



## Legislation Details (With Text)

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<b>On agenda:</b>	11/14/2022	<b>Final action:</b>		11/14/2022	
<b>Title:</b>	To repeal City Code §§ 2-375-2-377, concerning emergency management, to amend ch. 2, art. IV, div. 20 of the City Code by adding therein new §§ 2-730-2-732, and to amend City Code §§ 2-728, concerning the creation of the Department of Emergency Communications, 2-729, concerning certain emergency communications agreements and fees, 10-48, concerning definitions for the administration of burglar alarms, 10-50, concerning duties of alarm companies, 10-51, concerning duties of alarm users, and 10-52, concerning alarm permit requirements, for the purpose of moving emergency management functions to the City's Department of Emergency Communications and changing the name of the Department of Emergency Communications to the Department of Emergency Communications, Preparedness, and Response.				
<b>Sponsors:</b>	Mayor Stoney				
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<b>Attachments:</b>	1. Ord. No. 2022-289				

Date	Ver.	Action By	Action	Result
11/14/2022	1	City Council	adopted	Pass
10/25/2022	1	Public Safety Standing Committee		
10/10/2022	1	City Council		

To repeal City Code §§ 2-375-2-377, concerning emergency management, to amend ch. 2, art. IV, div. 20 of the City Code by adding therein new §§ 2-730-2-732, and to amend City Code §§ 2-728, concerning the creation of the Department of Emergency Communications, 2-729, concerning certain emergency communications agreements and fees, 10-48, concerning definitions for the administration of burglar alarms, 10-50, concerning duties of alarm companies, 10-51, concerning duties of alarm users, and 10-52, concerning alarm permit requirements, for the purpose of moving emergency management functions to the City's Department of Emergency Communications and changing the name of the Department of Emergency Communications to the Department of Emergency Communications, Preparedness, and Response.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-375 through 2-377 of the Code of the City of Richmond (2020) be and hereby are

**repealed** as follows:

**~~[Sec. 2-375. Emergency management Generally.~~**

~~In order to enable the City to respond effectively to emergencies, the Department of Fire and Emergency Services shall~~

be responsible for the following functions:

- (1) Planning, preparing for and mitigating emergencies;
- (2) Identifying and protecting critical infrastructure and key assets;
- (3) Educating the public on emergency preparedness;
- (4) Coordinating the City's response to and recovery from emergencies;
- (5) Providing responders with information and resources; and
- (6) Obtaining funding and other aid to ensure that the City is prepared to respond to and is able to recover from emergencies.]

**~~[Sec. 2-376.—Emergency management Coordinator.~~**

(a) ~~*Appointment and reporting.*~~ Pursuant to Code of Virginia, § 44-146.19, the Mayor, as the Director of Emergency Management, shall appoint the Coordinator of Emergency Management with the consent of the City Council. The Coordinator shall report to the Mayor or, if and when so directed by the Mayor, to the Chief Administrative Officer.

(b) ~~*General powers and duties.*~~ The Coordinator shall have general management and control of the office and its units. The Coordinator shall appoint and remove all officers and employees of the office subject to applicable personnel policies established by ordinance, and shall have the power to make rules and regulations consistent with the City Charter and City ordinances for the conduct of the functions of the Office.

(c) ~~*Emergency powers and duties.*~~ The Coordinator shall have those powers afforded to and perform those duties imposed upon local coordinators of emergency management by the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, Code of Virginia, § 44-146.13 et seq., and shall assist the Mayor in exercising those powers afforded to and performing those duties imposed upon local directors of emergency management by such law.]

**~~[Sec. 2-377.—Emergency management Deputy Director.~~**

~~The Mayor, as the Director of Emergency Management, may appoint any officer or employee of the City to serve as Deputy Director of Emergency Management. In the absence of the Mayor, the Deputy Director of Emergency Management shall act as a substitute for the Mayor in carrying out the Mayor's role as Director of Emergency Management for purposes of Code of Virginia, § 44-146.21 and for all other purposes.]~~

§ 2. That Chapter 2, Article IV, Division 20 of the Code of the City of Richmond (2020) be and hereby is amended and reordained by **adding therein new** sections numbered 2-730 through 2-732 as follows:

**Sec. 2-730. Emergency management-Generally.**

In order to enable the City to respond effectively to emergencies, the Department of Emergency Communications, Preparedness, and Response shall be responsible for the following functions:

- (1) Planning, preparing for and mitigating emergencies;
- (2) Identifying and protecting critical infrastructure and key assets;
- (3) Educating the public on emergency preparedness;
- (4) Coordinating the City's response to and recovery from emergencies;
- (5) Providing responders with information and resources; and
- (6) Obtaining funding and other aid to ensure that the City is prepared to respond to and is able to recover from emergencies.

**Sec. 2-731. Emergency management-Coordinator.**

(a) *Appointment and reporting.* Pursuant to Code of Virginia, § 44-146.19, the Mayor, as the Director of Emergency Management, shall appoint the Coordinator of Emergency Management with the consent of the City Council. The Coordinator shall report to the Mayor or, if and when so directed by the Mayor, to the Chief Administrative Officer.

- (b) *General powers and duties.* The Coordinator shall have general management and control of the office

and its units. The Coordinator shall appoint and remove all officers and employees of the office subject to applicable personnel policies established by ordinance, and shall have the power to make rules and regulations consistent with the City Charter and City ordinances for the conduct of the functions of the office.

(c) *Emergency powers and duties.* The Coordinator shall have those powers afforded to and perform those duties imposed upon local coordinators of emergency management by the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, Code of Virginia, § 44-146.13 et seq., and shall assist the Mayor in exercising those powers afforded to and performing those duties imposed upon local directors of emergency management by such law.

**Sec. 2-732. Emergency management-Deputy Director.**

The Mayor, as the Director of Emergency Management, may appoint any officer or employee of the City to serve as Deputy Director of Emergency Management. In the absence of the Mayor, the Deputy Director of Emergency Management shall act as a substitute for the Mayor in carrying out the Mayor's role as Director of Emergency Management for purposes of Code of Virginia, § 44-146.21 and for all other purposes.

§ 3. That sections 2-278, 2-279, 10-48, 10-50, 10-51, and 10-52 of the Code of the City of Richmond (2020) be and are **amended** and reordained as follows:

**Sec. 2-728. Created, composition.**

There shall be a Department of Emergency Communications, Preparedness, and Response, which shall be headed by the Director of Emergency Communications, Preparedness, and Response and shall consist of such officers and employees organized into such units as may be provided by ordinance or by the orders of the Director of Emergency Communications, Preparedness, and Response consistent with this division. The Department of Emergency Communications, Preparedness, and Response shall be designated as the public safety answering point (PSAP) for the E-911 telephone system and is charged with the appropriate routing of those E-911 calls received. The Department shall also be responsible for (i) the planning for, operation, maintenance and coordination of all emergency communications systems, as defined in Section 2-729(a), for the City, (ii) the control and management of all communications towers or

sites owned or controlled by the City, and (iii) all functions of the City's radio shop, including, but not necessarily limited to, the installation in vehicles of equipment as defined in Section 2-729(a).

**Sec. 2-729. Certain emergency communications agreements; fees.**

(a) As used in this section, the following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agreement* means a written agreement between the City and an external subscriber concerning the use of an emergency communications system or the installation, maintenance, or repair of equipment.

*Department* means the Department of Emergency Communications, Preparedness, and Response.

*Director* means the Director of Emergency Communications, Preparedness, and Response.

*Emergency communications system* means a radio, telephone, or similar system used primarily for communications related to emergencies or public safety for which Section 2-728 makes the Department responsible.

*Equipment* means auxiliary lights, cages for K-9 units, computers, radios, sirens, warning lights and other similar devices or improvements customarily installed on public safety or utility vehicles.

*External subscriber* means a governmental or nongovernmental organization that, in the judgment of the Director, should be allowed to use an emergency communications system or equipment for which Section 2-728 makes the Department responsible.

*Internal subscriber* means a City department or other agency that uses an emergency communications system or equipment for which Section 2-728 makes the Department responsible.

(b) The Chief Administrative Officer, on behalf of the City, may enter into and, from time to time, modify written agreements with organizations for the use of the City's emergency communications systems managed by the Department, provided that:

(1) Any costs that the agreement, and any modification thereof, requires the organization to pay are

equal to the City's actual costs incurred in providing the equipment and services the agreement requires the City to provide;

(2) Any fees that the agreement, and any modification thereof, requires the organization to pay are in accordance with subsection (c) of this section;

(3) The Director has approved the agreement, and any modification thereof, as to terms; and

(4) The City Attorney or the designee thereof has approved the agreement, and any modification thereof, as to form.

(c) The Department shall charge external subscribers and internal subscribers the rates for the use of emergency communications systems and for the labor involved in installing, maintaining, and repairing equipment in vehicles. The monthly rate for external subscribers is \$20.00, and the monthly rate for internal subscribers is \$12.00. The labor rate for vehicle installation is \$70.00 per hour.

#### **Sec. 10-48. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm administrator* means the person or persons designated by the Chief of Police to administer, control and review false alarm reduction efforts and to administer the provisions of this article.

*Alarm company* means and includes any business operated for profit, engaged in the installation, maintenance, alteration, monitoring or servicing of alarm systems or which coordinates a response to such alarm systems.

*Alarm permit* means a permit issued by the City allowing the operation of an alarm system within the City.

*Alarm signal* means a detectable signal, either audible or visual, generated by an alarm system, to which

the Department of Police is requested to respond.

*Alarm system* means an assembly of equipment or a device installed in or for commercial or residential premises which transmits a signal, visibly, audibly, electronically, mechanically or otherwise, to indicate the presence of a hazard requiring urgent attention and to which the Department of Police is requested to respond. the term "alarm system" does not include motor vehicle or boat alarms, domestic violence alarms, or alarms designed to elicit a medical response.

*Alarm user* means any person, corporation, partnership, proprietorship, or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

*Alarm user awareness class* means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

*Business day* means any weekday except Saturday, Sunday or a holiday recognized by the City.

*Cancellation* means the process where a response is terminated when the alarm company (designated by the alarm user) notifies the Department of Emergency Communications, Preparedness, and Response that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request.

*False alarm* means any alarm signal communicated to the Department of Emergency Communications, Preparedness, and Response which is not in response to an actual or threatened hazard. False alarms include negligently or accidentally activated signals; signals which are activated as the result of faulty, malfunctioning or improperly installed or maintained equipment; and signals which are purposefully activated to summon police or fire personnel in nonemergency situations. False alarms do not include alarms for which cancellation has occurred prior to the arrival of police at the scene or signals which are activated by unusually severe weather conditions or other causes and are identified and determined by the Chief of Police to be beyond the control of the owner or the user of an alarm system.

*Runaway alarm* means an alarm system that produces repeated alarm signals that are not caused by

separate human action.

*SIA Control Panel Standard CP-01* means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms.

*Twelve-month calculation period* means the 12-month period of time, commencing with the date of permit issuance, or for non-registered alarm systems, the date of the first false alarm response, that shall be used for calculating violations.

*Verify* means an attempt by the alarm company monitoring the alarm system, or its representative, to contact the alarm user by telephone, whether or not actual contact with a person is made, in order to determine whether an alarm signal is valid before requesting law enforcement dispatch and avoid an unnecessary alarm dispatch request.

**Sec. 10-50. Duties of alarm companies.**

All alarm companies operating within the City shall:

(1) Comply with all licensing, registration, certification, and training requirements established by the Virginia Department of Criminal Justice Services pursuant to Code of Virginia, §§ 9.1-139 and 9.1-141.

(2) Within 90 days after enactment of this article, on all new installations and upgrades:

a. Use only alarm control panels which meet SIA Control Panel Standard CP-01 (for burglar alarm systems). Such control panels must be inscribed with the following statement: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction"; and

b. Ensure that all audible alarms, siren, bells or horns have an automatic cutoff



system so that such alarm shall not operate for more than 15 continuous minutes.

(3) Prior to activation of the alarm system, provide instructions explaining the proper operation of the alarm system to the alarm user and false alarm prevention. All training must be documented and available upon request.

(4) Attempt to verify, by calling the alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves. Telephone verification shall not be required in cases of panic, fire, or robbery-in-progress alarms or cases in which a crime in progress has been verified by video or audible means.

(5) Provide the following information when contacting the Department of Emergency Communications, Preparedness, and Response to report an activated alarm signal and request a response:

a. The name and Virginia Department of Criminal Justice Services license number of the alarm company reporting the activated alarm, name or employee number of the alarm company employee making the report and a call back number;

b. The alarm user permit number;

c. Location of the activated alarm, including complete business or homeowner's name, street address and telephone number;

d. Type of alarm (such as audible, silent, robbery, hold-up, duress, panic, burglary), and if the alarm system is zoned, the specific location of the alarm activation (such as interior, perimeter, vault, motion detection);

e. The results of the verification procedure set out in subsection (4) of this section;

f. For activations at nonresidential premises, any available information regarding

whether the business is open or closed, if security guards or guard dogs are on site and if dangerous or special conditions exist within the location;

g. For activations at residential premises, any available information regarding the presence of pets, handicapped individuals or unusual conditions; and

h. If the alarm user or such alarm user's representative is responding, the estimated time of arrival to the alarm site.

(6) Not request a police response to an alarm signal if the alarm company has been notified by the Department of Emergency Communications, Preparedness, and Response that police response to alarm signals that occur at the premises described on the alarm permit has been discontinued and has not been reinstated:

a. Due to five or more false alarms within a 12-month calculation period;

b. Due to an account being more than 30 days past due;

c. Because the alarm user did not conform their alarm system to the installation standards, if such is required; or

d. Because the alarm user did not comply with the inspection or class requirements.

(7) Cancel any request for police response immediately when the alarm company determines that the alarm signal is a false alarm.

(8) If such alarm company installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, services or monitors any alarm system, meet the following requirements:

a. Ensure that an alarm user has obtained an alarm permit for the alarm system from the Department of Emergency Communications, Preparedness, and Response before the alarm system is activated or placed into service. The alarm company must provide an alarm permit form to all of its current and future residential and nonresidential alarm users, collect the alarm permit form and permit fee from the alarm user and deliver the completed alarm permit form and

permit fee to the Department of Emergency Communications, Preparedness, and Response in the required format before the system is activated or placed into service.

b. Provide to the Department of Emergency Communications, Preparedness, and Response, when requested to do so, a list which contains the name, address, telephone number and permit number of all of its current alarm users in the City; and, when applicable, the names and contact information of individuals listed for notification purposes when on-site alarm deactivation is required.

**Sec. 10-51. Duties of alarm users.**

Alarm users shall:

(1) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms.

(2) Obtain a new permit upon transfer of ownership or possession of the premises served by an alarm system.

(3) For each alarm system which protects real property located within the City and is capable of causing notice of the alarm activation to be given to the Department of Emergency Communications, Preparedness, and Response, furnish to the alarm user's alarm company a list of at least two persons, along with their telephone numbers and home addresses, who may be notified for the purpose of deactivating such alarm system within a reasonable time after such alarm may have been activated. The alarm user shall immediately notify the alarm company of any changes in the names, addresses or telephone numbers of the persons to be notified for such deactivation.

(4) If contacted by the Department of Emergency Communications, Preparedness, and Response for the purpose of deactivating an alarm system, report to the site of the alarm system within a reasonable time not to exceed one hour and immediately deactivate the alarm system.

- (5) Maintain the alarm system in proper working order.

**Sec. 10-52. Alarm permit required.**

(a) *Permit required.* Every alarm user shall complete a form provided by the Department of Emergency Communications, Preparedness, and Response and obtain an alarm permit for the alarm system from the Department of Emergency Communications, Preparedness, and Response before the user begins using the system, and shall pay the alarm permit fee established by this ordinance. Each permit form shall be assigned a unique permit number by the Department of Emergency Communications, Preparedness, and Response through the alarm administrator. The permit form shall contain the name of two persons who are able to respond to the alarm site within one hour, grant access to the alarm site, and deactivate the alarm system if such becomes necessary.

- (b) *Fee.* A fee of \$10.00 shall be required for each initial alarm permit application.

(c) *Commencement of 12-month calculation period.* The 12-month calculation period used to calculate violations of Section 10-53 and to calculate the permit renewal date shall commence with the date of permit issuance. An alarm user has the duty to obtain an alarm permit form from the alarm company that is installing or monitoring such user's alarm system or from the [~~Division~~] Department of Emergency Communications, Preparedness, and Response in instances where the alarm system is not monitored by an alarm or monitoring company.

(d) *Annual renewal fee.* An annual renewal fee of \$5.00 shall be required from each permit holder at the commencement of each new 12-month calculation period to be calculated in the manner described in subsection (c) of this section.

(e) *Transfer of ownership or possession.* When ownership or possession of the premises at which an alarm system is maintained is transferred, the person obtaining ownership or possession of the property shall complete and submit to the alarm company a form for an alarm permit within 30 days of obtaining such

ownership or possession of the property and connecting or continuing alarm services. Alarm permits are not transferable.

(f) *Reporting updated information.* If at any time there is a change in information provided on the permit form, the alarm user shall, in addition to the requirements of Section 10-51, provide the correct information to the Department of Emergency Communications, Preparedness, and Response within 30 days of the change.

(g) *Multiple alarms systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate alarm permit shall be required for each structure.

(h) *Applicability.* This section shall not apply to the facilities owned by the United States of America, the Commonwealth of Virginia or its political subdivisions, the City, the Greater Richmond Transit Company, or the School Board of the City of Richmond.

§ 4. This ordinance shall be in force and effect upon adoption.