

COUNCIL OF THE COUNTY OF MAUI

**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

September 5, 2014

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on August 11, 2014, makes reference to County Communication 14-100, from Councilmember Don S. Guzman, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34, MAUI COUNTY CODE, RELATING TO FALSE ALARMS".

The purposes of the proposed bill are to reduce the danger, drain of resources, and annoyance associated with false alarms; to require alarm systems to be registered; and to encourage owners to use and maintain their alarm systems properly.

At the request of the Chair of your Committee, the Chief of Police transmitted a revised proposed bill addressing concerns relating to suspension of responses to alarms, notification procedures for suspension of service, registration requirements for alarm systems and alarm businesses, fees and service charges, and the effective date of the proposed amendments.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a further revised proposed bill, approved as to form and legality, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34, MAUI COUNTY CODE, RELATING TO ALARM SYSTEMS AND FALSE ALARMS". The revisions improve clarity.

Your Committee notes the revised proposed bill applies to alarm systems that are commonly referred to as burglar alarms. The alarm systems covered by the bill are defined as devices designed to detect unauthorized entry onto or into premises, except motor vehicles, or to alert others to the commission of an unlawful act, or both, and which emit a sound or transmit a signal or message when activated. The bill does not apply to fire alarms.

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A Captain, Department of Police, said false alarms are a tremendous problem for the Department. He noted since 1998, the Department has had about 5,000 false alarms, creating a strain on resources. He said the Department believes the legislation will help to reduce false alarms and improve efficiency of services.

Your Committee notes the revised proposed bill would authorize the Chief of Police to suspend responses to any unregistered alarm system after the first response to an alarm, or when a registered system has been delinquent in paying registration fees or service charges. The bill would require the Chief to notify the alarm system user and monitoring company by certified mail of any suspension of response by the Department, the requirement to register the system, or false alarm service charges due. The bill also provides for an appeal to the Chief's decision to suspend response.

The revised proposed bill also requires audible alarm systems to automatically terminate the audible signal within 15 minutes of activation. It disallows the programming of automatic telephone dialers for a municipal emergency number.

Your Committee notes the revised proposed bill amends the way in which service charges for false alarm responses are assessed. The dollar amounts to be assessed for service charges have been removed from the bill to allow those amounts to be set in the annual budget ordinance. By setting those amounts in the annual budget ordinance, the Department will have greater flexibility to adjust them as needed over time. The Chief of Police noted the Department would coordinate a request for a budget amendment to have this done.

Your Committee recommended the revised proposed bill be further revised to provide flexibility as to whether the alarm system monitoring company or alarm system user would register the system, leaving intact the requirement that the system be registered.

Your Committee also recommended the bill be revised to make discretionary, rather than mandatory, the Chief's suspension of responses. Your Committee noted the bill authorizes the Chief to promulgate administrative rules for the administration and enforcement of Chapter 8.34, Maui County Code. Your Committee, therefore, anticipates the factors to be considered by the Chief in determining whether to suspend responses would be incorporated in those rules.

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Your Committee notes if the ordinance is approved, it will not take effect until six months after its approval. As stated by the Department, this delay will allow time to inform alarm businesses, monitoring companies, and alarm system users with no monitoring company of the new requirements, and provide an opportunity to comply with registration requirements.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading, incorporating your Committee's revisions, and filing of the communication. Committee Chair Hokama, and members Baisa, Carroll, Cochran, Guzman, Victorino, and White voted "aye". Committee Vice-Chair Couch and member Crivello were excused.

Your Committee is in receipt of a further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

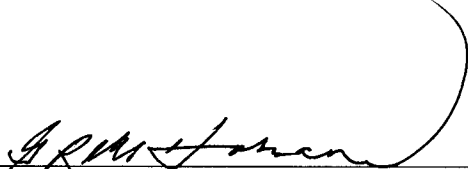
1. That Bill \_\_\_\_\_ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34, MAUI COUNTY CODE, RELATING TO ALARM SYSTEMS AND FALSE ALARMS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-100 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



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G. RIKI HOKAMA, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.34,  
MAUI COUNTY CODE, RELATING TO ALARM SYSTEMS AND FALSE ALARMS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 8.34, Maui County Code, is amended to  
read as follows:

**"Chapter 8.34**

**ALARM SYSTEMS AND FALSE ALARMS**

**Sections:**

- 8.34.010 Purpose and intent.
- 8.34.020 Definitions.
- 8.34.021 Alarm system registration.
- 8.34.022 Registration fees.
- 8.34.023 Alarm system fund.
- 8.34.024 Alarm system requirements.
- 8.34.025 Administration.
- 8.34.030 Service charges for false alarms.
- 8.34.040 [Back-up power supply.] Suspension of response.
- 8.34.050 Impermissible [systems and] uses.
- 8.34.055 Exemptions.
- 8.34.060 Appeals.
- 8.34.070 Penalties.
- 8.34.080 Rules.

8.34.010 Purpose and intent. The vast majority of emergency alarms to which members of the [police] department of police respond are false alarms. Such alarms are often the result of improper maintenance, faulty equipment, or improper or careless use of an alarm system. In the interest of protecting health, life, and property, and preserving the order and security of the [county] County and its inhabitants by

using law enforcement resources effectively and efficiently, the number of false alarms from business and residential premises must be reduced. The purpose of this chapter is to reduce the danger, drain of resources, and annoyance associated with false alarms and to encourage business and residential owners to use and maintain their alarm systems properly.

**8.34.020 Definitions.** Whenever used in this chapter, unless a different meaning clearly appears from the context, certain words and terms are defined as follows:

"Alarm business" means any individual, corporation, or other business entity that engages in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system in or on any building, place, or premises, except motor vehicles.

"Alarm system" means any device that is designed for the detection of an unauthorized entry onto or into any premises, except motor vehicles, or for alerting others to the commission of an unlawful act, or both, and which emits a sound or transmits a signal or message when activated. Independently controlled alarms within the same premises shall not constitute separate alarm systems.

"Alarm system administrator" means the person designated by the chief to administer some or all of the provisions of this chapter.

"Alarm system user" means any owner, occupant, or other person having control over or charge of any business or residential premises with an alarm system.

"Business premises" means any building owned, leased, or within the possession or control of a [for profit] sole proprietorship, partnership, association, or corporation.

"Chief" means the chief of police.

"False alarm" means any alarm system activation that is communicated to the police, but which is not in response to an actual or threatened criminal act or violation. False alarms include alarm activations caused by negligence, improperly installed or maintained equipment, and efforts to summon the police for a purpose other than that for which the alarm is designed. False alarms shall not include alarm activations for which the cause cannot be determined,

is in reasonable doubt, or is beyond the control of the alarm user or alarm business.

"Government entities" means any federal, state or county agency, branch, department, or other unit of government.

"Monitoring" means to receive signals from an alarm system and relay an alarm dispatch request to the police.

"Monitoring company" means a company that provides monitoring services for alarm systems.

"Residential premises" means any building designed or used for residential purposes.

**8.34.021 Alarm system registration.** All alarm systems must be registered by the alarm business or alarm system user with the chief within ten business days of installation, except as provided herein. Alarm system users shall not operate, or cause to be operated, any alarm system without a valid registration. Alarm system monitoring companies or alarm system users shall register each alarm system that is in service as described herein:

1. Alarm system registrations shall be effective for two years;

2. Alarm system registrations shall be renewed within thirty days of the biannual anniversary of installation, i.e., every two years;

3. The chief shall establish a uniform registration form to be used for initial registration and the bi-annual renewal of registration;

4. Registration fees and service charges shall be deposited into the alarm system fund;

5. Each business premises and each residential premises shall require separate registration;

6. Alarm systems installed on or before the effective date of this ordinance shall be registered by the alarm system user or the monitoring company with the chief within sixty days of the effective date of this ordinance;

7. Alarm systems installed after the effective date of this ordinance shall be registered by the alarm business, the alarm system user, or the monitoring company with the chief within ten business days of installation;

8. Alarm systems with outstanding service charges for false alarms shall not be allowed to register a new system or re-register any alarm system until all outstanding service charges are paid in full.

**8.34.022 Registration fees.** All registration fees shall be as set forth in the annual budget ordinance.

**8.34.023 Alarm system fund.** There shall be established and created a fund to be known as the "alarm system fund". Any registration fees and service charges collected pursuant to this chapter shall be deposited into the alarm system fund, shall be deemed appropriated upon receipt, and may be expended for purposes relating to the implementation, administration, and enforcement of this chapter.

**8.34.024 Alarm system requirements.** A. Every audible alarm system shall have a device or other functionality to automatically terminate the audible signal within fifteen minutes of activation.

B. Automatic telephone dialers shall not be programmed for a municipal emergency number such as 911 or the telephone number of any police facility.

**8.34.025 Administration.** The chief shall administer the provisions of this chapter; provided, that the chief may designate an alarm administrator. The alarm administrator shall administer the provisions of this chapter and exercise the chief's authority pursuant to this chapter, to the extent authorized by the chief.

**8.34.030 Service charges for false alarms.** A. An alarm system user shall pay a service charge for each false alarm response made by the police department in excess of [three responses] one false alarm response in any [six-month] twelve-month period. [The police department shall maintain records of false alarm responses and shall notify the director of public works and waste management of false alarms in excess of three in connection with any business or residential premises within a six-month period.]



1. Multiple false alarms occurring in any twenty-four hour period shall be treated as one alarm.

2. Service charges shall not be imposed if an alarm is activated by a telephone line problem or a power outage lasting more than four hours.

B. Service charges for false alarms, within any twelve-month period, shall be as [follows:] set forth in the annual budget ordinance.

[ 1. False alarms: four, five, and six in any six month period--\$50 each.

2. False alarms: seven and eight in any six month period--\$100 each.

3. Each additional false alarm after the eighth in any six month period--\$150.]

C. Notices of false [alarms] alarm responses and any applicable service charge shall be [given] sent by [posting or mailing.] certified mail to the registered alarm system user or registered monitoring company.

D. [The director of public works and waste management shall issue written notice of service charges by mail.] The service charges contained in this section shall reset after a twelve-month period following the first offense, regardless of any subsequent false alarms during the twelve-month period.

**8.34.040 [Back-up power supply.** A. Alarm systems shall have an uninterruptible power supply such that failure or interruption of normal electrical service shall not activate the alarm system.

B. Back-up power supply shall be capable of at least four hours of operation.

C. Alarm systems installed before enactment of this chapter shall comply with this section within six months of the effective date of this chapter.]

**Suspension of response.** The chief may suspend responses to any unregistered alarm system after the first response to any alarm, or when a registered system has been delinquent in paying registration fees or service charges as described in the rules pursuant to section 8.34.080. The chief shall notify the alarm system user and monitoring company by certified mail of any suspension of police response, the requirement to register the system, or false alarm service charges due. The alarm system user or monitoring company may

appeal the chief's decision as provided in this chapter.

**8.34.050 Impermissible [systems and] uses.** [A. No person shall install, use or operate, cause to be used or operated, arrange or otherwise provide for any device or combination of devices that, upon activation, automatically dials a police number or line of the police department.

B. No person shall use, install, or operate an alarm system that emits an exterior audible sound that does not automatically cease within fifteen minutes.] No alarm system shall be activated intentionally except to:

1. Report an unauthorized intrusion or the commission of an unlawful act;
2. Test an installed system with the prior knowledge and consent of the chief; or
3. Permit an alarm business or monitoring company to demonstrate a system to a prospective buyer or alarm system user.

**8.34.055 Exemptions.** This chapter shall not apply to government entities.

**8.34.060 Appeals.** Any person aggrieved by a determination of the [director of public works and waste management] chief may appeal such determination by filing a written notice of appeal with the board of variances and appeals within thirty days after notice of such determination.

**8.34.070 Penalties.** Any person violating this chapter, upon conviction, shall be fined not less than \$50 and not more than \$500 for each violation.

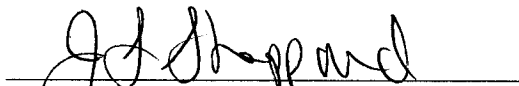
**8.34.080 Rules.** [The director of public works and waste management] Pursuant to chapter 91, Hawaii Revised Statutes, the chief may [make, amend, and repeal] promulgate administrative rules for the administration and enforcement of this chapter."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County

Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect six months after its approval.

APPROVED AS TO FORM  
AND LEGALITY:



JERRIE L. SHEPPARD  
Deputy Corporation Counsel  
County of Maui

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