

ORDINANCE NO. 375

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN ADDING CHAPTER 5.36 TO THE ARVIN MUNICIPAL CODE REGARDING REGULATING ALARMS

WHEREAS, the Arvin Police Department annually responds to numerous security alarm system activations, of which ninety-eight percent (98%) are false; and

WHEREAS, responding to false alarms endangers the public health and safety by preventing, diverting, or delaying public safety officers from performing other important police services, such as crime prevention, enforcement of laws, and investigating and solving crimes; and

WHEREAS, responding to false alarms further poses a risk of harm to public safety officers and bystanders when public safety officers respond to false alarms; and

WHEREAS, the City Council of the City of Arvin has determined that it is in the public interest and welfare to add a false alarm ordinance to its Municipal Code in an effort to reduce the number of false alarms within the City; and

WHEREAS, the regulation of alarm systems within the City is in the best interest of the public health, safety, and welfare; and

WHEREAS, pursuant to state law, the City of Arvin has determined that it is in the public interest and welfare to establish regulations that regulate alarm businesses, alarm system subscribers, and alarm systems within the City of Arvin;

NOW, THEREFORE, BE IT ORDAINED by the Arvin City Council as follows:

Section 1. Chapter 5.36 for the Arvin Municipal Code is hereby added to read as follows:

“REGULATING ALARMS”

- 5.36.010 Definitions
- 5.36.020 City permit required
- 5.36.030 Alarm owners
- 5.36.040 Application for alarm system permit
- 5.36.050 Fees for alarm system permit
- 5.36.060 Expiration of alarm system permit
- 5.36.070 Permits nontransferable
- 5.36.080 Alarm system monitoring companies
- 5.36.090 Direct telephone lines
- 5.36.100 Prescribing rules and regulations by chief of police
- 5.36.110 Suspension and revocation of alarm system permit
- 5.36.120 Reapplication after revocation

- 5.36.130 Direct dial telephone device
- 5.36.140 Audible alarm requirement
- 5.36.150 Panic alarms
- 5.36.160 Report on false alarms
- 5.36.170 Violation of chapter
- 5.36.180 Confidentiality
- 5.36.190 Applicability to existing alarm systems

5.36.010 Definitions

As used in this chapter:

- A. "Alarm owner" means any person who owns, leases, rents, or uses or makes available for use by his agents, employees, representatives or family, any alarm system.
- B. "Alarm system" means any assembly of equipment and devices, including audible alarms and proprietor alarms, arranged to signal the presence of fire, robbery, or unauthorized intrusion into or onto a building, structure, or premises, the signals from which are calculated to solicit or could reasonably cause the solicitation of urgent attention from safety personnel of the city. The following devices shall not constitute alarm systems within the meaning of this subsection:
 - 1. Devices which do not register alarms that are audible, visible or perceptible outside the protected premises;
 - 2. Panic alarms;
 - 3. Alarm devices affixed to motor vehicles.
- C. "Alarm system installer" means any individual, partnership, corporation or other form of association that engages in the business of installing, altering or upgrading an alarm system.
- D. "Alarm system monitoring company" means any person that engages in the business of monitoring alarm systems and reporting any activation of such alarm systems to city safety personnel.
- E. "Audible alarm" means an alarm system which generates a sound audible outside the protected premises.
- F. "City" means the City of Arvin.
- G. "Direct dial service" means 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.
- H. "False alarm" means an alarm signal calculated to solicit or which could reasonably cause the solicitation of the urgent attention of city safety personnel where an emergency does not exist. 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. Signals from defective alarm systems shall be deemed to be within the control of the owner.

- I. "Panic alarm" means an alarm designated to be activated when assistance is needed because of illness, injury or any other reason not caused by fire, robbery, or burglary.
- J. "Person" means any natural person, partnership, corporation or other legal entity.

5.36.020 City Permit Required

It is unlawful for any person to install, connect, alter, operate, use or maintain, or to cause to be installed, connected, altered, operated, used or maintained, any alarm system within the city without first having obtained an alarm system permit in accordance with the provisions of this chapter and such permit has not expired or been revoked or suspended. The alarm owner or user shall post the permit number in a manner and at locations required by the regulations promulgated by the Chief of Police or his/her designee.

5.36.030 Alarm Owners

An alarm owner shall:

- A. Post the permit number in a manner and at locations required by the regulations promulgated by the Chief of Police or his/her designee;
- B. Review all alarm system operating instructions, including those for verification of an alarm;
- C. Notify the alarm system monitoring company of a false alarm activation as soon as the owner is aware of the false alarm; and
- D. Not manually activate an alarm except when needing an immediate response by city safety personnel.

5.36.040 Application for Alarm System Permit

- A. Applications for alarm system permits shall be filed with the finance department of the city on forms provided by the city. The applications shall contain the names, addresses, and telephone numbers of three persons who will respond to an alarm, open the premises and service or repair the alarm system during any hour of the day or night. The applications shall contain all additional information the chief of police reasonably deems necessary for the evaluation and proper processing of the permit application. The permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect.
- B. No permit shall be issued without the express approval of the chief of police or his representative.

- 27
- C. Any person who operates or maintains more than one alarm system at any particular location may apply for a single permit for that location or may apply for separate permits for each alarm system operated or maintained. If a person chooses to secure a separate permit for each alarm system, a separate application and permit fee shall be submitted for each permit requested.

5.36.050 Fees for Alarm System Permit

The permit fee prescribed by resolution of the city council shall be payable upon the making of an application to install an alarm system or to renew an alarm permit. This fee shall be paid before any permit to install an alarm system is issued or any renewal of a permit is made. Upon any change of location of said alarm system, the fee prescribed by resolution shall again become due and payable. Any federal, state, county or city agency shall be exempt from the payment of the fee provided for in this section.

5.36.060 Expiration of Alarm System Permit

All alarm system permits shall expire one year after the date issued. Applications for renewals shall be filed not sooner than sixty days nor later than thirty days before the expiration of the permit. Permits lawfully renewed prior to the effective date of this provision shall expire one year after the date of latest renewal.

5.36.070 Permits Nontransferable

All permits issued under this chapter shall be nontransferable.

5.36.080 Alarm System Monitoring Companies

An alarm system monitoring company engaging in business activity in the city shall:

- A. Obtain and maintain all necessary business licenses and permits as required by the city and the state of California prior to commencing business within the city;
- B. Maintain a current record, accessible to the police department upon request of any authorized representative thereof, that includes: the name(s) of the alarm owner(s) within the city who are served by the company; the addresses of the protected properties; the type of alarm system; original installation date and subsequent modifications, if any, for each protected property; the alarm permit number of the protected properties; the name, address and telephone number of the individual(s) from whom entry to the premises may be obtained; and a record of the false alarms at each property;

- 27
- C. Provide the alarm permit number assigned to an alarm system by the police department to the dispatcher at the time an alarm is reported to the communications center by an alarm system monitoring company, a central monitoring station, a telephone answering service or any other business that monitors and reports alarms;
 - D. Provide the chief of police or his/her designee such information as the chief requests regarding: the nature of the company's security alarms; the company's method of monitoring the alarms; the company's program for preventing false alarms, including educational programs for alarm users; and the company's method for disconnecting audible alarms;
 - E. Provide each of its alarm system owners with: operating instructions for the alarm system, including an explanation of the alarm company's alarm verification process, a telephone number to call for assistance in operating the system, and a summary of the provisions of this chapter relating to penalties for false alarms and the possibility of no police response to alarm systems where the permit therefore has been suspended/revoked;
 - F. Maintain a verification process for all monitored security systems in order to prevent unnecessary safety personnel dispatches resulting from false alarms;
 - G. Communicate requests for city safety personnel response in a manner specified by the chief of police or his/her designee;
 - H. Communicate requests for cancellations for city safety personnel response in a manner specified by the chief of police or his/her designee;
 - I. Maintain a record of all requests for city safety personnel response to an alarm, including: the date and time of the alarm and request for police and/or fire response; the alarms systems owner's name and address; evidence of the company's attempt to verify the alarm; and, to the best of its knowledge, an explanation of the cause of any false alarm; and
 - J. Work cooperatively with the alarm system owner and the chief of police or his/her designee in order to determine the cause of any false alarm and to prevent reoccurrences.

5.36.090 Direct Telephone Lines

Under no circumstance shall anything be connected to a direct telephone line to the police department of the city unless it complies with the "Standard for Safety," Central Station Burglar Alarm Units and Systems (UL 611-1972), issued by Underwriters Laboratories, Inc., or with the "Standard for Safety," Central Stations for Watchman, Fire Alarm and Supervisory Services (UL 827-1972), issued by Underwriters Laboratories, Inc., as amended from time to time. Said standards are incorporated by reference and made a part of this chapter. A copy of said standards shall be kept on file with the city clerk and will be available for public inspection. The service provided may correspond to any of the several grades of service listed in the standards. Anything not in compliance with said standards which is connected to a direct telephone line to the police department of the city prior to the effective date of this provision shall demonstrate to the chief of police by its history and design that it is reliable and of value to public sufficient to justify its remaining connected for

a period of time as determined by the chief, but such time shall in no event exceed ninety days after any change in ownership.

5.36.100 Prescribing Rules and Regulations by Chief of Police

The chief of police of the city shall have the authority to prescribe rules and regulations consistent with the provisions of this chapter and to implement and enforce the ordinance codified in this chapter. The subjects covered by such rules and regulations may include, but are not limited to, the following;

- A. Requirement for standby power supply;
- B. Systems allowed to connect directly to the communications center of the police department;
- C. Investigation and method of transmittal of alarms by central stations, alarm company operators or their agents;
- D. Testing of alarm systems.

These rules and regulations will be subject to approval by resolution of the city council.

5.36.110 Suspension and Revocation of Alarm System Permit

- A. The following shall constitute grounds for suspension and revocation of an alarm system permit:
 - 1. If an alarm owner has over ten false alarms on such permit within any twelve-month period.
 - 2. Intentionally reporting or causing to be reported any false alarm, knowing that such alarm is false.
 - 3. The violation of any of the provisions of this chapter, any rule or regulation prescribed by the chief of police or any condition imposed by the chief of police upon an alarm system permit.
 - 4. Any fraudulent or willful misrepresentation or any false statement in an application for a permit.
 - 5. Failure to pay any fees prescribed by this chapter before they become delinquent.

5.36.120 Reapplication After Revocation

Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with the procedures set forth in this section.

- A. All reapplications shall be submitted directly to the chief of police or to that person whom the chief designates as the alarm officer on such forms as may be prescribed.
- B. Every application for an alarm system permit shall be; nonrefundable permit fee in the sum prescribed by resolution.
- C. The chief of police or his designated representative shall investigate such reapplication to determine whether the grounds for the prior revocation have been eliminated or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on-site examination of the alarm system and specifications, diagrams or descriptions pertaining thereto. A test period of reasonable duration may also be prescribed.
- D. If the chief of police determines after investigation that the grounds for the prior revocation have been eliminated or are not likely to occur again in the future, an alarm system permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The chief of police may attach such conditions to the alarm system permit as he deems are reasonably necessary to insure that the permittee will comply with the provisions of this chapter.
- E. Any person whose reapplication for an alarm system permit is denied by the chief of police may appeal such denial to the alarm appeals board in accordance with the procedure set forth in this chapter.

5.36.130 Direct Dial Telephone Device

It is unlawful for any person to use any alarm system which is equipped with a direct dial device which, when activated, automatically dials a telephone number belonging to any governmental agency of the city.

5.36.140 Audible Alarm Requirement

An audible alarm shall terminate its operation or shall automatically reset within fifteen minutes if located within a residential zone or within thirty minutes if located within a commercial or industrial zone.

5.36.150 Panic Alarms

No person shall cause any alarm, including panic alarms, to be signaled by any alarm system to the police department other than a fire, robbery or burglar alarm.

5.36.160 Report on False Alarms

After any false alarm, and upon request of the chief of police or his representative, the alarm owner shall submit a written report to the chief of police describing actions taken or to be taken to eliminate the cause of the false alarm. This report shall be submitted within three days of the date of request.

5.36.170 Violation of Chapter

- A. Upon an alarm owner's fifth alarm or third false robbery alarm (police response only) or third false fire alarm, and upon each subsequent false alarm within any twelve month period, the owner shall be assessed a service fee in accordance with this Chapter. A seven-calendar-day grace period shall be permitted upon installation of a new alarm system to allow for adjustment(s)/modification(s) to ensure proper function. The service fee shall become due and payable upon deposit in the mail of notice of the amount assessed. If the service fee is not paid within thirty days after mailing of such notice, it shall be deemed delinquent and any permit issued may be suspended. The service fee will be adopted by resolution of the city council and reviewed annually to insure that the police and fire departments are being reimbursed for the lost manpower and expenses caused by false alarms.
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and, upon conviction, shall be punishable by a fine not exceeding one hundred dollars for a first violation (fourth false alarm), one hundred fifty dollars for a second violation (fifth false alarm), and for any subsequent violation (six or more) the fine will be two hundred dollars.
- C. The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve such person from paying the permit and service fees due and unpaid at the time of such conviction, nor shall payment of any permit fee or service fee prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit or service fee 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 to recover the amount of any delinquent fee. All fees shall be deemed delinquent thirty days after they are due and payable.
- D. The sections, subsections, paragraphs, sentences, clauses and phrases of this chapter are and are intended to be severable. If any section, subsection, paragraph, sentence, clause or phrases of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this chapter.

5.36.180 Confidentiality

The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to person charged with the administration of this chapter. It is declared that the public interest served by not making the information public clearly outweighs the public interest that might be served by disclosure of the information.

5.36.190 Applicability to Existing Alarm Systems

The provisions of this chapter shall apply to all alarm systems which were installed, connected, operated, used or maintained on or prior to the date on which the ordinance codified in this chapter became effective; provided, however, the permits required for such alarm systems not heretofore under any permit shall be obtained within ninety days from and after the date on which the ordinance codified in this chapter became effective.

Section 2. Effective Date. This Ordinance shall be effective thirty (30) days after its approval by City Council.

I HEREBY CERTIFY that the foregoing ordinance was passed and adopted by the City Council of the City of Arvin at a regular meeting thereof held on the 22nd day of January, 2008 by the following vote:

AYES: CM Ojeda, MPT Flores, Mayor Tarver

NOES: _____

ABSTAIN: _____

ABSENT: CM Stoner, CM Brar

ATTEST

Cecilia Vela
CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
TIM TARVER, Mayor

APPROVED AS TO FORM

By: *Laura K. Oliver*
LAURA OLIVER, Legal Counsel
MEIER