

## **Chapter 8.48 BURGLARY AND ROBBERY ALARM REGULATIONS**

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### **8.48.010 Definitions.**

For the purpose of this chapter, unless the context indicates otherwise, certain words and phrases used in this chapter are defined as follows:

A. "Alarm dispatch request" means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular premise.

B. "Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in a premise. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind.

C. "Alarm system monitoring company" means any person, either located within or outside the city, that engages in the business, practice, or profession of monitoring alarm systems within the city, and which reports, directly or indirectly, any activation of such alarm systems to the city, its departments, divisions, officials, agents, or employees including, but not limited to, the police department and/or police dispatch.

D. "Alarm system" means any mechanical or electrical device which is designed or used for the detection of any unauthorized entry into a building, structure or facility, or upon land or for alerting others of the commission of an unlawful act within a building, structure or facility, or upon land; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, automatic telephone dialing devices, telephone lines or other lines used solely to report emergency circumstances from a mechanical or electrical device directly from the premises to the police dispatch or alarm monitoring company, 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 land, building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

- E. "Alarm user" means a person having or maintaining an alarm system on real property owned or controlled by such user. "Alarm user" does not include an alarm business or alarm system monitoring company.
- F. "Alarm user permit" means the annual permit required under Section 8.48.080 of this code.
- G. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.
- H. "Automatic telephone dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or digital signal an emergency message indicating a need for emergency response.
- J. "Duress alarm" means a silent alarm system signal generated by the entry of a designated code into the alarm system to signal that the alarm user is being forced to turn off the system and requires police response.
- K. "False alarm" means an alarm system that emits a light or sound or transmits a signal or message resulting in a response by the police department when the situation does not require such response. False alarms caused as a result of power failure, power surges, or acts of nature not the fault of the alarm user or alarm business shall not be considered to be a false alarm.
- L. "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.
- M. "Panic alarm" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response.
- N. "One plus duress alarm" means the manual activation of a silent alarm signal by entering a code at the mechanism from which the alarm system is turned on (armed) and off (disarmed) regularly activated by adding one to the last digit of the normal arm/disarm code.
- O. "Person" means any individual, sole proprietorship, partnership, company, corporation, limited liability company, business or other form of association or entity.
- P. "Proprietor alarm" means an alarm which is not serviced by an alarm monitoring company or alarm installation company.
- Q. "Premises" means any private residential, commercial or industrial land and/or buildings located within the city (excluding land or buildings owned, rented or leased by the federal, state or local government) except school districts.
- R. "Responder" means an individual capable of reaching and having access to the premises, the code to the alarm system, and the authority to approve repairs to the alarm system.  
(Ord. 1020 N.S. § 1 (part), 1991)  
(Ord. No. 1934 N.S., § 1, 6-3-2009)

#### **8.48.020 Power of chief of police to regulate.**

- A. The chief of police is empowered and authorized to regulate the use of alarm systems and administer the regulations and provisions of this chapter. The chief may, in his or her discretion, suspend police response to a nuisance alarm as defined in Section 8.48.060 or to an alarm or alarm user for excessive false alarms, except that the chief of police, in his or her discretion, may continue to respond to duress alarms, holdup alarms or panic alarms..
- B. The chief of police shall:
1. Designate the manner, form and telephone numbers for the communication of alarm dispatch requests; and
  2. Establish a procedure to accept cancellation of alarm dispatch requests.

3. Establish a system of recording data and maintaining records necessary to implement this chapter.
  4. Establish procedure for notifying alarm users of false alarms, including information regarding the date and time of police response to the false alarm, the amount of the fine for a false alarm and that response will be suspended to a nuisance alarm or for excessive false alarms; and a description of the appeals procedure available to the alarm user.
- C. If so requested by the chief of police, an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system shall appear at an appointed time and place to meet with a representative of the city to review the circumstances of each false alarm. For these purposes, the alarm company must have a designated contact on record with the chief of police.
- D. The chief of police is authorized to promulgate regulations and procedures to require the removal, replacement or modification of certain types of alarm system devices, including but not limited to any duress, panic, or holdup alarm button.
- E. A copy of the ordinance codified in this section and/or an ordinance summary sheet shall be made available to the alarm user upon registration pursuant to Section 8.48.080.  
(Ord. 1020 N.S. § 1 (part), 1991)  
(Ord. No. 1934 N.S., § 2, 6-3-2009)

**8.48.030 Automatic telephone dialing devices prohibited except under certain limited circumstances.**

It is unlawful for any person to use or cause to be used any electrical or mechanical device or attachment to a telephone that automatically reports a taped or other recorded message of a police or fire emergency direct to the city communication center, except for special conditions of certain handicapped individuals. Each such call shall be deemed a separate violation punishable as a misdemeanor.  
(Ord. 1020 N.S. § 1 (part), 1991)

**8.48.040 Audible alarm requirements.**

- A. No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for air raid/disaster warnings.
- B. Every audible alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of the alarm user or alarm monitoring company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. Upon request of the police department, the alarm user shall provide a list of persons able to respond to the premises if needed.
- C. Every audible alarm installed after the adoption of the ordinance codified in this chapter shall have a timing device which automatically shuts off the alarm within fifteen minutes after the alarm is activated. Every audible alarm installed prior to the adoption of the ordinance codified in this chapter without such a timing device shall be required to have such a device installed if any activated alarm is not deactivated within the thirty-minute time limit. The alarm user or alarm monitoring company shall be responsible for deactivating an alarm within thirty minutes after notification that such alarm is activated and ringing, or within thirty minutes after reasonable efforts have been made to provide such notification.  
(Ord. 1020 N.S. § 1 (part), 1991)

(Ord. No. 1934, § 3, 6-3-2009)

**8.48.050 False alarms.**

A. The chief of police may assess a false alarm response fee to an alarm user for each police response to a false alarm. The amount of such fee shall be paid by the alarm user as set forth by resolution of the city council.

B. A false alarm response fee shall not be assessed if the monitoring company or alarm user promptly notifies police dispatch that a police response is not necessary prior to the arrival of the police officer at the premises.

C. The chief of police shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the false alarm fee assessment for the false alarm, the fact that response may be suspended for excessive false alarms, and a description of the appeals procedure available to the alarm user. The chief of police will notify the alarm user and the alarm installation company or monitoring company in writing ten days before the alarm response is to be suspended.

(Ord. 1020 N.S. § 1 (part), 1991)

(Ord. No. 1934, § 4, 6-3-2009)

**8.48.060 Nuisance alarms.**

A. An alarm shall be deemed a nuisance alarm and a public nuisance when it has been emitting sound continuously for at least one hour, or intermittently for two hours, and has been reported to the police department as an annoyance by a person in the vicinity of the alarm, and its owner is not available to silence the alarm or to cause it to be silenced.

1. Any officer or police aide of the police department is authorized to enter on exterior private property areas, and into vehicles on private property or public streets, for the purpose of silencing a nuisance alarm. Forcible entry may be made into exterior alarm equipment boxes, and attics and crawlspace vents, in order to accomplish this purpose. Actions may be taken to silence vehicle alarms, including the towing of the vehicle as prescribed in the California Vehicle Code.

2. Neither the city nor its police officers or police aides, nor any officer or employee of the city or of a private alarm service contractor engaged by the police shall be liable for damages to the owner of nuisance alarm for silencing the nuisance alarm or for entry on the owner's property for the purpose of silencing a nuisance alarm or for any damage resulting from reasonable efforts to silence the nuisance alarm.

B. An alarm system shall be deemed a nuisance alarm and a public nuisance if such alarm system actuates excessive false alarms. Five or more false alarms in a one-year period shall be deemed a nuisance under this section.

C. An alarm system shall be deemed a nuisance alarm and a public nuisance if such an alarm system has been intentionally activated at least once to summon the police to an incident for which the alarm system was not intended. This may include, but not be limited to, a robbery alarm being intentionally activated for an incident which is not a robbery, or an alarm which is intentionally activated merely to see what police response would result.

D. An alarm system shall be deemed a nuisance alarm and a public nuisance if, after a request of the alarm user by the police department to respond to an alarm in a manner requested by the police department, the alarm user refuses to respond as requested.

(Ord. 1020 N.S. § 1 (part), 1991)

(Ord. No. 1934, § 5, 6-3-2009)

**8.48.070 No response status.**

A. If an alarm system has fallen into the category of a nuisance alarm as defined in Section 8.48.060, the chief of police may, upon the next activation of that alarm, send a notice of no response to the owner or person responsible for the nuisance alarm. This notice shall indicate that the police department shall not respond to future activations of the nuisance alarm unless a violation of the law is personally reported to the department by a witness at the scene of the alarm.

B. The no response status shall remain in effect until such time that the owner or person responsible for the nuisance alarm has provided adequate evidence to the chief of police that the problems causing the alarm to become a nuisance have been satisfactorily corrected.

(Ord. 1020 N.S. § 1 (part), 1991)

**8.48.080 Duties of the alarm user.**

A. No alarm user shall operate, or cause to be operated, an alarm system without a valid alarm registration. A separate alarm registration is required for each premise which operates or causes to operate an alarm system. All persons who wish to operate an alarm system shall file and sign a written application with the chief of police, on a form provided by the city, which contains the information as prescribed by the chief of police:

1. An annual fee for alarm registration shall be paid by the alarm user as set forth by resolution of the city council. No refund of a registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the chief of police within five days after the alarm system installation or transfer.

2. Upon receipt of a completed alarm registration application form and the alarm registration fee, the chief of police shall register the applicant unless the applicant has failed to pay an assessed fine or had an alarm registration or police response for the premises suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

3. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

4. An alarm registration cannot be transferred to another person or premise. An alarm user shall inform the chief of police of any change that alters any of the information listed on the alarm registration application within five business days of such change.

5. All fines and fees owed by an applicant must be paid before an alarm registration may be issued or renewed.

6. An alarm registration shall expire in December of each calendar year and must be renewed annually by submitting an updated application and a registration renewal fee to the chief of police. The chief of police shall notify each alarm user of the need to renew thirty days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application prior to the registration expiration date.

7. Failure to register or to renew a registration shall subject the alarm user of the unregistered alarm system to a fine as set forth in Section 8.48.140. A late fee as established by resolution of the city council shall be assessed if the renewal is more than thirty days late.

B. An alarm user shall:

1. Obtain an alarm registration for the alarm system

2. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms;

3. Make every reasonable effort to have a responder to the alarm system's location within twenty minutes when requested by the police department in order to:
    - a. Deactivate an alarm system;
    - b. Provide access to the premises; and/or
    - c. Provide alternative security for the premises.
  4. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
  - C. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an audible alarm on the exterior of a premise will sound for no longer than thirty minutes after being activated.
  - D. An alarm user shall have a licensed alarm installation company inspect the alarm system after two false alarms in a one-year period. The chief of police may waive a required inspection if it determines that a false alarm could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false alarm resistant and provide additional user training as appropriate.
  - E. An alarm user shall not use an automatic telephone dialing device.
  - F. An alarm user shall maintain at each premise, a set of written operating instructions for each alarm system.
  - G. All alarm users shall agree with their alarm installation company and/or monitoring company to go through an acclimation period for the first seven days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to respond to any alarm signal from the premises or make any alarm dispatch request of the police department, even if the alarm signal is the result of an actual alarm event.
  - H. This section applies to all individuals and firms, who have installed and/or monitor their own alarm system.
- (Ord. No. 1934 N.S., § 6, 6-3-2009)

**8.48.090 Duties of alarm installation company and monitoring company.**

- A. Each alarm installation company and alarm monitoring company operating or an agent of any such company operating or monitoring, or otherwise doing business in the city shall register its name and file a copy of its state issued identification card with the chief of police on a form prescribed by the chief of police.
- B. Alarm installation companies shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.
- C. Alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. The alarm installation company shall remove the one plus duress alarm feature from alarm systems whenever an alarm technician is at the premises or otherwise accessing the panel for reprogramming purposes.
- D. Alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.
- E. Alarm installation companies shall use only ANSI/SIA CP-01 listed alarm control panels on all new installations and panel replacements or upgrades.
- F. Alarm installation or monitoring companies shall not use automatic telephone dialing devices.

G. After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user the customer false alarm prevention checklist or an equivalent checklist approved by the chief of police.

H. Alarm monitoring companies shall not make an alarm dispatch request of the police department in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven days following an alarm system installation. The chief of police may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

I. A monitoring company shall:

1. Report alarm signals by using telephone numbers designated by the chief of police;
2. Verify every alarm signal, except a duress or holdup alarm activation, before initiating an alarm dispatch request;
3. Communicate alarm dispatch requests to the police department in a manner and form determined by the chief of police;
4. Communicate cancellations to the police department in a manner and form determined by the chief of police;
5. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;
6. Communicate any available information about the location on all alarm signals related to the alarm dispatch request;
7. Communicate nature of alarm;
8. Provide an alarm user registration number when requesting police dispatch;
9. After an alarm dispatch request, promptly advise the police department if the monitoring company knows that the alarm user or the responder is on the way to the premises;
10. Attempt to contact the alarm user or responder within twenty-four hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and
11. Upon the effective date of the ordinance codified in this section, monitoring companies must maintain for a period of at least one year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone activated, the time of alarm dispatch request and evidence of an attempt to verify. The chief of police may request copies of such records for individually named alarm users. If the request is made within sixty days of an alarm dispatch request, the monitoring company shall furnish requested records within three business days of receiving the request. If the records are requested between sixty days to one year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty days of receiving the request.

J. An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the chief of police of such purchase and provide details as may be reasonably requested by the chief of police.

K. Each alarm installation company and alarm monitoring company must designate one individual as the alarm response manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the chief of police. The appointed individual must be knowledgeable of the general provisions of the ordinance, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the chief of police. The name, phone number, and email address of the designated ARM must be provided to the chief of police.

L. An alarm installation company and/or monitoring company shall provide the chief of police with a customer list in a format acceptable to the chief of police, upon request, to assist with creating the police department's tracking data, so far as allowed with respect to state or local law that protects this customer information as confidential.

M. Alarm companies shall assist in obtaining the initial alarm registration and registration fee from the alarm user and submit it to the chief of police within ten days of the activation of an alarm system.

(Ord. No. 1934 N.S., § 7, 6-3-2009)

#### **8.48.100 Revocation of alarm user registration.**

A. The following shall constitute grounds for revocation of an alarm user registration:

1. The violation of any of the provisions of this chapter;
2. The occurrence of excessive false alarms due to defects or deficiencies in an alarm system;
3. Any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record submitted or filed with the city; or
4. Failure by the alarm user to respond within one hour to a request made by a police department representative to permit or provide access to the property where an alarm has been activated.

B. Prior to revoking an alarm user registration, the chief of police shall notify the alarm user in writing of the intended action not less than ten days prior to the effective date of such action. The notice shall specify the reasons therefor and the alarm user's right to appeal the revocation in accordance with Section 8.48.110 of this chapter.

C. At the discretion of the chief of police, he or she may reinstate revoked registration if the alarm user whose registration has been revoked if such alarm user:

1. Pays a reinstatement fee as set forth in a resolution adopted by the city council; pays, or otherwise resolves, all outstanding citations and fines; and provides satisfactory evidence to the chief of police that the alarm system has been inspected and repaired, if necessary, by the alarm installation company; and/or that additional training in the proper use of the alarm system was provided by the alarm installation company for all alarm users; or
2. Provides proof that an employee of the alarm installation company or monitoring company caused the false alarm giving rise to the revocation; or
3. Otherwise makes upgrades to the alarm system, provisions for video or personal verification of any alarm dispatch request or other agreements as deemed appropriate by the chief of police.

(Ord. No. 1934 N.S., § 8, 6-3-2009)

#### **8.48.110 Appeals.**

A. If the chief of police suspends response to alarms pursuant to Section 8.48.020 or Section 8.48.070, assesses a false alarm fee pursuant to Section 8.48.050, or denies the issuance or renewal of an alarm registration pursuant to 8.48.080, the chief of police shall send written notice of the action not less than ten days prior to the effective date of such suspension, assessment and action and a statement of the right to an appeal to either the affected applicant or alarm user.

B. The alarm user may appeal above-referenced suspension, assessment or denial to the city manager or his or her designee by setting forth in writing the reasons for the appeal within fifteen business days after notice. The decision of the city manager is final.

C. Filing of a request for appeal shall stay the action by the chief of police revoking an alarm registration or requiring payment of a fine, until the city manager has completed his review.



(Ord. No. 1934 N.S., § 9, 6-3-2009)

**8.48.120 Confidentiality.**

In the interest of public safety, all information pertaining to an alarm user contained in and gathered through the alarm registration applications of the alarm user shall be held in confidence by all employees or representatives of the city, provided that the city may disclose any information required to be disclosed by state or federal law or by court order after a reasonable notice to the alarm user.

(Ord. No. 1934 N.S., § 10, 6-3-2009)

**8.48.130 Government immunity.**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that police response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Ord. No. 1934 N.S., § 11, 6-3-2009)

**8.48.140 Enforcement.**

A. Except as otherwise provided for in Section 8.48.050 for assessment of a false alarm response fee, any person violating or causing or permitting to be violated any provision of this chapter shall be subject to the following fines pursuant to the authorities and procedures set forth in Chapter 1.19.

1. First Violation: a first violation shall be subject to a fine payable to the city of one hundred dollars.

2. Second Violation: A second violation within any consecutive twelve-month period shall be subject to a fine payable to the city of two hundred dollars.

3. Subsequent Violations: Any subsequent violations within any consecutive twelve-month period shall be subject to a fine payable to the city of five hundred dollars.

B. In the event of the failure of any person to pay the assessments or fines pursuant to the provisions of this chapter, the city may institute an action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city may be collected.

(Ord. No. 1934 N.S., § 12, 6-3-2009)