



**Community Development & Neighborhood Services**

281 N. College Avenue  
PO Box 580  
Fort Collins, CO 80522

**970.416.2740**  
970.224.6134 - fax  
*fcgov.com*

## **BUILDING REVIEW BOARD**

November 15, 2012

1:00 pm – 3:00 pm

City Council Chambers

300 LaPorte Avenue

### **AGENDA**

1. Approve minutes from the September 27, 2012 Meeting
2. Contractor Appeal Hearing: David Houts
3. 2013 Annual Work Plan
4. Minutes – Timing
5. Follow-Up Reports:
  - None.
6. Other Business
  - Alarm Systems – City Code, Licensing, Permitting and Inspections
  - Budget Update
  - 2012 I-Code Review Update
  - Meeting Schedules – November & December

<b>FORT COLLINS BUILDING REVIEW BOARD</b> Regular Meeting – September 27, 2012 1:00 p.m.	
Council Liaison: Kelly Ohlson	Staff Liaison: Mike Gebo (416-2618)
Chairperson: Alan Cram	

A regular meeting of the Building Review Board was held on Thursday, September 27, 2012 at 1:00 p.m. in the Council Chambers of the Fort Collins Municipal Building at 300 Laporte Avenue, Fort Collins, Colorado.

**BOARD MEMBERS PRESENT:**

Alan Cram  
 Andrea Dunlap  
 Justin Montgomery  
 Torey Lench  
 Rick Reider  
 Jeffrey Schneider  
 George Smith

**EXCUSED ABSENCES:**

Rick Reider

**STAFF MEMBERS PRESENT:**

Delynn Coldiron, Customer & Administrative Services Manager  
 Mike Gebo, Chief Building Official  
 Paul Eckman, Deputy City Attorney

**ROLL CALL**

The meeting was called to order and roll call was taken.

**1. APPROVAL OF AUGUST 30, 2012 MINUTES:**

**A motion was made by Dunlap to approve the August 30, 2012 minutes as written. Schneider seconded the motion.**

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Lench, Montgomery

Nays: None

Abstain: None

**2. STUDENT HOUSING ACTION PLAN**

Beth Sowder, Neighborhood Services Manager, discussed the purpose of the Student Housing Action Plan (SHAP) and noted its primary goal is to balance the need for student housing with maintaining the compatibility and quality of existing neighborhoods. She stated Board and public feedback is being sought as part of the plan drafting process and provided a brief presentation about the project.

Schneider asked about the source for various incentives mentioned. Sowder replied that some of the incentives are in the accountability and education area and would not necessarily equate

to monetary incentives. She added that details about some of the monetary incentives will be included as part of staff analysis at a later time.

Schneider asked about the role of historic preservation criteria in the campus area. Sowder replied that there is dialogue underway regarding the concept of implementing a University District. She noted that the fifty-year criteria related to historic preservation will be part of the discussion.

Schneider asked about whether Front Range Community College (FRCC) had been considered in the plan. Sowder replied that FRCC needs differ from CSU's and are primarily related to affordability and transportation. She explained that FRCC has no plans for on-campus housing but agreed that FRCC students also need adequate housing. At this point, according to Sowder, FRCC is not involved in the plan.

Schneider asked about the potential hardship of placing a two-hour time limit on parking in surrounding neighborhoods. Sowder replied that this issue has been addressed in the City's Parking Plan which is scheduled to go before Council on October 2, 2012.

Schneider asked if this was a means to try to create a rental property list for the City. Sowder replied that some individuals have suggested that a full rental licensing program be implemented for the City; however, she noted that Council has not opted for such a program in the past and did not expect that this would change.

Cram expressed concern regarding occupancy limits and the fact that this issue seems to be ignored in some cases. He cautioned against adding more requirements for owners that would make things increasingly difficult and too laborious for them to get their concerns addressed.

Sowder thanked the Board for their comments and stated that she would pass the information on to the SHAP committee. She welcomed additional feedback from the Board in the form of a letter or any other means available if they felt inclined to do so.

### 3. CONTRACTOR LICENSING VIOLATIONS:

Contractor Name: David Houts, Houts Construction

Chairperson Cram reviewed the applicable procedures related to contractor hearings. Afterwards, Mike Gebo mentioned that the respondent was a no show and asked board members if they wanted to proceed. Paul Eckman, the City's Deputy City Attorney, provided clarification on options and informed the Board that they could move forward with the case without the respondent present. Board members were in agreement to move forward with the case.

Gebo reviewed the specifics of the case. He stated that a violation occurred at 5103 Daylight Court on August 17, 2012 due to the fact a footing and foundation had been poured for this address prior to issuance of the required building permit. He explained that as of the date of today's hearing, the subdivision plan had yet to be approved by the City and a building permit application for this address had not been submitted.

Gebo alleged that the respondent's actions constituted the following violations of the Fort Collins contractor license:

Section 15-162(d):

1. Knowing or deliberate disregard of the building code or any other code adopted by the City related to a specific construction project under the responsibility of the certificate holder or license holder set forth in this Article;
2. Failure to comply with any provision of the Code related to a specific construction project under the responsibility of the certificate holder or license holder as set forth in this Article;
- 6 Failure to obtain any required permit for the work performed or to be performed; and

Next, Gebo detailed Houts' previous history/violations and appearances before the Board, including:

1. June, 2007: Houts requested a hearing before the Board requesting approval of the contractor's license that staff had denied on the grounds of insufficient supervisory experience. The Board approved the issuance of a C2 license.
2. August 2007: Stop Work Orders were issued to Houts for construction of a six unit townhome through the framing stage, including interior sub-trades, prior to the issuance of a building permit. He appeared before the Board and was found in violation of Section 15-162(d), items 1, 2 and 6, the same items that are involved in the current case. The Board required that a letter of reprimand be placed in Houts' file and stated that any further offenses would be reviewed by the Board and could result in revocation of his license. The Board also voted to suspend Houts' license for six months for any new projects, allowing completion of the Raven View project.
3. January, 2008: Stop Work Orders were issued on the Raven View project for work progressing past City approval.
4. February, 2008: Stop Work Orders were issued to Houts for performing demolition work without a valid demo permit and without the required asbestos inspection required by the State.
5. March, 2008: Houts appeared before the Board for these violations. The Board allowed Houts to complete the work on both projects, but then revoked both of Houts' licenses (D1 and C2) until such time that he completed the projects and appeared before them to convince them he was qualified and should be authorized to continue working in the City.
6. January, 2009: Houts appeared before the Board to request reinstatement of his licenses. The Board reinstated his D1 license; however, suggested that the City wait on the reinstatement of the C2 license until the Raven View project had finally been completed and all final project verifications submitted. The C2 license was reinstated in April, 2009.

Gebo next reviewed an additional violation that occurred after the initial packet to the Board had been sent out. This violation was also for 5103 Daylight Court. Gebo explained that on a follow-up inspection at this address, the building inspector identified that the first Stop Work Order had been removed from the property and that the underground plumbing system had

been installed and covered with rock chips, disregarding the first Stop Work Order that had been issued. He noted that staff issued a second Stop Work Order and posted it on the property.

Based on the violations that had recently occurred, as well as Houts' history of similar violations, Gebo stated that staff's recommendation was to revoke Mr. Houts' license for a time period set by the Board.

There was a question as to whether staff was aware which subcontractors performed work for Houts on the unpermitted projects. Gebo replied that staff is working on that issue. He noted that subcontractors have historically not been pursued for these types of violations though perhaps this should be considered.

There was a question as to whether the stop work order was still posted at this project site and whether any additional work has been done. Gebo replied he was unsure if any inspectors have been to the project site since the second stop work order was issued on September 21, 2012; however, mentioned that the inspectors are making periodic follow-up visits to check on things.

There was a question about the maximum and minimum penalties which may be applied. Gebo replied the license could be revoked permanently or suspended for a period of time. Gebo recommended that the penalty include any supervisor certificate or license held by David Houts.

Deputy City Attorney Eckman stated that when a license or supervisor certificate is revoked, as opposed to suspended, the holder thereof shall not be granted any other license or supervisor certificate without the approval of the Board.

There was a question as to whether the Board had revoked a license in the last few years. Cram replied no revocations have occurred to his recollection. Coldiron added that the Board did revoke a roofing contractor's license, but that it had been many years ago.

There was a question as to whether the open hole foundation would be fenced off for safety. Gebo replied that the hole was ordered to be backfilled; however, added that the area will need to be fenced. Gebo stated that he does have the authority to have the work performed; however, explained that this would create a financial and perhaps other liability for the City.

**Schneider made a motion, seconded by Dunlap, for a Finding of Fact on Case #04-2012 for Mr. David Houts, Contractor License C2-119, Certificate Holder #2646-C2, confirming the following violations of Section 15-162(D): (1) knowing or deliberate disregard of the building code or any other code adopted by the City related to a specific construction project under the responsibility of the certificate holder or license holder set forth in this article, (2) failure to comply with any provision of the code related to a specific construction project under the responsibility of the certificate holder or license holder as set forth in this article, and (6) failure to obtain required permit for work performed to be performed.**

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Leno, Montgomery

Nays: None

Abstain: None

**Schneider made a motion, seconded by Lenocho, that the Building Review Board on September 27, 2012, revoke all licenses and supervisor certificates held by Mr. David Houts, including: Houts Construction, General Contractor License C2-119, Supervisor Certificate 2646-C2 and Supervisor Certificate 2646-C2Z.**

Vote:

Yeas: Smith, Dunlap, Schneider, Cram, Lenocho, Montgomery

Nays: None

Abstain: None

4. BUDGET UPDATE:

Coldiron stated all of the Development Review offers submitted had been recommended for funding in the upcoming budget, including a half-time Building and Development Permit Technician, two contractual Building Inspectors, and a half-time Plans Analyst. She mentioned that first reading of the budget would occur in October and that she would keep the Board apprised of any developments.

5. BUILDING CODE UPDATE:

Gebo stated that another round of code review has begun. He added that the meetings are held on the first and third Wednesdays of each month. Single and two-family home fire suppression systems are a current topic.

6. OTHER BUSINESS:

Gebo stated that Contractor Licensing changes are scheduled to go before Council on October 16, 2012, as part of its Consent Calendar. He stated renewal fees for all license types have all been made to be the same in response to previous conversations that were held with the Board.

**Meeting adjourned at 2:25 p.m.**

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Mike Gebo, Chief Building Official

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Alan Cram, Chair



Contractor Licensing  
 281 N College Ave. P.O. Box 580  
 Fort Collins, CO 80524  
 Phone 970-416-2740 Fax 970-224-6134  
 www.fcgov.com/nbs/contractor.php

**BUILDING REVIEW BOARD APPEAL FORM**

(Contractor Hearing)

Appellant Name: David Houts d/b/a N/A

Address: 3721 Precision Dr # 314

Phone #: (970) 227-5539 Mobile #: (970) 227-5539

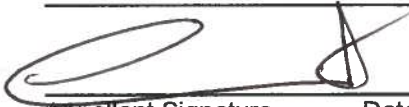
Action Requested:

- Exam Waiver  
 License approval (denied by staff)
  License Upgrade  
 Other Re-Instatement of Supervisor's

Certificate

Description of request/problem and other mitigating factors (attach additional information and/or materials): \_\_\_\_\_

I am asking the board to review and conditionally reinstate my Supervisors  
Certificate to Bogard Construction only and for Sunrise Ridge only for the  
period of 1 year. After 1 year, applicant will be, at the sole discretion of  
the building official, eligible for full reinstatement of Supervisor's  
certificate.

 10/31/12  
 Appellant Signature Date

Appellant may appear in person, in writing, or by agent and should be prepared to present all relevant details, or other evidence in support of this hearing request at the hearing time indicated below.

Regular meetings are scheduled for the last Thursday of each month at 1:00 p.m. in the Council Chambers at 300 LaPorte Avenue. Applications must be filed one month prior to the desired hearing date to ensure consideration.

OFFICE USE ONLY

Hearing Date \_\_\_\_\_ Hearing Time \_\_\_\_\_

Reviewed by \_\_\_\_\_

Distribution: Original – Appellant, Copy – File



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**REQUEST FOR RE-INSTATEMENT OF CONTRACTOR LICENSE  
and/or SUPERVISOR CERTIFICATE**

**Building Review Board  
November 15, 2012**

**CONTRACTOR:** David Houts, d/b/a:  
Houts Construction (Owner)  
General Contractor C2-119, Certificate 2646-C2  
Bogard Construction (Certificate holder-employee)  
Certificate 2646-C2Z (Bogard Contractor's lic. disabled)  
300 East Horsetooth Rd. #103  
Fort Collins, Colorado 80525  
dhouts@bogardcolorado.com

**BACKGROUND:**

On September 27, 2012 the Building Review Board (BRB) heard Case Number 04-2012. City staff presented the BRB with evidence alleging that Mr. David Houts violated Sections 15-162 (d) (1), (2), and (6) of the Code of the City of Fort Collins. Mr. Houts was responsible for the installation of a footing and foundation for a new duplex at 5103 Daylight Court, Ft. Collins, Colorado, prior to the application of building permit or approval of the subdivision.

Mr. Houts was not able to attend the BRB hearing. In accordance with City Code Section 15-162(c), the Board is authorized to take action on a case even in the absence of a personal appearance by the license holder or his representative. The case was presented, which included past and present violations, and the Board ruled to revoke Mr. Houts' general contractor's license and his supervisor's certificate. The revocation of Mr. Houts' contractor's license and supervisor's certificate has been enacted and notice of such action placed in the City's records.

**REQUEST FOR RE-INSTATEMENT:**

In accordance with City Code Section 15-162(e) which reads:

*(e) When a license or supervisor certificate is revoked, the holder thereof shall not be granted another license or supervisor certificate under this Article without approval of the Board. In deciding whether to approve a new such license or supervisor certificate, the Board shall determine whether the applicant has demonstrated that any disciplinary actions that have been taken against any contractor license or supervisor certificate currently or previously held by the applicant (whether with the City or any other contractor licensing agency or jurisdiction) have resulted in the rehabilitation of the applicant to good and disciplined character for lawful conduct as a licensed contractor*



BRB

November 15, 2012

Houts License re-instatement

*or certified supervisor (as applicable). When the Board suspends a license or supervisor certificate, the Board shall state the period and conditions of the suspension.*

Mr. Houts is requesting re-instatement of his Supervisor's Certificate to be assigned to the contractor's license of Bogard Construction, which is pending as of this writing, for a period of one year and for a specific project known as Sunrise Ridge. Sunrise Ridge is the residential development where the violation at 5103 Daylight Court occurred. Mr. Houts further recommends that after the one year period his Supervisor's Certificate could be fully re-instated at the discretion of the Chief Building Official.

**STAFF RECOMMENDATION:**

It is staff's understanding that Mr. Houts is a principal owner/developer in the Sunrise Ridge development and that he will continue to be involved in all non-licensed aspects of development of the project and sales of units. Currently Mr. Houts' license and certificate have been revoked and he may well be involved in the day-to-day operations of construction, as any developer may be involved, but not as a licensed contractor or supervisor.

Because of the violation at 5103 Daylight Court, the City has assessed an investigation fee in the amount of \$3,458.00 to the address, to be paid at the time of the permit issuance. The building permit has not been issued as of this writing, while a licensed contractor and supervisor is assigned.

It is staff's understanding that Mr. Houts will present his case verbally to the Board, as no documentation has been submitted with the request to re-instate his Supervisor's Certificate and as such, staff does not have a recommendation at this time. Should the Board agree to re-instate Mr. Houts' Supervisor Certificate as per his request for one year, I would recommend that the Board review the case in one year and the Board determine at that time, if Mr. Houts is eligible for full status of his Supervisor's Certificate.



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## **2012 WORK PLAN**

### **BUILDING REVIEW BOARD**

The Building Review Board will continue to meet on the last Thursday of each month when there are public discussion or hearing items placed on the regular monthly agenda. The Board may also meet as needed in order to convene special meetings.

Staff anticipates that the Building Review Board will hear several appeals by contractor license applicants who do not strictly meet the qualification criteria specified in the City Code. Under its quasi-judicial review authority, the Board is empowered to grant variances from such criteria when it determines there are practical difficulties or that an undue hardship would be imposed on the applicant; or, when the Board determines the applicant has sufficient specialized training, education, or additional relevant experience.

The Board is also empowered to render disciplinary action, including suspension or revocation of regulated contractor licenses, under which any specified infractions listed in the regulations are committed.

Additionally, in its code appellate function, the Board may hear appeals from strict application of the building codes or from an interpretation of the codes by the Building Official. The Board will continue to hear cases involving challenges to the Building Official's interpretation of the City Rental Housing Standards, as well as the International Property Maintenance Code (IPMC).

In its advisory capacity, the Board is expected to participate, as a member of the Code Review Committee, in the review of the 2012 International Codes including updates to the "green" code amendments (sustainable building-construction) standards and make recommendations to Council regarding any suggested revisions based on local conditions and community standards. The board is also slated to review Article V, Section 15 of the City Code regarding contractor licenses for suggested updates to send on to Council.

The Board will continue to work on its operational procedures and other matters of interest.

Approved on October 27, 2011.

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Alan Cram, Building Review Board Chair

**ARTICLE II.** [top↑](#)  
**ALARM SYSTEMS**

DIVISION 1. GENERALLY [top↑](#)

**Sec. 15-16. Definitions.** [top↑](#)

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Alarm business* shall mean the business by any individual, partnership, corporation or other entity engaged in selling, leasing, renting, maintaining, servicing, repairing, testing, altering, replacing, moving or installing any alarm system in the City or causing any alarm or alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility in the City or any business acting as a receiver of such alarm or alarm system.

*Alarm system* shall mean any mechanical or electrical (AC/DC) device or system which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for the detection of fire or other hazard to life or property or used for mechanically or electronically alerting others by an externally audible or visual signal to the commission of an unlawful act, whether installed inside or outside a building. Devices which are exclusively audible or visible in the interior of a building, premises, structure or area are not included within this definition or within this Article.

*Appellant* shall mean a person who takes and perfects an appeal to the City Council of any decision under this Article made by any part of the City administration.

*Applicant* shall mean a person who files an application for a new or renewal permit or license as provided in this Article.

*Audible alarm* shall mean a device which generates an audible sound on the premises when it is actuated.

*Central station protective system* shall mean a system or group of systems operated for its customers by a person in which the operation of electrical protection circuits and devices are transmitted, recorded on, maintained and supervised from a central location, having trained operators and guards in attendance at all times that have the duty to take appropriate action upon receipt of a signal or message including the immediate relaying of messages by direct line to the communication center of Fire Services or Police Services and meeting the requirements of, and listed by, Underwriters' Laboratories, Inc., or any other recognized testing laboratory.

*Day* shall mean a calendar day.

*Direct line* shall mean a telephone-company-supplied leased circuit or ring-down circuit leading directly to the communications center of Fire Services, Police Services, central station, modified central station or answering service that is for the use only to report emergency messages and signals on a person-to-person basis.

*False alarm* shall mean an alarm signal necessitating response by Police Services or Fire Services where an emergency situation does not exist.

*Licensed answering service* shall mean a telephone answering service which has obtained a license from the City by meeting certain standards and paying the required fee to operate a telephone answering service that includes the service whereby trained employees in attendance at all times receive prerecorded voice messages from automatic protection devices reporting an emergency at a stated location and who have the duty to relay immediately by live voice any such emergency message over a special trunk line to the communications center of Fire Services or Police Services.

*Maintenance contract* shall mean an agreement in writing with a licensed alarm business to perform servicing, repairing, altering, moving, installation or maintaining of an alarm system for a certain contractual period of time.

*Modified central station* shall mean a central station operated for its customers by a person with a license obtained from the City by meeting certain standards and paying the required fee as herein specified which provides at all times monitoring and relay services for customers in connection with automatic protection devices, but which does not provide all the services of a central station protection system.

*Notice* shall mean written notice given by personal service upon the addressee or given by United States Mail, postage prepaid, addressed to the person to be notified at his or her 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 United States Postal Service.

*Permittee* shall mean any person, firm, partnership, association or corporation who or which shall be granted a permit or license as provided herein, and the permittee's agents and representatives.

*Subscriber* shall mean any person who purchases, leases, contracts for or otherwise obtains an alarm system or obtains a contract for the servicing or maintenance of an alarm system from an alarm business.

(Code 1972, § 32-2; Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Cross-reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 15-17. Title; purpose.** [top↑](#)

(a) *Short title.* This Article shall be known and may be cited as the alarm permit ordinance.

(b) *Purpose.* The purpose of this Article is to establish standards and controls concerning intrusion, robbery, fire and other alarm systems for businesses and agents within the City, to require permits, to establish fees and to establish and maintain effective and professional relations and communications between alarm companies, customers, appropriate City departments and related individuals and firms.

(Code 1972, § 32-1)

**Sec. 15-18. Alarm committee.** [top↑](#)

The City administration is authorized to form an alarm committee composed of representatives of Fire Services, Police Services, the Department of Community Development and Neighborhood Services and licensed alarm businesses, answering services and telephone company representatives which shall act as an advisory body to the City Council to assist in determining policy concerning alarms. All such alarm systems shall be subject to all rules, regulations, fees and requirements set forth in this Article, except the provisions of this Article are not applicable to audible alarms affixed to motor vehicles or trailers, other than mobile homes, or to devices designed or used to register audible or visible alarms on the interior only of protected buildings, structures or areas.

(Code 1972, §§ 32-3, 32-5(E); Ord. No. 130, 2002, §§ 6, 7, 12, 9-17-02; Ord. No. 030, 2012, § 34, 4-17-12)

**Sec. 15-19. Direct connections prohibited.** [top↑](#)

The City will not service such alarm systems through direct connection and the connection with the City departments shall be terminated.

(Code 1972, § 32-11)

**Secs. 15-20—15-30. Reserved.**

DIVISION 2. PERMIT, LICENSE, CERTIFICATE OF COMPLIANCE [top↑](#)

**Sec. 15-31. Required.** [top↑](#)

(a) No person shall conduct, operate or carry on an alarm business without first applying for and receiving an alarm business permit in accordance with provisions of this Article.

(b) No person shall engage in the business of repairing, servicing, altering, replacing, removing, designing, maintaining, testing or installing alarm systems on or in any building, structure or facility without first applying for and receiving a special contractor alarm license in accordance with the provisions of this Article.

(c) No person shall install an alarm or alarm system, as defined in this Article, without first applying for and receiving a building permit as required by this Article.

(d) Certificate of compliance for alarm systems:

(1) No person shall use an alarm or alarm system, as defined in this Article, unless the alarm or alarm system has been inspected by the Building Official and a certificate of compliance for the alarm system has been issued.

(2) No person shall receive a certificate of compliance for the alarm system or renewal of such certificate without a written maintenance contract with a licensed alarm business who shall be responsible for maintenance of the alarm or alarm system for the specified duration of the contract. The certificate of compliance for the alarm system is considered valid only when a maintenance contract and all other provisions listed herein exist. The certificate of compliance shall be kept on the premises where the alarm system is located.

(Code 1972, § 32-5(A)-(D); Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 030, 2012, § 35, 4-17-12)

### **Sec. 15-32. Issuance of permits and licenses.** [top↑](#)

The issuing and approving authority for any license or permit issued hereunder shall be the Department of Community Development and Neighborhood Services.

(Code 1972, § 32-6(A); Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 030, 2012, § 36, 4-17-12)

### **Sec. 15-33. Permit and license application.** [top↑](#)

Applications for all permits and licenses required in this Article shall be filed with the Department of Community Development and Neighborhood Services and shall be accompanied by the requisite fees. The fees are established and shall cover the following costs:

(1) Fifty dollars (\$50.) to cover the cost of processing the applications and permits;

(2) A cashier's check or money order made payable to the State Bureau of Investigation in an amount sufficient to cover such costs as are necessary to conduct the investigations required pursuant to this Article.

(Code 1972, § 32-6(C); Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 030, 2012, § 37, 4-17-12)

**Sec. 15-34. Permit and license investigation.** [top↑](#)

(a) Every application for an alarm business or special contractor alarm license shall require fingerprints and a photograph of the applicant or agent applying for the applicant if the applicant is not a natural person. The Police Chief shall conduct an appropriate investigation of the applicant to determine whether the permit or license shall be issued. The Police Chief may require additional information of the applicants which is necessary to conduct the investigation with the exception of companies' blueprints or diagrams. Alarm blueprints and diagrams shall be deemed to be the property of the agency with whom the business has a contract.

(b) The permit or license, whether it is a new application or a renewal, shall be denied by the Police Chief, if:

- (1) The character or reputation of the applicant is determined to be inimical to the safety or general welfare of the community;
- (2) The applicant for the alarm business permit or special contractor alarm license does not comply with the standards and regulations adopted pursuant to § 15-56 et seq.;
- (3) The applicant, his or her employee or agent, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit or license or in any report or record required to be filed with any City agency;
- (4) The applicant has had a similar-type permit or license previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation;
- (5) The applicant or any employee has demonstrated an inability to effectively install service alarms or alarm systems in a manner ensuring their reliability and lack of false alarms.

(Code 1972, § 32-6(D))

**Sec. 15-35. Certificate of compliance for alarm systems.** [top↑](#)

A certificate of compliance for alarm systems shall be issued upon approval of the Building Official. Such approval shall signify compliance with the standards and regulations adopted and requirements set forth in §§ 15-56—15-71. Said certificate shall be issued to the person using or possessing the alarm system. Alarm businesses shall procure and process applications for their subscribers. The subscribers shall forward the completed application to the alarm business servicing the system. The permit fee shall be collected from the subscriber by the alarm business and transmitted forthwith to the Finance Department together with the application.

(Code 1972, § 32-6(E); Ord. No. 130, 2002, § 12, 9-17-02; Ord. No. 030, 2012, § 38, 4-17-12)

**Sec. 15-36. Appeal procedure.** [top↑](#)

The procedure for any appeal of a decision by the City shall be to the City Council.

(Code 1972, § 32-7)

**Cross-reference**—Procedure for appeals to the City Council, § 2-46 et seq.

**Sec. 15-37. Fees for renewal of permits.** [top↑](#)

The renewal fee for an alarm business permit shall be twenty-five dollars (\$25.) per year. Such fee shall be tendered upon application for renewal of the permit. The alarm business permit shall expire July 1 of each year and must be renewed prior to its expiration date. No portion of the permit fee shall be prorated because of any partial year.

(Code 1972, § 32-8(A))

**Sec. 15-38. Fees for renewal of licenses.** [top↑](#)

The renewal fee for a special contractor alarm license shall be fifty dollars (\$50.) per year. Such fee shall be tendered at the time of application for a license. All such licenses shall expire on July 1 of each year and must be renewed within thirty (30) days of their expiration date. No portion of such license fee shall be prorated because of any partial year.

(Code 1972, § 32-8(B))

**Sec. 15-39. Fee for certificate of compliance.** [top↑](#)

The fee for a certificate of compliance for the alarm system shall be ten dollars (\$10.) which shall be due and payable within ten (10) days of the installation of an operable alarm system by any person possessing or using an alarm system, proprietary alarm, fire



alarm or other emergency alarm within the City. Each such certificate shall be considered valid until such time that the system is declared unreliable under the provisions of this Article. Each time a system is declared unreliable, the system will need to be repaired, reinspected and have a new certificate of compliance issued. No portion of any certificate fee shall be refundable or applicable to the new certificate fee.

(Code 1972, § 32-8(C))

**Sec. 15-40. Grounds for suspension or revocation.** [top↑](#)

The following shall constitute grounds for suspension or revocation of any license, permit or certificate issued under this Article:

- (1) The violation of any of the provisions of this Article;
- (2) The failure to comply with requirements set forth or standards or regulations adopted by this Article;
- (3) When any alarm business permittee or special contractor is convicted of any crime involving larceny, burglary, fraud or other crime which would cause the honesty of the same to be suspect;
- (4) When an alarm system actuates excessive false alarms and constitutes a public nuisance;
- (5) When the applicant or permittee, his or her employee or agent, has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit or license or in any report or record required to be filed with the City;
- (6) When the applicant or permittee has had a similar-type permit or license previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.

(Code 1972, § 32-9(A)(1))

**Sec. 15-41. Procedure for suspension or revocation.** [top↑](#)

- (a) Determinations for suspension or revocation of any license, permit or certificate issued hereunder shall be made by the Building Review Board in the same manner as set forth in § 15-158 for suspension or revocation of contractors' licenses.
- (b) The determination of the Building Review Board with regard to matters of suspension or revocation shall be appealable to the City Council, provided that a notice of appeal is filed with the City Clerk within ten (10) days after the action of

the Board. The City Clerk shall transmit such appeal to the City Council at the next meeting of the City Council held not less than two (2) days after filing of the notice of appeal. Upon receipt of the appeal, the City Council shall set a time for hearing of the appeal and shall give notice to the person making the appeal of the time and place of the hearing. Appeals shall be heard and decided as determined by the City Council.

(c) Any order of suspension or revocation made by the Building Review Board shall be effective upon delivery of the order personally to the person holding the license, permit certificate or forty-eight (48) hours after deposit of the order in the mail.

(d) All revocations or suspensions shall remain effective pending determination of any appeal to the City Council. All appeals shall be heard by the City Council within thirty-one (31) days after the date of the City Council meeting at which the appeal was presented.

(Code 1972, § 32-9(A)(2), (B))

**Cross-references**—Procedure for appeals to the City Council, § 2-46 et seq.; Building Review Board, § 2-117 et seq.

**Sec. 15-42. Violations.** [top↑](#)

The conviction of any person for a violation of any provision of this Article shall not relieve such person from paying any permit or license fee required by this Article. Each day that any violation of this Article continues shall be a separate offense punishable as such.

(Code 1972, § 32-10)

**Cross-reference**—General penalty, § 1-15.

**Secs. 15-43—15-55. Reserved.**

DIVISION 3. STANDARDS\* [top↑](#)

**Sec. 15-56. Promulgation of standards and regulations.** [top↑](#)

Any alarm system installed within the City and all devices and agencies acting under this Article shall conform to the requirements of the standards adopted in this Division. The Building Official shall inspect and approve all alarm systems installed within the City and shall issue a permit authorizing such systems under this Article. Any system which does not meet the requirements of this Article shall not be approved and shall not be put in service until any deficiencies have been corrected and such correction approved by the Building Official.

(Code 1972, § 32-4(A); Ord. No. 130, 2002, § 11, 9-17-02; Ord. No. 030, 2012, § 39, 4-17-12)

**Sec. 15-57. Residential construction standards.** [top↑](#)

All intrusion detection alarm systems and components used in residential applications shall meet or exceed the requirements of UL Standard No. 639 entitled "Standard for Safety, Intrusion-Detection Units," promulgated by Underwriters' Laboratories, Inc., and the requirements of UL Standard No. 1023 entitled "Standard for Safety, Household Burglar-Alarm System Units," promulgated by Underwriters' Laboratories, Inc. Additionally, all such systems shall include a standby power source as specified in said UL Standard No. 1023, Section 19. All fire alarm systems used in residential applications shall meet or exceed Standard No. 43 of the Uniform Building Code.

(Code 1972, § 32-4(B))

**Sec. 15-58. Mercantile commercial construction standards.** [top↑](#)

(a) All intrusion detection alarm systems and components used in mercantile or commercial building applications shall meet or exceed the requirements of the following standards promulgated by Underwriters' Laboratories, Inc.: UL Standard No. 365 entitled "Standard for Safety, Police Station Connected Burglar Alarm Units and Systems," Standard No. 609 entitled "Standard for Safety, Local Burglar Alarm Units and Systems," UL Standard No. 634 entitled "Standard for Safety, Connectors and Switches for Use with Burglar Alarm Systems" and UL Standard No. 639 entitled "Standard for Safety, Intrusion-Detection Units," as such standards are applicable to the particular application. All such systems shall include a standby power source as specified in said UL Standard No. 609, Section 61.

(b) All robbery (holdup) alarm units and systems used in mercantile or commercial building applications shall meet or exceed the requirements of UL Standard No. 636 entitled "Standard for Safety, Holdup Alarm Units and Systems" promulgated by Underwriters' Laboratories, Inc. All such systems utilizing manually operated switches to initiate an alarm, such as push buttons, shall use only switches that are protected from being accidentally engaged and which once engaged cannot be reset without a key or other control device. All such systems shall include a standby power source as specified in said UL Standard No. 636, Section 35.

(c) All fire and/or smoke detection alarm systems and components used in mercantile or commercial building applications shall meet or exceed the requirements of Standard No. 43 of the Uniform Building Code.

(Code 1972, § 32-4(C))

**Sec. 15-59. Installation standards.** [top↑](#)

(a) All installation of alarm systems and components shall be in accordance with the provisions and requirements of the International Building Code, the National Electrical Code and the Uniform Fire Code, as all of such codes are in effect in the City, and the installation specifications set forth in the applicable standards set forth in §§ 15-57 and 15-58.

(b) All installations of protective wiring and devices connected to intrusion detection systems or mercantile or commercial premises and on mercantile, commercial or bank safes and vaults shall meet or exceed the requirements of UL Standard No. 681 entitled "Standard for Safety, Installation and Classification of Mercantile and Bank Burglar-Alarm Systems" promulgated by Underwriters' Laboratories, Inc.

(Code 1972, § 32-4(D); Ord. No. 049, 2008, § 2, 5-20-08)

**Sec. 15-60. Performance standards.** [top↑](#)

(a) All alarm systems shall be afforded a thirty-day adjustment period commencing with the date of activation in order that the system may be brought to maximum efficiency. During that period of time, no false alarms shall be charged against the system. However, emergency response by appropriate public agencies of the City may be restricted or curtailed if, in the determination of the head of that agency, the number of false alarms becomes excessive.

(b) After the adjustment ends, the criteria for determining the reliability of an alarm system shall be its performance. Any alarm system may be deemed unreliable if it signals more than:

- (1) Two (2) false alarms in any thirty-day period;
- (2) Four (4) false alarms in any ninety-day period;
- (3) Six (6) false alarms in any one-hundred-eighty-day period;
- (4) Eight (8) false alarms in any three-hundred-sixty-day period.

(c) If any alarm system is deemed unreliable pursuant to this Article, Fire Services or Police Services may declare the system unreliable and restrict or curtail the response of the office to the alarm system until such time as the subscriber or alarm business can show a material change in employee training, can show written proof that the system has been repaired, can show written proof that the system has been reinspected by the Building Official and can show proof of issuance of a new certificate of compliance for the alarm system.

(d) If the alarm system deficiencies have not been corrected within thirty (30) days from the date the system was declared unreliable, the City may suspend the system's certificate of compliance in accordance with the provisions of § 15-40 et seq.

(Code 1972, § 32-4(E); Ord. No. 130, 2002, §§ 6, 7, 11, 9-17-02; Ord. No. 030, 2012, § 40, 4-17-12))

**Sec. 15-61. Maintenance standards.** [top↑](#)

(a) The maintenance contract required for each alarm system shall be in writing and shall be for the duration of the certificate of compliance for the alarm system, usually one (1) year or fraction thereof.

(b) The maintenance contract shall provide for the following minimum services:

- (1) Repairs which may be necessary from time to time to maintain reliability and efficiency of the system, such as replacement of worn components, deteriorated batteries, etc.;
- (2) Repairs which may be necessary due to an attack on the system or an initiation of the system which results in damage to system components;
- (3) Operational testing of all system components at least once every six (6) months, with a complete report being maintained on file by the alarm business maintaining the system. The report shall be made available for inspection upon the request of any police officer, firefighter, building inspector or the system subscriber.

(c) Trouble calls regarding an alarm system for which an alarm business has a maintenance contract shall be responded to on the same day if the call is received before 12:00 noon. Trouble calls received by the alarm business after 12:00 noon shall be responded to as soon as possible and in no case later than the business day following receipt of the call (UL-365, paragraph 43.5).

(d) All operational testing of alarm systems and/or components shall be undertaken only after the monitoring agency has been notified of the impending test. If the alarm system is unmonitored and of the type that registers an alarm on the protected premises or transmits a prerecorded message, no operational testing shall take place unless Police Services has been notified of the impending test.

(Code 1972, § 32-4(F); Ord. No. 130, 2002, § 7, 9-17-02)

**Sec. 15-62. Central station standards.** [top↑](#)

A central station shall meet all the requirements and shall be listed by Underwriters' Laboratories, Inc. or other recognized testing laboratory as a central station with appropriate inspection and certification by such laboratory. A central station shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the station's employees in a minimum amount of three hundred thousand dollars (\$300,000.).

(Code 1972, § 32-4(G))

**Sec. 15-63. Modified central station standards.** [top↑](#)

(a) A modified central station shall meet the requirements of Sections 48, 49, 51, 52, 53, 54, 55, 56 and 57 of UL Standard No. 611 entitled "Standard for Safety, Central Station Burglar Alarm Units and Systems."

(b) All persons employed by a modified central station shall be properly selected and their backgrounds investigated prior to employment. They shall be trained, equipped and disciplined to ensure reliable performance of their duties.

(c) A modified central station shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the station's employees in a minimum amount of three hundred thousand dollars (\$300,000.).

(Code 1972, § 32-4(H))

**Sec. 15-64. Licensed answering service standards.** [top↑](#)

(a) A licensed answering service shall meet the requirements of Sections 48, 49, 51, 52, 55.4 and 56 of said UL Standard No. 611.

(b) All persons employed by a licensed answering service shall be properly selected and their backgrounds investigated prior to employment. They shall be trained, equipped and disciplined to ensure reliable performance of their duties.

(c) A licensed answering service shall carry liability insurance related to alarm monitoring and covering acts, errors and omissions on the part of the service's employees in a minimum amount of one hundred thousand dollars (\$100,000.).

(Code 1972, § 32-4(I))

**Sec. 15-65. Change of location.** [top↑](#)

If the location of the police or fire communication facilities should be changed at any time, all permittees shall be required to make the necessary changes at their expense to comply with the requirements of this Article. The City shall not be responsible for any

resulting cost of moving alarm systems, direct line communications, parts or any other such expense.

(Code 1972, § 32-4(J))

**Sec. 15-66. Public primary trunk lines.** [top↑](#)

No emergency device shall be used which transmits a prerecorded message or other signal directly to the police, fire or City communications centers. All such devices shall terminate at other facilities.

(Code 1972, § 32-4(K))

**Sec. 15-67. Removal of devices.** [top↑](#)

In addition to any other remedy provided by law, the Police Chief or Fire Chief may whenever they shall have knowledge of the use of any cabinet, device or attachment or telephone terminal not operated or maintained in accordance with the provisions of this Article or contrary to these regulations order the removal of the same from the police, fire or City communications facilities. It shall be unlawful to disobey such order.

(Code 1972, § 32-4(L))

**Sec. 15-68. Audible alarms.** [top↑](#)

Every person utilizing an audible alarm shall notify Police Services or Fire Services of the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during the hours of the day or night that the alarm may be actuated. Such notice shall be provided before the system is activated, and all such information shall be kept current.

(Code 1972, § 32-4(M); Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Sec. 15-69. Display of license.** [top↑](#)

Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, leasing, maintaining, testing or installing alarm systems shall carry on his or her person at all times while so engaged a valid City special contractor (alarm) license or telephone employee identification and shall display such permit to any police officer, firefighter or subscriber upon request.

(Code 1972, § 32-4(N))

**Sec. 15-70. Notification.** [top↑](#)

Any central receiving station, modified central station or licensed answering service, upon receipt of an alarm signal indicating that an illegal act, fire or other emergency situation has taken place, shall immediately notify Police Services or Fire Services.

(Code 1972, § 32-4(O); Ord. No. 130, 2002, §§ 6, 7, 9-17-02)

**Sec. 15-71. Certain standards adopted.** [top↑](#)

The following standards promulgated by Underwriters' Laboratories, Inc., as set forth in this Article, are hereby adopted by reference. Such standards do not contain any separate penalty provision. All of such standards are promulgated by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois, 60611.

(1) The edition, impression date and other pertinent information relating to the standard adopted is as follows:

<i>Standard No.</i>	<i>Edition</i>	<i>Impression Date</i>	<i>Other</i>
UL 634	3rd	June 29, 1973	
UL 365	1st	March 25, 1975	As revised by transmittal dated March 3, 1976
UL 609	7th	January 1972	
UL 611	10th	June 1972	
UL 681	8th	June 1972	
UL 639	3rd	December 1971	As revised by errata sheet dated April 16, 1973
UL 1023	1st	Second (as revised to September 12, 1972) November 1972	
UL 636	6th	July 27, 1973	

(2) At least one (1) copy of each standard herein adopted shall be kept on file in the office of the City Clerk, available for public inspection. One (1) copy of each



such standard shall be kept in the office of the Building Official. One (1) copy shall be kept in the office of the Fire Marshal. One (1) copy shall be kept in the office of the Police Chief.

(Code 1972, § 32-4(P); Ord. No. 130, 2002, § 11, 9-17-02; Ord. 036, 2009, § 3, 5-5-09; Ord. No. 030, 2012, § 41, 4-17-12)

1st Dunlap  
2nd Montgomery  
Minutes

Nov 15-12  
BRB

		<u>Hours</u>	<u>Supp</u>	<u>Work Plan</u>
		<u>FOE</u>		
Smith	A-(late)	Y	Y	Y
Dunlap	Y	Y	Y	Y
Schneider	Y	Y	Y	Y
Cram	Y	Y	Y	Y
Reider	A	Y	Y	Y
Lenoch	Y	Y	Y	Y
Montgomery	Y	Y	Y	Y

Hours

Address changed from 5103 Daylight Court to  
3721 Precision Dr # \_\_\_\_\_

4) Signed statement by applicant acknowledging ...

Dialogue - case presentations both ways  
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limited basis for current project

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S/ w/o prmt

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Cram FOF revoke of lic + spgr cert zfd S

Dunlap 2nd

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Ruckaya v lic + cert of S

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for Co. Bky v -> wn to ma motion

Lenoch  
Schneider

upheld ruckaya v lic C2-119 2646-C2 2646-C2Z

Adj

Work Plan:

2:31 p.m.

Schneider  
Montgomery

approve as presented