

**10 GCA HEALTH AND SAFETY
CH. 58A BURGLARY AND ROBBERY ALARMS**

**CHAPTER 58A
BURGLARY AND ROBBERY ALARMS**

SOURCE: This Chapter was added by P.L. 20-227.

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§ 58201. Purpose and Definitions.

The public has purchased burglary and robbery alarm systems which either mechanically malfunction or are not operated properly by their users, causing an increase in false alarm reports which require immediate responses from the Guam Police Department, thus needlessly diverting limited police resources. The purpose of this Chapter is to set forth regulations governing the use of burglary and robbery alarm systems, to require permits therefor, to establish fees, and to provide penalties for violations of the provisions of this Chapter.

(a) *Alarm system* means any mechanical or electrical device which is designed or used for the detection of a fire or an unauthorized entry into a building, structure, or facility, or for alerting others of the commission of an unlawful act within a building, structure, or facility, or a combination thereof, and which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone systems which might be damaged or disrupted by the use of an alarm system.

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(b) *Audible alarm* means that type of alarm system which, when activated, emits an audible alarm.

(c) *False alarm* means an alarm signal necessitating response by the Guam Police Department or the Guam Fire Department where an emergency situation does not exist.

(d) *Notice* means written notice, given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

(e) *Permittee* means any person, firm, partnership, association, or corporation who or which shall be granted a permit, as provided in this Chapter, and his or its agents and representatives.

(f) *Person* means natural person, firm, partnership, association or corporation.

(g) *Police Chief* means the Chief of Police of Guam.

§ 58202. Permit Required.

(a) **Alarm system.** No person shall install an alarm system one hundred twenty (120) or more days after the enactment of this Chapter without first applying for and receiving an alarm permit therefor in accordance with the provisions of this Chapter.

(b) **Audible alarm requirements.** Every person maintaining an audible alarm shall post a notice containing the name(s) and telephone number(s) of the person(s) to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground level adjacent to the building where the alarm system is located.

§ 58203. Exemptions.

The provisions of this Chapter are not applicable to alarm systems installed in Guam on the effective date of this Chapter or to modifications thereto, to audible alarms affixed to motor vehicles, to alarms installed on owner occupied dwellings, to alarm systems on premises belonging to the government of Guam, or any of its agencies or instrumentalities, or to a

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public utility whose only duty is to furnish telephone service pursuant to tariffs filed with the Public Utilities Commission.

§ 58204. Permit Procedures.

(a) **Application for permit.** Applications for all permits required hereunder shall be filed with the Police Chief, who shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The application for alarm systems shall require the name, address and telephone number of the person who will render service or repairs during any hour of the day or night. Such applications shall be approved or disapproved within seven (7) days.

(b) **Standards, regulations, requirements, and duties.** The Police Chief may prescribe minimum standards and regulations for the construction and maintenance of all alarm systems, which regulations shall include a definition of emergency situation for purposes of the definition of false alarm as set out in Subsection (c) of § 58201 of this Chapter. All systems and devices shall meet or exceed such standards and regulations before permits may be issued under this Chapter.

(c) **Inspection allowed.** The Police Chief may require inspection and approval of all alarm systems installed within Guam, pursuant to § 58212 of this Chapter.

§ 58205. Suspension and Revocation of Permits.

If at any time it shall come to the attention of the Police Chief that the holder of a permit issued under this Chapter has violated any provisions of this Chapter, or has failed or refused to pay the false alarm prevention fee as provided in § 58206, the Police Chief may revoke the permit.

If an alarm permit is to be revoked, as provided under this Chapter, the Police Chief shall give the permittee fifteen (15) days' notice of his intention to revoke said permit by notice to the permittee to the address set forth on the permit application. Upon failure of the permittee to cause the system to be repaired or to be properly used and operated within said fifteen (15) day period, to pay the false alarm prevention fee, the permit shall be revoked at the expiration of said fifteen (15) day period and the alarm system may not thereafter be used until a new permit is issued.

§ 58206. False Alarm; Prevention Payment.

(a) When emergency alarms, messages, signals or notices are received by the Guam Police Department that evidence a failure to comply with the

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requirements of this Chapter or a permit issued under it, the Police Chief is authorized to demand that the owner or lessee of the alarm system initiating such alarms, messages, signals, or notices, or his representative, correct the violation or repair the defective system within fifteen (15) days or disconnect the alarm system until it is made to comply with said requirements.

(b) The owner or lessee of any alarm system shall be assessed a fee of Fifty Dollars (\$50) for each false alarm in excess of twelve (12) and a fee of One Hundred Dollars (\$100) for such false alarms in excess of twenty-four (24) for a calendar year period, to be paid to the Treasurer of Guam for deposit in the General Fund, such fee to be paid within forty-five (45) days of its assessment.

(c) An alarm permit may be suspended or revoked as provided in § 58205, or in the event of failure to pay the false alarm fees.

(d) Exceptions:

(1) A thirty (30) day adjustment period to correct mechanical problems will be allowed for any new, improved or replaced alarm system.

(2) If the permittee shows that any false alarm (i) is the result of conditions beyond his control and not the result of negligence of himself or any of his employees, and (ii) that he neither knew of the defect in the alarm system nor in the exercise of due care should have known of such defect, such false alarm shall not be deemed a 'false alarm' as used in this Chapter.

§ 58207. Repair.

After any false alarm caused by a malfunction of the alarm system, the permittee shall promptly cause the alarm system to be repaired.

§ 58208. Testing Alarm.

A permittee shall notify the Guam Police Department prior to any service, test, repair, maintenance, adjustment, alterations, or installations of systems which would normally result in a police response to an alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm.

§ 58209. Prohibitions.

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It shall be unlawful to install or use an alarm system which upon activation emits a sound similar to sirens in use on emergency vehicles.

§ 58210. Limitation on Liability.

The government of Guam is under no obligation or duty to any permittee or an other person by reason of any provision of this Chapter, or the exercise of any privilege by any permittee under it, including, but not limited to, any delay in transmission of an alarm message to any emergency unit or damage cause by delay in responding to any alarm by any officer, employee or agent.

§ 58211. Application of Chapter.

Any person who, one hundred twenty (120) days after the effective date of this Chapter, installs an alarm system which requires a permit under this Chapter shall apply for a permit, as provided in this Chapter.

§ 58212. Right of Entry.

Upon twenty-four (24) hours notice to the permittee, the Guam Police Department shall have the right, and is hereby authorized and empowered, to enter or go on or about any building or premises during regular business hours and days for the purpose of inspecting an alarm system; provided, that such right of inspection shall not be used as a subterfuge to search any premises for contraband nor to search for evidence of any crime or violation not related to the installation and operation of an alarm.

§ 58213. Violation: Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a violation.
