

IV. Offenses Against Public Peace

Chapter 9.30

REGULATION OF FALSE ACTIVATIONS OF FIRE, BURGLARY AND ROBBERY ALARMS

Sections:

9.30.010 Definitions

9.30.020 Purpose and objectives.

9.30.030 Prohibitions

9.30.040 Procedures

9.30.050 Service Assessment

9.30.010 Definitions.

For the purpose of this chapter, the following definitions will apply:

“Alarm system” means any device designed for the detection of any unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and when activated, emits a sound and/or transmits a signal to indicate that an emergency exists, and to which peace officers and/or fire officers are expected to respond.

“Alarm user” means any person using an alarm system at his or her place of business, residence or property.

“Audible alarm” means a device designed for the detection of the unauthorized entry on or attempted entry into a premises or structure or for alerting others of the commission of an unlawful act or both, and which, when activated, generated an audible sound on the premises.

“City” means the City of Lake Elsinore.

“Day” means calendar day.

“False alarm” means the activation of an alarm system necessitating response by a first responder when an emergency situation does not exist; provided that alarm activations generated by natural disaster or other violent conditions of nature not subject to the control of the alarm user shall not constitute a false alarm.

“First responders” means Riverside County Sheriff or CALFIRE officers as designated by the City for law enforcement or fire protection that respond to

“Person” means natural person, firm, partnership, association or corporation.

“Police chief” means the sheriff's captain providing contract law enforcement service to the city or designee.

“Police department” means the Sheriff's Department of the County of Riverside providing law enforcement services to the city.

“Service Assessment” means a fee paid to the city after an excessive number of false alarms within the specified period of time based on the cost of service.

9.30.020 Purpose and objectives.

- A. The purpose of this chapter is to set forth regulations governing the use of alarm systems, provide for service assessments for excessive responses necessitated by false alarms, and to provide penalties for violations of provisions of this chapter.
- B. The provisions of this chapter and the requirements herein shall become effective thirty days after the adoption of the ordinance codified in this chapter.
- C. The provisions of this chapter are not applicable to audible alarms affixed to motor vehicles or smoke and heat detectors in single-family residential units, unless the alarm is connected to a central monitoring system.
- D. The provisions of this chapter are not applicable during the first thirty days of activation of a newly installed alarm system.

9.30.030 Prohibitions.

- A. No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line to the police department and then reproduces any pre-recorded message to report any unlawful act or other emergency.
- B. All alarm systems sold for installation and installed within the city shall utilize approved Underwriter's Laboratories or equivalent rated and protected equipment.
- C. No person shall operate or use, or cause to be operated or used, any alarm system that emits a sound similar to that of any emergency vehicle siren or civil defense warning system.
- D. No person shall operate or use, or cause to be operated or used, an alarm system designed to report an armed robbery (as defined in California Penal Code Section 211 et seq.) for any purpose other than reporting robberies or other crimes involving potential immediate serious bodily injury or death.
- E. No person shall knowingly turn in a false alarm. This section does not prohibit a test of an alarm system if procedures are taken to ensure that the police department is notified of the intended test prior to the activation.

9.30.040 Procedures.

- A. If the first responder (or designee) determines that a false alarm has occurred, the officer responding to the alarm shall leave a notice at the premises which shall include the date and time of the response and a statement that the alarm was a “false alarm.” The notice shall also state that the user should take action to correct the causative problems and a warning that more than two false alarms, including, but not limited to, more than two false robbery or burglar

alarms, in any one-year period is excessive. This chapter shall require a service assessment to be paid per Section 9.30.050 for excessive false alarms as determined by a resolution of the City Council.

- B. Multiple activations of an alarm system within a single calendar day shall count as only one false alarm for the purpose of this chapter.
- C. An alarm user may contest the responding first responder's determination of a false alarm by contacting the City or designee, within ten days of the notification of the false alarm. The City, or designee, will decide concerning the determination that there was a false alarm. Any such decision may be appealed to the director of building and safety department within ten days of said determination.
- D. An audible alarm shall terminate its operation, or the audible alarm shall automatically reset, within fifteen minutes of its being activated. If an audible alarm has emitted an alarm signal in excess of thirty minutes within a one-hour period it may be declared a nuisance, and the police department may cause such alarm to be disconnected by an alarm agent licensed by the department of consumer affairs, and the cost thereof to be charged to the alarm user. If the alarm is connected to a central monitor, a responsible party must deactivate the alarm within thirty minutes of being notified of the nuisance.

9.30.050 Service Assessment.

- A. A service assessment shall be paid to the city by an alarm user after an excessive number of false alarms have been received from a business, residence or property. For purposes of this section, three or more false alarms within a one-year period, commencing from the date of the first false alarm, is deemed an excessive number of false alarms.
- B. Fees for the service assessment shall be set according to resolution adopted by the City Council and based on full cost recovery per each excessive false alarm.
- C. An alarm user may appeal to the City or designee, if extenuating or mitigating circumstances can be presented to satisfy the City that extraordinary circumstances exist which preclude the alarm users' good faith attempts at rectifying the causative problems with his or her alarm system. The final decision as to assessment of the service fee will be made by the City Manager or designee upon the written request of the alarm user.
- D. The service fees are to be paid to the City within fifteen days of the notification. If an alarm user fails to remit the fees within fifteen (15) days from the date of the notice upon him or her, a penalty of twenty-five (25) percent of the amount of the fee set forth in the notice shall be imposed. When imposed, the penalty shall become part of the fee herein required to be paid. In addition to such penalty, the alarm user shall pay to the city all reasonable costs of collecting such overdue and unpaid fees, including attorney's fees and court costs, and interest. Failure to pay a service fee is a violation of this code and subject to fines in the amounts set forth in the code.
- E. The United States Government, the State of California, County Departments, and other governmental agencies are exempt from assessments required in this chapter.