such business, or by a partner, or by the proper corporate official and the designated qualifying agent, as is appropriate for the form of the business seeking the license, and shall be approved by the Metro Alarm Review Board.

(2) An alarm business which is not licensed or required to be licensed under the Tennessee Alarm Contractors Licencing Act, shall make written application to the Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as jointly set by the Memphis City Council and the Shelby County Commission. The fee as of the effective date of this Ordinance shall be Five Hundred Dollars ($500.00).

The alarm system business shall:

(i) Have a regular place of business at a permanent fixed location.

(ii) Have a business license or license for the city and county in which the business is located.

(iii) Provide proof of insurance as required.

(iv) Submit an application for certification with the notarized signature of a qualifying agent licensed by the Board. Applications for certification shall be on forms as prescribed by the Board. The application shall disclose any and all persons, firms, associations, corporations, or other entities that own or control a ten (10%) percent, or greater interest in the applicant. The Board may require FBI/TBI background checks and other information as deemed necessary by the Metro Alarm Review board for any individual, firm or business owning or controlling ten (10%) per cent or greater interest in the applicant and may, at the Board's discretion, withhold certification until such information is satisfactorily produced and verified; and

(v) Submit applications for registration of all employees on forms provided by the Board as required and accompanied by the required registration fees.

(B) No person shall do business under this part unless the business entity has in its employ a designated qualifying agent who meets the requirements for licensing by the Board and who is, in fact, licensed under the provisions of this part. The designated qualifying agent, who is licensed under this part, shall be in a management position and be responsible for overseeing the quality of operations of the

alarm systems business/contractor.

(C) In the event that the designated qualifying agent upon whom the business entity relies in order to do business ceases to perform such agent's duties as designated qualifying agent, the business/contractor entity shall notify the Board within ten (10) working days. The business/contractor entity must obtain a substitute designated qualifying agent with thirty (30) days after the original designated qualifying agent ceases to serve as such agent unless the Board, in its discretion, extends this period for good cause for a period not to exceed three (3) months.

(D) The certification application shall designate at least one designated qualifying agent who is licensed. No designated qualifying agent who has been so designated may serve on behalf of or be employed by any other business entity.

(E) No alarm systems business/contractor may participate in a joint venture to provide equipment or services which require certification under this part with any uncertified person, firm, association or corporation.

(F) No alarm systems business/contractor shall retain any unregistered employees.

(G) No person shall act as a designated qualifying agent without either a valid license issued by the State Board for licensing alarm systems contractors or a valid license issued by the Metro Alarm Review Board.

(H) No alarm business/contractor or designated qualifying agent shall act as an alarm system business/contractor under a certification without having a valid license in the category for which business is sought or work is to be done.

(I) No person shall sell and install, service, monitor, or respond to alarm signals, signal devices, burglar alarms, television or still cameras used to detect burglary, breaking and/or entering, intrusion, shoplifting, pilferage or theft in violation of this Chapter or any rules adopted hereunder.

(J) The Alarm Business License application shall be accompanied by a non-refundable application fee of Five hundred dollars($500.00), with renewal annually of Two Hundred dollars ($200.00).

(K) **Insurance:** No certification shall be issued under this Chapter or Article unless the applicant files with the Metro Alarm Review Board evidence of insurance as follows:

A policy of liability insurance providing the following

minimum coverage:

One hundred thousand dollars ($100,000) because of bodily injury or death of one person as a result of the negligent act or acts of the principal insured or the principal insured's agents operating in the course and scope of such agent's employment.

One hundred thousand dollars ($100,000) because of injury to or destruction of property in the course and scope of such agent's agency.

Every alarm business/company shall at all times maintain on file with the Board certificates of insurance as required by this Chapter and Article, and upon failure to do so, the certification of such business/company shall be suspended and not reinstated until the insurance certificates are filed.

MONITORING STATIONS

Sec. 7-308. Qualification and Standards for Monitoring Stations or Central Stations.

(A) In addition to any other requirements imposed by this Chapter and Article, an alarm business shall not be granted a license to operate a monitoring station or central station unless the Metro Alarm Review Board finds that the monitoring station, if operated, will meet the following minimum standards:

(1) The premises from which the services are performed must meet any applicable local and state fire regulations.

(2) The premises from which the services are performed must be secured to prevent entry by unauthorized persons.

(3) A large enough number of operators must be on duty at all times to assure that all emergency messages received will be relayed immediately to the law enforcement officers.

(4) Emergency messages from police emergency alarm systems shall be given priority over all other messages received by the monitoring station,except that fire alarm signals shall be given priority over all other emergency signals.

(5) The monitoring station or installing company shall have or cause a competent repairman available within twenty-four (24) hours to conduct repairs and maintenance on police emergency alarm systems which are reported in need of service by the Metro Alarm Administrator. Should it be determined by the Metro Alarm Administrator and the alarm business/contractor that the system should not be serviced, the Metro Alarm Administrator shall assist the alarm business/contractor in gaining entrance to disable the offending alarm system.

MONITORING PROCEDURES.

(B) No alarm system dispatches shall be accepted from anyone other than a monitoring facility properly licensed by the Tennessee Alarm Contractors Board for monitoring. If the monitoring facility is not required to be licensed under the Tennessee Alarm Contractor's Act, then the facility shall comply with the Metro Alarm Review Board licensing requirements under this Chapter and Article. An alarm business performing monitoring services shall:

(1) Not request dispatch for law enforcement response during the first week after installation of an alarm system, but rather use that week to train the alarm user on proper use of the alarm system unless extenuating circumstances necessitate immediate requests for response as determined by the Alarm Administrator. The monitoring station shall verify addresses and telephone numbers prior to placing an account on line.

(2) Report alarm signals by using telephone numbers designated by the Alarm Administrator.

(3) Attempt to verify every alarm signal, except a duress, panic, or holdup activation, before requesting a police response to an alarm signal.

(4) Communicate alarm dispatch requests to the City Police or Shelby County Sheriff's Department in a manner and form determined by the Metro Alarm Administrator.

(5) Communicate verified cancellations of alarm dispatch requests to the City Police or Shelby County Sheriff's Department in a manner and form determined by the Metro Alarm Administrator.

(6) Ensure that all alarm users of alarm systems equipped with duress alarms, hold up alarms, or panic alarms, are given adequate training as to the proper use of these alarms.

(7) Communicate with the Alarm Dispatch Center as to the party(ies) that will meet the law enforcement officer and the estimated time of arrival of the responding party(ies).

USER INSTRUCTIONS.

(C) Every business selling, leasing or furnishing to any user an alarm system or any equipment or components shall furnish the alarm user with written instructions that provide information to enable the user to operate the alarm system properly and to obtain service of the alarm system at any time. Each alarm user shall have a working knowledge of the use of the system and general troubleshooting techniques.

Sec. 7-309. Alarm Agent

ALARM AGENT - EMPLOYEE REGISTRATION

(A) Alarm agents having an alarm agent's identification issued by the Tennessee State Alarm Contractor's Board shall not be required to obtain a Metro Alarm Agent Card. They shall, however, be required to obtain and wear the Tennessee Alarm Contractor's Employee ID.

Every alarm agent employed by an alarm business that conducts business within the City of Memphis and/or unincorporated Shelby County territory shall be required to obtain an identification card from the Metro Alarm Review Board, unless the agent has an Alarm Contractor's Employee ID issued by the Tennessee State Alarm Contractor's Board. Owners, managers, corporate officers, and partners, or contractors acting as alarm agents conducting business in the City and unincorporated Shelby County territory are also required to obtain alarm agent ID cards from the Metro Alarm Review Board or the Tennessee State Alarm Contractors' Board.

(B) All alarm business employees with access to records,diagrams, plans or other sensitive information pertaining to monitored, installed, or proposed alarm systems shall be registered with the Metro Alarm Review Board.

(C) An alarm business may not employ any employee required to be registered with the Metro Alarm Review Board unless the employee is properly registered with the Tennessee Alarm Contractor's Board, or the Metro Alarm Review Board.

(D) All alarm businesses, within thirty (30) working days of the beginning of employment of an employee shall furnish the Board with the following unless the employee is registered with the Tennessee State Alarm Contractor's Board:

(1) Three (3) sets of classifiable fingerprints on standard FBI/TBI applicant cards.

(2) Two (2) recent color photographs of acceptable quality for identification; and

(3) A complete list of criminal convictions,except minor traffic offenses, and administrative wrongs as a result of work with an alarm business, of the applicant.

(4) Upon receipt of an application, the Board shall cause an FBI/TBI background investigation to be made, during which the applicant shall be required to show that such applicant meets all the applicable requirements and qualifications as prerequisite to registration or licensure. Such

applicant must be at least eighteen (18) years of age. Registration of an employee shall be for one(1) year and be subject to renewal.

A non-refundable fee of Seventy Five dollars ($75.00) shall accompany each employee application for the initial registration, and Twenty-five dollars ($25.00) per year upon renewal date.

Sec. 7-310. DESIGNATED QUALIFYING AGENTS

(A) Anyone desiring to be licensed as a designated qualifying agent shall make a written application to the Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee of two hundred dollars ($200.00).

(B) Applicant shall meet all of the requirements for a registered employee as indicated in this Chapter and Article. Application shall be accompanied by the documents required for employee registration as detailed in this Chapter and Article.

(C) The applicant for the designated qualifying agent must either be licensed pursuant to the Tennessee Alarm Contractor's Law, or if exempt from that law, be required to hold current certification by a national training program approved by the Metro Alarm Review Board in the type of alarm system to be installed, serviced, or monitored.

(D) Licenses as a designated qualifying agent shall expire on the last day of the twelfth month following its issuance or renewal and shall become invalid on such date unless renewed. The renewal fee shall be set by the Memphis City Council and Shelby County Board of Commissioners. The fee as of the effective date of this ordinance, shall be Two Hundred dollars ($200.00)per year.

Any person or business not licensed by the State of Tennessee Alarm Contractor's Board shall not conduct business under this Chapter and Article unless they are licensed by the Metro Alarm Review Board.

If the application is approved, the Metro Alarm Review Board shall cause an identification card to be issued to the applicant. If the application is denied, the Metro Alarm Review Board shall notify the applicant in writing of the denial and the basis for the denial.

In addition to any penalties which may be imposed for the violation of provisions of this Chapter and Article, the Metro Alarm Review Board may, revoke the identification card of an alarm agent, or designated qualifying agent on any of the following grounds:

1. Conviction of a felony.

2. Conviction of two (2) or more state misdemeanors involving theft and/or violence.

3. Fraud or willful and knowing misrepresentations made while employed as an alarm agent or designated qualifying agent.

4. Fraud or willful and knowing misrepresentation made in an application for an alarm agent license or designated qualifying agent license.

Sec. 7-311. VIOLATIONS AND HEARING

(A) No identification shall be revoked until a hearing is held by the Metro Alarm Review Board. Written notice of the time and place of the hearing shall be served on the holder of an identification card and the Designated Qualifying Agent of the company at least ten (10) days before the date set for the hearing. The notice shall set forth a summary of the grounds advanced as the basis for the revocation of the identification card pending conclusion of all appeals.

At the hearing before the Metro Alarm Review Board, the holder of the identification card shall be given an opportunity to confront and examine any adverse witness, and to present evidence on his own behalf. After the hearing, the Metro Alarm Review Board shall either dismiss the complaint or revoke the identification card.

After notice of revocation is given, an alarm identification card shall remain in full force and effect and the holder of an alarm identification card shall be permitted to perform the authorized function of a licensed alarm agent until any appeal as provided by state law has been concluded.

An identification card issued by the Metro Alarm Review Board shall contain (1) a current photograph of the applicant taken within one year from date of application, (2) the date of issue, (3) the applicant's signature, (4) a statement that the card is valid for one (1) year from the date of issuance and (5) such other information as the Metro Alarm Review Board may require.

It shall be a violation of this Section for the applicant willfully to fail to return an identification card to the issuing agency or business upon termination of his employment with an alarm business. It shall be a violation for the alarm business to fail to return to the Metro Alarm Review Board an identification card of an employee of the alarm business if such card has been returned to the alarm business by the employee.

Division 5.
CITY AND COUNTY ADMINISTRATION
City/County Office Established
Metro Alarm Administrator

Metro Alarm Review Board

Sec. 7-312. General Rules and Regulations; Appeal; Loss or Suspension; Reinstatement.

(A) ESTABLISHMENT OF OFFICE OF ALARM ADMINISTRATOR:

There is hereby established the Office of Alarm Administrator under the supervision of the Treasurer of the City of Memphis, to oversee the installation, service, maintenance and use of alarm security systems in the City of Memphis and unincorporated areas of the County of Shelby, who shall be in charge of operations. Said Office shall be operated as a self-funding unit, any revenues received by such office to be used exclusively for the continued operation of said Office. All funds received through the Office shall be returned for the Office use and not included in the City or County General Fund Revenues. Should any fiscal period reveal a deficiency, the City and County may contribute additional funding to the office to cover the deficiency.

(B) METRO ALARM ADMINISTRATOR

The Metro Alarm Administrator shall act as Executive Director, and his appointment shall be by the Metro Alarm Review Board, subject to ratification by the Memphis City Council and the Shelby County Board of Commissioners.

The Metro Alarm Administrator shall:

1. Designate a method and form for verification;

2. Designate a method, form, and telephone numbers for the communication of alarm dispatch requests.

3. Develop a procedure to verify cancellations of alarm dispatch requests.

4. Develop a check system to ensure that monitoring service companies are verifying alarms; calling notification lists; and notifying the alarm dispatch centers of alarm cancellations.

5. The Administrator shall oversee the creation and implementation of an Alarm User Training Class to include a False Alarm User Awareness class.

(C) METRO ALARM REVIEW BOARD.

Appeals will be heard by the Metro Alarm Review Board.

The Metro Alarm Review Board shall consist of six (6) Members as follows:

A dispatcher or other person appointed by the Director of

the Police Services; a dispatcher or other person appointed by the Sheriff of Shelby County; two (2) local Alarm Business representatives appointed by the Western Region members of the TBFAA Alarm Association; and two (2) members of the public at-large, one shall be a citizen of the City of Memphis and shall be appointed by the City Mayor and one shall be a citizen of the unincorporated areas of Shelby County and shall be appointed by the County Mayor. Such appointments are subject to ratification by the Memphis City Council and the Shelby County Board of Commissioners.

(D) DUTIES OF METRO ALARM REVIEW BOARD.

(1) The Metro Alarm Review Board may promulgate reasonable written standards, rules, and regulations that may be necessary for the purposes of assuring the quality, efficiency, and effectiveness of police emergency alarm communications and of administering and enforcing the provision of this Chapter and Article. Such standards, rules, and regulations shall be open to inspection by the public.

(2) As of the effective date of this section, no person shall engage in or hold themselves out as engaging in the alarm business or alarm systems contracting without first being certified in accordance with this Article and Chapter, or the Tennessee Alarms Contractors' Licensing Law.

(3) No person shall do business under this part unless the business entity has in its employ a qualifying agent who is duly licensed under the Tennessee Alarm Systems Contractor's Licensing Law or, if exempt from said law, is duly licensed as set forth under the provisions of this Chapter and Article. The qualifying agent, who is licensed under this part, shall be in a management position and be responsible for overseeing the quality of operations of the alarm business.

(4) In the event that the qualifying agent of an alarm business ceases to perform such agent's duties as qualifying agent, the business entity shall notify the Board within thirty (30) working days. The business entity must obtain a substitute qualifying agent within thirty (30) days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends this period for good cause for a period not to exceed three (3) months.

(5) The certification application shall designate at least one (1) qualifying agent who is or shall be licensed for the certified business. The certification application shall designate for which classification the applicant is seeking a certification.

(6) No alarm business contractor may participate in a joint venture to provide equipment or services which require certification under this part unless all parties to the

joint venture are certified in accordance with this part.

(7) No alarm business may subcontract the provision of equipment or services requiring a certification under this part to any uncertified person, firm, or association.

(8) No person shall act as an alarm business contractor under a certification without having a licensed qualified agent who holds a valid license in the category for which business is sought or work is to be done.

(9) No person shall act as a qualifying agent under either this Chapter and Article or under the Tennessee Alarm Contractor's Law without a valid license issued by the Metro Alarm Review Board.

(10) No person shall sell and install, service, monitor, or respond to alarm signals, signal devices, burglar alarms, television or still cameras used to detect burglary, breaking and/or entering, intrusion, shoplifting, pilferage or theft in violation of this Article or Chapter or the rules adopted hereunder.

(11) No person shall advise anyone as to the need, quantity, or quality of alarm systems and sell such systems unless certified, licensed, or registered under this Chapter and Article.

(E) **EXCLUSIONS FROM REQUIREMENT**

(1) Equipment manufacturers not providing direct sales, monitoring and/or installation of service to system end users.

(2) Equipment distributors or suppliers not offering sales, monitoring or installation services directly to the system users.

(3) Individual property owners personally installing an alarm system within the owner's residence, except that the individual property owner shall be responsible for registration of his alarm system, and will sign a document stating that the system was installed properly, that he is capable of servicing and maintaining the system, and that he will maintain the system in proper working order.

(4) Direct sellers and installers dealing exclusively with alarm systems for motor vehicles, except those vehicle systems that will cause police or emergency services to be summoned.

(5) Medical alert or medical monitoring services to individuals made available by a hospital or an affiliate of a hospital, provided those medical alert

or medical monitoring services shall not cause police emergency services to be summoned.

(6) Any business whose business is not to monitor or service alarm systems

(a) and the servicing/monitoring of the alarm system is done by direct employees of the same business; and

(b) the alarm system is the exclusive property of, or is leased by, the business; and

(c) the alarm system is designed to protect only the commercial premises leased by the business endeavor or commercial premises owned by the business endeavor and not leased to another.

(F) REVOCATION, SUSPENSION OR LOSS OF ALARM PERMIT.

(1) A person commits an offense if he operates an alarm system during the period in which his alarm permit is suspended or revoked.

(2) Unless there is separate indication that there is a crime in progress, the respective law enforcement office may refuse police response to an alarm dispatch request at an alarm site for which the alarm permit is revoked.

(G) APPEAL FROM DENIAL, SUSPENSION OR REVOCATION OF PERMIT.

(1) Decision: If the Alarm Administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he or she shall send written notice of his action and a statement of the right to appeal, by certified mail, return receipt requested, to both the applicant or alarm User and the alarm business.

The applicant or alarm user may appeal the decision of the Alarm Administrator to the Metro Alarm Review Board by filing a written request for a review setting forth the reasons for the appeal within twenty (20) days after receipt of the notice from the Alarm Administrator. An alarm business may submit the request for review on behalf of an alarm user.

Filing of a request for appeal shall stay the action by the Alarm Administrator suspending or revoking a permit until the Metro Alarm Review Board has completed their review. If a request for appeal is not made within the twenty-day period, the action of the Alarm Administrator is final.

(2) Hearing: Alarm users shall be entitled to a hearing before the Metro Alarm Review Board within sixty (60) days of receipt by the Board of the Notice of appeal. An alarm business may submit a request for hearing on behalf of the alarm user.

(3) Board Review: The Alarm Review Board shall conduct a formal hearing and consider the evidence by any interested person(s). The Board shall make its decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that alarm users have been provided additional alarm system training, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The Board must render a written decision within thirty (30) days after the conclusion of the hearing. The Board shall affirm, reverse, or modify the action of the Alarm Administrator. The decision of the Metro Alarm Review Board is final as to administrative remedies.

(H) REINSTATEMENT OF PERMIT.

A person whose alarm permit has been revoked may be issued a new permit if the Person:

1. Submits an updated application and pays a Fifty dollars ($50.00) permit fee; and

2. Pays, or otherwise resolves, all citations and fines; and

3. Submits a certificate from an alarm business designated qualifying agent licensed under the provisions of this Chapter and Article, or the applicable statutes of the State of Tennessee,stating that the alarm system has been inspected, repaired, or upgraded to meet current industry standards.

Division 6.
ENFORCEMENT
Violation set
Exceptions
Penalties

Sec. 7-313. Malicious False alarm declared violation and city misdemeanor.

Any person who shall cause a malicious false alarm to be reported shall be guilty of a violation, punishable as provided in Section 1-8 of the Memphis City Code or punishable as provided in applicable state statutes.

Sec. 7-314. Exceptions.

(a) Sections 7-301 through 7-136 shall not apply to any governmental entity with regard to payment of a fee or a penalty or the revocation of a permit which provides, maintains, and services, police emergency alarm reporting systems for its own protection when acting in a governmental capacity as opposed to a proprietary

function. These governmental entities shall be required to secure permits and renew such as required so that their alarm devices will be recorded by the police services division and/or the Sheriff's Department.

When law enforcement services are requested to respond to alarms originating from governmental entities, all directives of this ordinance shall be in force. This is not to exempt private businesses which provide, maintain, or service governmental entities with such alarm systems. This exception is to include electronic surveillance program systems used by the law enforcement agencies.

Sec. 7-315. Penalties for violation.

The failure of any person to:

A. Obtain an alarm business license and/or a designated qualifying agent license;

B. Obtain an alarm agent identification card;

C. Obtain an alarm system user permit;

D. Make the corrections to alarm systems as required pursuant to this Chapter and Article;

E. Obey any order of the Alarm Administrator or Metro Alarm Review Board of suspension of an alarm business license, alarm agent identification card, designated qualifying agent license or an alarm user permit, after such person has exhausted his rights to hearings or appeals:

Constitutes an offense punishable by a penalty of up to two hundred dollars ($200.00). Each day that such violation continues after the expiration of the period allowed for compliance under the provisions of this Article shall constitute a separate offense.

All fines and fees collected under this Article and Section shall be forwarded by the Clerk of the Court which collects the same, to the Comptroller of the City of Memphis within thirty (30) days after the fee or penalty is collected. The Comptroller shall then be responsible for transferring these funds to the Office of Alarm Administration.

SECTION 2. BE IT FURTHER ORDAINED, That if any section, subsection, sentence, clause or phrase of this ordinance is for

any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall expire at 12 o'clock midnight, June 30, 2002 unless the same is re-enacted by a two-thirds majority vote of the Shelby County Board of Commissioners prior to the last said time and date.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall take effect fifteen days from and after the date of its final passage, the public welfare requiring the same.

SHEP WILBUN, CHAIRMAN

JIM ROUT, SHELBY COUNTY MAYOR

Date: 3/26/99

Attest:

CLERK OF COUNTY COMMISSION

FIRST READING	1/25/99
SECOND READING	2/8/99
ADOPTED THIRD READING	3/22/99

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