

Chapter 11.90 REGULATION OF FALSE ACTIVATIONS OF BURGLARY AND ROBBERY ALARMS

11.90.010 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 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 La Quinta.

“Day” means calendar day.

“False alarm” means the activation of an alarm system necessitating response by peace officers 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.

“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 fee” means a fee paid to the city after an excessive number of false alarms within the specified period of time. (Ord. 256 § 1, 1994)

11.90.020 Purpose and objectives.

The purpose of this chapter is to set forth regulations governing the use of alarm systems, provide for service fees for excessive responses necessitated by false alarms, and to provide penalties for violations of provisions of this chapter.

- A. The provisions of this chapter and the requirements herein shall become effective thirty days after the adoption of the ordinance codified in this chapter.
- B. 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.
- C. The provisions of this chapter are not applicable during the first thirty days of activation of a newly installed alarm system. (Ord. 256 § 1, 1994)

11.90.030 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. (Ord. 256 § 1, 1994)

11.90.040 Procedures.

- A. If the police chief (or designee) determines that a false alarm has occurred, the police 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 fee to be paid per Section 11.90.050. Notice may be left at the premises pursuant to any method authorized pursuant to Section 1.01.300, or successor section, of the code.
- B. Multiple activations of an alarm system within a calendar day shall count as only one false alarm for the purpose of this chapter.
- C. An alarm user may contest the responding officer's determination of a false alarm by contacting the police chief or designee, within ten days of the notification of the false alarm. The police chief, or designee, will make a decision 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. (Ord. 558 § 3, 2017; Ord. 256 § 1, 1994)

11.90.050 Service fees.

- A. A service fee shall be paid to the city by an alarm user after an excessive number of false alarms have been received from a particular 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. Fees shall be set according to resolution adopted by the city council, and the amount of the fee after five or more false alarms shall be up to the amount of full cost recovery, per each false alarm, for responses to false alarms as established by the resolution adopted by the city council.
- B. An alarm user may appeal to the police chief or designee, if extenuating or mitigating circumstances can be presented to satisfy the police chief 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 director of building and safety upon the written request of the alarm user.

- C. The service fees are to be paid to the city within fifteen days of the notification being mailed in the U.S. Postal Service. Failure to pay a service fee is a violation of this code and subject to fines in the amounts set forth in Section 1.09.020(D), or successor section, of the code.
- D. The United States Government, the state of California, other county departments, and other governmental agencies are exempt from fees required in this chapter. (Ord. 558 § 3, 2017; Ord. 256 § 1, 1994)

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Chapter 11.60 ALARM SYSTEMS

11.60.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Alarm agent” means any person who is self-employed or employed either directly or indirectly by an alarm business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing an alarm system in or on any building, place or premises.

“Alarm business” means any person, firm, or corporation conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in or on any building, place or premises.

“Alarm system” means any device designed for the detection of an unauthorized entry on premises or for alerting others to the commission of an unlawful act or to an emergency situation not limited to fire, natural gas leak, or medical emergencies, which device, when actuated, emits a sound or transmits a signal to indicate that such situation exists.

“Alarm user” means any person using an alarm system at such person’s residence or place of business.

“Audible alarm” means a device designed to detect the unauthorized entry on or attempted entry into a premises or structure, alert others to the commission of an unlawful act, alert others to a fire or emergency situation not limited to fire, natural gas leak, or medical emergencies, and which, when actuated, generates an audible sound on the premises.

“Business license officer” means the person duly designated to act as such for the city as set forth in Chapter [5.02](#) of this code.

“City” means the city of Moreno Valley.

“City manager” means the city manager of the city or designee.

“Extraordinary public safety services” means those services necessarily and reasonably incurred by the city in the protection of the public’s health, safety and welfare and in the protection of property which said services are in addition to police services the city would normally provide without a special charge and which have arisen because of activities or events voluntarily selected by the owner, occupier or manager of a premises.

“False alarm” means the activation of an alarm system when an emergency situation does not exist; provided, however, that activation of alarms by natural disaster will not be considered false alarms.

“Fire chief” means the fire chief of the city or designee.

“Person” means any individual, partnership, corporation, unincorporated association, or other entity.

“Police chief” means the chief of police of the city or designee.

“Responsible party” means any person or persons in charge of the premises or location and the person or persons responsible for the event or incident. If any of those persons are minors, the parent or guardians of such minor(s) shall be the responsible party. (Ord. 899 § 2, 2015)

11.60.020 Purpose.

Notwithstanding the provisions within the National Fire Protection Association (NFPA) 72, the [California Fire Code](#) (CFC) or applicable security industry standards, the purpose of this chapter is to set forth regulations governing the use of alarm systems, provide for service fees for excessive responses necessitated by false alarms, and to provide for cost recovery by service fees for violations of provisions of this chapter. Nothing herein should be construed to limit or discourage the legitimate use of fire, burglar or other alarms. (Ord. 899 § 2, 2015)

11.60.030 Findings.

Alarm systems which are not properly installed, maintained, or operated create a nuisance to the peace and safety of the community. Said alarm systems also cause excessive and unnecessary use of police and fire services in responding to assumed emergencies. (Ord. 899 § 2, 2015)

11.60.040 Alarm standards.

All alarm systems and appurtenant equipment installed and used within the city shall meet or exceed industry standards and those standards which may hereafter be established by the city council. The police chief or fire chief may inspect any and all alarm systems installed in the city. (Ord. 899 § 2, 2015)

11.60.050 Alarm company operators.

It is unlawful and a violation of this code for any person to engage in business or accept employment within the city to install, maintain, alter, sell on premises, monitor, or service alarm systems or respond to alarm systems, unless such person holds all state and local licenses, listings, certifications or permits which may be required for such business or employment.

A. Every alarm business that has a central monitoring system to monitor police or fire alarm systems located within the city shall maintain on file a current listing of all such alarm systems, along with the address and telephone number of the individual or individuals from whom entry to the protected premises may be obtained, and shall include the following information:

1. The name address, and telephone number of the property owner, if other than the alarm user.
2. The name of the alarm user and his or her business address and telephone number and residential address and telephone number.
3. The name of at least one other person responsible to respond to the alarm site and his or her business address and telephone number.

B. All alarm businesses shall ensure that an on-site inspection of the operating systems for the alarm system shall occur when requested by the police chief or designee. The records of these inspections shall be made available to the police chief or designee upon request.

C. The alarm business 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 prevent false alarms.

D. Upon the effective date of the ordinance codified in this chapter, the alarm companies shall, on new installations or equipment replacements, use only alarm control panel(s) which meets Security Industry Association (SIA) Control Panel Standard CP-01 for security alarm systems and/or Underwriters Laboratory (UL) and State Fire Marshal (SFM) listed panels and devices for fire alarm systems.

E. An alarm business shall not use automatic voice dialers which call 911 or the police department.

F. After completion of the installation of an alarm system, an alarm business employee shall review with the alarm user the customer false alarm prevention checklist established by the alarm company's policy.

G. The alarm business shall not make an alarm dispatch request of a law enforcement agency in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven days following an alarm system installation. The police chief or designee 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. This provision does not apply to fire alarm monitoring systems.

H. An alarm business shall:

1. Attempt to verify every burglar alarm signal prior to requesting a police dispatch by making at least two phone calls to the responsible party or parties (enhanced call verification). This procedure does not apply to fire, duress or hold-up signals;
2. Communicate alarm dispatch requests to the Moreno Valley dispatch in a manner and form determined by NFPA 72 for fire alarms and/or by the police chief for security alarms or respective designee;
3. Communicate alarm response cancellations to the Moreno Valley police dispatch and/or fire department within three minutes of request for dispatch and prior to the officer arriving on-scene;
4. Ensure that all alarm users of alarm systems equipped with fire, duress, hold-up or panic alarm(s) are given adequate training as to the proper use of the fire, duress, hold-up or panic alarm(s).
 - a. Alarm system training should be provided to every alarm user and/or additional training provided in situations where the alarm user has established a high incident rate of false alarms resulting from unintentional or accidental activation;
5. Communicate any available information (type of alarm, zone, north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;
6. Communicate type of alarm activation (silent or audible, interior or perimeter);
7. After an alarm dispatch request, promptly advise the Moreno Valley police dispatch and/or fire department if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;
8. Attempt to contact the alarm user or responder within twenty-four (24) hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and
9. Upon the effective date of the ordinance codified in this chapter alarm businesses must maintain for a period of at least one year from the date of the alarm dispatch request, records relating to alarm dispatch requests.
 - a. Records must include:
 - i. Name, address and telephone number of the alarm user,
 - ii. Alarm system zone(s) activated,
 - iii. Time of alarm dispatch request, and
 - iv. Evidence of an attempt to verify;
 - b. The police and/or fire chief or designee may request copies of such records for individually named alarm users;
 - c. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three business days of receiving the request;
 - d. If the records are requested between sixty (60) days to one year after an alarm dispatch request, the alarm company shall furnish the requested records within thirty (30) days of receiving the request.

I. An alarm business that purchases alarm system accounts from another person shall notify the fire chief or designee of such purchase and provide details as may be reasonably requested by the fire chief or designee.

J. Each alarm business 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 police and/or fire chief or designee. The appointed individual must be knowledgeable of the general provisions of this chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the police and/or fire chief or designee. The name, phone number, and email address of the designated ARM must be provided to the police and/or fire chief or designee. (Ord. 899 § 2, 2015)

11.60.060 Alarm agents.

It is unlawful and a violation of this code for any person to engage within the city in the activities of an alarm agent without first obtaining a business license from the city and registering and filing a copy of such person's state-issued identification card with the business license officer. (Ord. 899 § 2, 2015)

11.60.070 Alarm system regulations.

A. Approval by Underwriters Laboratories. No alarm system shall be installed or used which has not been approved by Underwriters Laboratories or equivalent rating institution. Equivalency shall be determined by the chief building official and/or fire marshal of the city whose decision shall be final.

B. Automatic Deactivation. Every audible alarm system used for security purposes shall be so designed as to automatically shut off the sound not more than ten (10) minutes after the alarm has started to sound. This provision shall not apply to fire alarms systems required by the CFC or NFPA 72.

C. Automatic Dialing Prohibited. No alarm system shall be equipped with automatic dialing or recorded message to the Moreno Valley police department, the Moreno

Valley police department dispatching center, the Riverside County sheriff dispatching center, the Moreno Valley fire department or the Moreno Valley fire department dispatching center.

D. Battery Backup System. No alarm system shall be installed or used at any time which is not equipped with a ready-to-function battery-operated backup system.

E. Notification. An alarm user shall give or cause notice to be given to the Moreno Valley police department or the Moreno Valley fire department prior to any service, test, repair, maintenance, alteration or installation of an alarm system which might produce a false alarm. The alarm user and/or contractor shall contact their monitoring company to place the system in test mode. When a contractor fails to place an alarm in test mode during maintenance, repair, etc. the contractor shall be responsible for the false alarm fee.

F. Prohibited Sound. No alarm system shall be installed or used which emits a sound similar to that of an emergency vehicle siren or a civil defense warning system.

G. Repairs. After each false alarm caused by a malfunction of the alarm system, the alarm user shall cause the alarm system to be adjusted or repaired as necessary to eliminate the malfunction before placing the alarm system back into operation. (Ord. 899 § 2, 2015)

11.60.080 Alarm system notice.

Every alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of at least two responsible parties or the company responsible for the maintenance of the system. (Ord. 899 § 2, 2015)

11.60.090 Confidentiality.

Information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter. (Ord. 899 § 2, 2015)

11.60.100 False alarm response assessment.

To defray the cost to the city for responding to false alarms, alarm users shall satisfy such assessment as may be established by resolution of the city council for all false alarms. The assessment shall be satisfied by the alarm owner within fifteen (15) days after receipt of the invoice from the city finance department. The invoice will be mailed to the responsible party, after the appropriate department has given notice to the finance department of the assessment for the extraordinary services and the grounds therefor. The amount of assessment shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent fees.

The police/fire department will notify the alarm owner by leaving a notice at the alarm site. If an alarm owner fails to remit the fees within fifteen (15) days from the date of the service of notice upon him or her, which shall be the date of mailing of the invoice, if notice is not accomplished in person, a penalty of twenty-five (25) percent of the amount of the fee set forth in the notice shall be imposed, but not less than five dollars. When imposed, the penalty shall become part of the fee herein required to be paid. In addition to such

penalty, the alarm owner shall pay to the city all reasonable costs of collecting such overdue and unpaid fees, including attorney's fees and court costs, and interest at the rate of one and one-half percent per month (eighteen (18) percent per annum) on all assessments and penalties from the date the assessment was due. (Ord. 899 § 2, 2015)

11.60.110 Reimbursement for costs incurred in securing premises.

Alarm users shall pay to the city reasonable costs, as determined and assessed by the police chief or fire chief, for expenses incurred in securing premises where a burglar alarm or fire alarm has been activated, whether or not the activation is a false alarm. The assessment shall be satisfied by the alarm user within fifteen (15) days after the appropriate chief has given the alarm user notice of the assessment and the grounds therefor. This section shall apply only to instances where the alarm user has failed to reasonably respond to notification that an alarm has been activated on premises owned or under the control of the alarm user and when the city has to incur more than nominal expenses in securing the premises. (Ord. 899 § 2, 2015)

11.60.120 Enforcement.

Non-payment of fees/assessments for false alarms, and repeated number of false alarms from the same location, hence said location constitutes a nuisance, will be considered a violation of this chapter. Every person who fails to comply with an order made pursuant to this chapter is guilty of a violation of this chapter and, upon conviction thereof shall be punished in accordance with the provisions of Sections [1.01.200](#) through [1.01.230](#) of this code. (Ord. 899 § 2, 2015)

11.60.130 False alarm appeal process.

A. An alarm user who wants to appeal the validity of a false alarm determination by the police or fire department may appeal to the appropriate appeal officer or designee. The appeal must be in writing and must be requested within ten (10) days of the alarm user having received a notice of the false alarm. The written

appeal must contain sufficient information to determine the events surrounding the police/fire department's response. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false.

B. The appropriate appeal officer or a designee will review the appeal and provide a decision based on the facts of the case. The appeal officer or a designee shall determine the validity of the false alarms and the appropriate appeal officer shall issue written findings. The reasons for waiving a false alarm notice shall not include, wind, power failure, loose animals, system malfunctions, errors committed by the monitoring service, alarm user, or personnel errors.

C. No appeal will be granted without payment of unpaid fees, and other assessments for false alarms owed to the city, prior to filing of the request for an appeal process. If upon review of the appeal the appropriate appeal officer's or a designee's decision is in favor of the appellant, the money will be refunded to the appellant. The decision of the appropriate appeal officer or a designee on such matter shall be final and conclusive. (Ord. 899 § 2, 2015)

11.60.140 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be invalid, unconstitutional, or unenforceable by a final determination of a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions hereof. The city council hereby declares it would have enacted this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unenforceable. (Ord. 899 § 2, 2015)

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Chapter 8.04

BURGLAR ALARM SYSTEMS

Sections:

- 8.04.010 Definitions.**
- 8.04.020 Regulation by chief of police.**
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- 8.04.040 Requirements for audible alarms.**
- 8.04.050 Response service charges.**
- 8.04.060 Collection procedures for delinquent accounts.**
- 8.04.070 Nuisance alarms.**

8.04.010 Definitions.

For the purposes of this chapter, the following definitions shall apply.

"Alarm system" means any mechanical or electrical device which is designed or used for the detection of an 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, hard lines, 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.

"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.

"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.

"False alarm" means a report received by the police department from any source resulting in a response by the police department to the premises on which an alarm system is located, where an emergency situation does not exist.

"First and initial false alarm" means the first occurrence in which the police department responds to the premises and there is a false alarm as defined in this chapter.

"Hard line" means a telephone or other line leading directly from the premises protected by an alarm device, or from an alarm central station to the police department's communication center where the line is used solely to report the existence of circumstances necessitating police response.

"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.

"Proprietor alarm" means an alarm which is not serviced by an alarm business.

"Responsible party" means any person, firm partnership, company, association, or corporation, or school district, or any owner or lessee of premises on which an alarm system is installed or maintained, or the agent or representative of the above, which or who utilizes an alarm system on premises located within the city.

"Three hundred sixty-five-day period" means the period of time commencing upon the occurrence of a first and initial false alarm, and terminating three hundred sixty-five (365) consecutive days thereafter.

(Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.001)

8.04.020 Regulation by chief of police.

The chief of police may regulate the number of approved alarm systems terminating directly into the police department when, in the chief's judgment, such devices would interfere with the effective and efficient operations of the police department. The chief shall also have the power to make and enforce such rules and regulations as may, in his or her discretion, be necessary to implement the provisions of this chapter. This may include a no response policy on the part of the Murrieta police department to locations which maintain a nuisance alarm as defined in this chapter. (Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.003)

8.04.030 Automatic telephone dialing devices prohibited.

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 directly to the communications center. Any person who violates any provision of this section shall be deemed guilty of a misdemeanor. Each call shall be deemed a separate violation. This section shall not be applicable to handicapped individuals who have requested and received a waiver from the chief of police.

(Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.005)

8.04.040 Requirements for audible alarms.

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 person or 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 owner or person responsible for maintaining an alarm system shall provide a list of persons able to respond to an alarm site if needed.

C. Every audible alarm installed after the adoption of this chapter shall have a timing device which automatically shuts off the alarm within fifteen (15) minutes after the alarm is activated. Every audible alarm installed prior to the adoption of this chapter without such a timing device shall be required to have such a device installed if any activated alarm is not deactivated within a thirty minute time limit. The alarm business or person responsible for the maintenance of the system and the owner of the audible alarm shall be responsible for deactivating any alarm within thirty (30) minutes after notification that such alarm is activated and ringing, or within thirty (30) minutes after reasonable efforts have been made to provide such notification.

(Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.007)

8.04.050 Response service charges.

A. A service charge shall be assessed against any responsible party within the city, to defray costs incurred in providing law enforcement services in response to a false alarm for each fourth and subsequent police response made to those premises during any three hundred sixty-five-day period as follows:

1. Fourth false alarm--One hundred dollars (\$100.00);
2. Fifth false alarm--One hundred fifty dollars (\$150.00);
3. Sixth and subsequent false alarm--Two hundred dollars (\$200.00).

On the third false alarm, a letter shall be sent to the responsible party for the premises, advising him or her that a service charge shall be imposed for each subsequent false alarm during the three hundred sixty-five-day period.

B. Any hold-up or robbery alarm improperly activated for the purpose of obtaining police response when a hold-up or robbery is not in progress shall be classified as a false alarm. In addition any person who activates the alarm shall be subject to such other penalties as the law allows.

C. All service charges collected shall be placed in a crime prevention fund to be utilized exclusively for the purpose of funding crime prevention programs such as Neighborhood Watch or Business Watch in the city.

(Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.009)

8.04.060 Collection procedures for delinquent accounts.

A. The service charge shall be a civil debt owing the city from the owner, occupant or person in possession, charge or control of the location of the alarm unit.

If an invoice for the service charge is unpaid sixty (60) days after mailing, a penalty of ten percent shall be charged, and an additional one and one-half percent per month shall be charged until the charges and penalties are paid in full.

If court action is taken to enforce nonpayment of charges, the user or property owner shall pay all reasonable attorney's fees incurred by the city.

B. Any charges authorized pursuant to this chapter which remain unpaid after the delinquent date as set forth may be collected thereafter by the city as provided in this section.

1. The city council shall cause a report of delinquent charges to be prepared periodically. The council shall fix a time, date and place for hearing and report and any objections or protests thereto.

2. The city council shall cause notice of hearing to be mailed to the property owners listed on the report not less than fifteen (15) days prior to the date of the hearing.

3. At the hearing, the city council shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The city council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

4. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of such delinquent charges plus administrative costs. A certified copy of the confirmed report shall be filed with the city clerk, or auditor appointed by the city council, for amounts of the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of city ad valorem property taxes shall be applicable to such assessment.

(Ord. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.011)

8.04.070 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 area, 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 a 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 a reasonable effort to silence the nuisance alarm.

3. An alarm system shall be deemed a nuisance alarm and a public nuisance if such alarm system actuates excessive false alarms. Four false alarms in any ninety-day period is found and determined to be an excessive number of false alarms at any given location.

4. 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 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.

5. An alarm system shall be deemed a nuisance alarm and a public nuisance if, upon request of the police department, the responsible party for such a system refuses to provide a list of persons to be contacted should the alarm be activated, or upon request of the police department, refuses to respond to the site of the alarm.

B. No Response Status.

1. If an alarm system has fallen into the category of a nuisance alarm as defined in subsection A of this section, 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.

2. 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. 93 § 1 (part), 1993: Ord. 3 § 1 (part), 1991: prior code § 11.60.013)

CHAPTER 91: ALARM SYSTEMS

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§ 91.01 FINDINGS.

(A) The majority of burglar and holdup alarms to which law enforcement responds are false. Such false alarms result in an enormous waste of manpower. The fact that there is such a large percentage of false alarms may lull law enforcement officers into a sense of false security. In responding to an alarm, they will probably assume it is a false alarm and may be wounded by criminals at the location.

(B) Alarm systems which automatically and directly dial any emergency phone number are very prone to be activated by current failures or other events having no connection with criminal activity and tie up such emergency phones making them unavailable to receive genuine emergency calls.

(C) The danger to citizens through emergency response created by false alarms is unnecessary and hazardous.

(D) The unnecessary waste of tax dollars through responses to false alarms must be eliminated.

(E) False burglar and holdup alarms have created conditions causing danger and annoyance to the general public.

('64 Code, § 15B-1) (Ord. 560, passed 5-9-79)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM OWNER. The person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family any alarm system.

ALARM SYSTEM. Any device, whether known as a burglary, robbery or intrusion alarm, direct dial telephone device, audible or silent alarm or by any other name, which is used for the detection of an unauthorized entry into a building, structure or facility or to signal the commission of an unlawful act. It shall include those devices which emit a signal within the protected premises only, are

supervised by the proprietor of the premises where located and are otherwise known as "proprietary alarm systems." Auxiliary devices installed by a telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system are not included in this definition.

AUDIBLE ALARM. A device designed to notify persons in the immediate vicinity of the protected premises, by emission of an audible sound, of an unauthorized entry on the premises or of the commission of an unlawful act.

DIRECT DIAL DEVICE. A device which is connected to a telephone line and upon activation of an alarm system, automatically dials a predetermined telephone number and transmits a message or signal indicating a need for emergency response.

FALSE ALARM. An alarm signal activated by causes other than the commission or attempted commission of an unlawful act which the alarm system is designed to detect. An alarm signal activated by violent conditions of nature or other extraordinary circumstances not subject to the control of the alarm owner shall not constitute a false alarm.

('64 Code, § 15B-2) (Ord. 560, passed 5-9-79)

§ 91.03 DIRECT DIAL TELEPHONE DEVICES.

(A) No person shall use any alarm system which is equipped with a direct dial device, and which when activated, automatically dials any telephone number in any office of the Police Department.

(B) Violation of this section shall be deemed an infraction.

('64 Code, § 15B-8) (Ord. 560, passed 5-9-79) Penalty, see § 10.97

§ 91.04 AUDIBLE ALARM REQUIREMENT.

(A) For every audible alarm, the alarm owner thereof shall post prominently on the exterior of the premises the names and telephone numbers of persons to be notified to render repairs or service during any hour of the day or night during which the audible alarm is operated. An audible alarm shall terminate its operation or the audible alarm shall automatically reset within 30 minutes of its being activated.

(B) Violation of this section shall be deemed an infraction.

('64 Code, § 15B-9) (Ord. 560, passed 5-9-79) Penalty, see § 10.97

§ 91.05 FALSE ALARM.

(A) A person shall not knowingly turn in a false alarm. This section does not prohibit a test of an alarm system as permitted in advance by the Police Department.

(B) Violation of this section shall be deemed an infraction.

('64 Code, § 15B-10) (Ord. 560, passed 5-9-79) Penalty, see § 10.97

§ 91.06 REPAIR.

After any false alarm, the alarm owner shall, upon request by the Director of Police Services, submit a written report to the Director of Police Services describing actions taken or to be taken to eliminate the cause of the false alarm. This report shall be submitted within 10 days of the date of request by the Director of Police Services.

('64 Code, § 15B-11) (Ord. 560, passed 5-9-79)

§ 91.07 MAINTAINING A PUBLIC NUISANCE ALARM.

(A) The generation of any false alarm shall constitute a public nuisance.

(B) Violation of this section shall be deemed an infraction.

('64 Code, § 15B-12) (Ord. 560, passed 5-9-79; Am.Ord. 962, passed 8-26-04; Am. Ord. 991, passed 5-8-08) Penalty, see § 10.97

§ 91.08 SERVICE CHARGES.

A service charge shall be billed to and paid by alarm owners for each police officer's response which was to a false alarm, or which response did not require such police officer's services other than deactivation of an alarm system. Such charges shall be payable within 30 days of billing date. Such service charge shall be established by resolution of the City Council.

('64 Code, § 15B-12.1) (Ord. 683, passed 12-12-85; Am. Ord. 719, passed 8-13-87; Am.Ord. 962, passed 8-26-04; Am. Ord. 991, passed 5-8-08)

§ 91.09 EXEMPTIONS.

The provisions of this chapter are not applicable to audible alarms affixed to motor vehicles or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the State Public Utilities Commission.

('64 Code, § 15B-13) (Ord. 560, passed 5-9-79)

§ 91.10 ALARM DISCONNECTION REQUIREMENTS.

The Director of Police Services may order an alarm owner to, temporarily or permanently, disconnect an alarm if either of the following conditions is met:

(A) A billed service charge is not paid within 60 days of the billing date.

(B) Ten or more false alarms have been experienced during a 12-month period.

('64 Code, § 15B-13.5) (Ord. 683, passed 12-12-85)

§ 91.11 APPEALS.

Request for review of billing validity may be made to the Department of Police Services. Following this review, if the alarm owner is not satisfied with the response, appeal for final determination may be made in writing to the Director of Police Services, whose decision shall be final.

('64 Code, § 15B-13.6) (Ord. 683, passed 12-12-85)

§ 91.12 CORRECTIVE ACTION.

Violations of this chapter may be prosecuted in the same manner as any other misdemeanor. However, upon the first violation of § 91.07, the Department of Police Services shall serve a written notice on the violator describing the violation and specifying that the causes of the violation shall be corrected within 10 days of the date of service of the written notice. No further action shall be taken provided that the Department of Police Services determines that the causes of the violation have been removed or fully corrected within the time period specified in this section.

('64 Code, § 15B-15) (Ord. 560, passed 5-9-79; Am. Ord. 611, passed 12-28-81)