

## CHAPTER 14

# BURGLARY AND ROBBERY EMERGENCY ALARM SYSTEMS

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#### 6-14-1: PURPOSE:

The immediate preservation of the public safety, health, and welfare required the adoption of this chapter. The public has purchased alarm systems which have malfunctioned, causing an increase in the false alarm reports which require an immediate response of emergency service units subjecting the general public to a dangerous situation. (Ord. 1243, 11-25-1980)

#### 6-14-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**ALARM AGENT:** Any person who is employed by an alarm business operator, either directly or indirectly, who does not respond to activated alarms but whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, installing, replacing, or moving on or in any building, structure or facility, any alarm system.

**ALARM BUSINESS:** The business of any person consisting of: selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility, or responding to alarm systems.

**ALARM BUSINESS OPERATOR:** Any person who operates any business engaged in the sale and installation, maintenance, alteration, or servicing of the alarm systems, or which responds to such alarm systems. Alarm business operator shall not include a business which merely sells from a fixed location or manufactures alarms systems, unless such business services, installs, monitors, or responds to alarm systems at protected premises.

**ALARM SYSTEM:** Any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises or the existence of an emergency on such premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this subsection:

- (A) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (B) Devices which are not installed, operated or used for the purpose of reporting an emergency to the police;
- (C) Alarm devices affixed to motor vehicles; and
- (D) Alarm devices installed on a temporary basis by the police department.

**ANSWERING SERVICE:** A telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of said messages by live voice to the communication center.

**AUTOMATIC DIALING DEVICE:** An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

**CENTRAL STATION:** An office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

**DIRECT LINE:** A telephone line leading directly from a central station to the communication center, where said line is used only to report emergency signals on a person to person basis.

**EMERGENCY:** The commission or attempted commission of a robbery or burglary.

**FALSE ALARM:** The activation of an alarm system which results in a response by the police where an emergency does not exist. False alarms which fall into the following two (2) categories shall not be counted against a permittee under subsection 6-14-11(B)2 of this chapter for the purposes of suspension or revocation of an alarm system permit:

(A) False alarms which the permittee can demonstrate in accordance with the provisions of subsection 6-14-11(B)2 of this chapter, were proximately caused by hurricanes, tornadoes, earthquakes, or other violent acts of nature;

(B) False alarms which the permittee can demonstrate, in accordance with the provisions of subsection 6-14-11(B)2(a) of this chapter, were actually caused by the act of some person other than:

1. The permittee for the purpose of this subsection, the term "permittee" shall include officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the permittee;

2. The person who installed, connected, operated, maintained or serviced the alarm system;

3. The manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors and any other persons subject to the direct or indirect control of the manufacturer.

**INTERCONNECT:** To connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

**MODIFIED CENTRAL SYSTEM:** An office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

**PERMITTEE:** The person to whom an alarm system permit is issued.

**PERSON:** Shall include natural persons, without regard to number or gender, any partnership, corporation, and any other type of legal entity.

**PRIMARY TRUNKLINE:** A telephone line leading directly into the communication center for the purpose of handling emergency calls on a person to person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company, covering the service area within the police department's jurisdiction.

**SIREN:** Any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in section 21055 of the California Vehicle Code.

**SPECIAL TRUNKLINE:** A telephone line leading into the communication center and having the primary purpose of handling emergency signals or messages originating through a central station, modified central station or answering service. (Ord. 1243, 11-25-1980)

### **6-14-3: BUSINESS LICENSE REQUIRED:**

(A) Alarm Business: No person shall engage in, carry on, conduct or operate an alarm business without having been issued a business license therefor and having paid the annual business license fee in the amount provided for by resolution. No business license, which is required hereunder, shall be renewed for any operator of an alarm business who does not possess a valid, unexpired and unrevoked alarm company operator's license issued by the department of consumer affairs, state of California. Nor shall any business license required hereunder be issued in the first instance, if at the time of applying therefor, the department of consumer affairs, state of California, requires such applicant to possess an alarm company operator's license issued by the department of consumer affairs, state of California, and the applicant for business license does not possess such alarm company operator's license. Any business license issued pursuant to the provisions of this section shall be automatically suspended, and it shall be unlawful for any alarm business operator to perform any work covered by such business license during any period in which said license issued by the department of consumer affairs, state of California, is suspended or revoked or is not renewed after the expiration thereof.

(B) Alarm Agent And Responding Alarm Agent: No person shall act as alarm agent or responding alarm agent without having previously registered as an alarm agent or responding alarm agent with the department of consumer affairs, state of California. Any person acting as an alarm agent or responding alarm agent must, prior to performing any duties of an alarm agent or responding alarm agent, show his registration cards, issued by the department of consumer affairs, state of

California, to the chief of police or his representative. (Ord. 1243, 11-25-1980)

**6-14-4: PERMIT REQUIRED:**

No person shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained, an alarm system upon any property of which such person is in possession without first obtaining an alarm system permit therefor in accordance with the provisions of this chapter. Any such person who installs, connects, operates or maintains, or who causes to be installed, connected, operated or maintained an alarm system without first obtaining a permit as required by this section or who, after having a permit revoked or suspended, fails to disconnect an audible alarm or, in the case of silent alarm, continues to relay emergency signals to the communications center, shall be in violation of this chapter. (Ord. 1243, 11-25-1980)

**6-14-5: APPLICATION FOR PERMIT:**

(A) All applications for alarm system permits shall be filed with the chief of police on such forms as may be prescribed. Such applications shall contain the name, address and telephone number of the person who will respond to an alarm, or render service or repairs to the alarm system during any hour of the day or night and such additional information as the chief of police shall reasonably deem necessary for the evaluation and proper processing of the permit application.

(B) Any person who operates or maintains more than one alarm system under any particular property may, at his option, apply for a single permit for that particular property or for separate permits for each alarm system operated or maintained; provided, however, that if such a person chooses to secure a separate permit for each alarm system a separate application shall be submitted for each such system and a separate permit fee shall accompany each such application. (Ord. 1243, 11-25-1980)

**6-14-6: FEES:**

(A) Every application for an alarm system permit shall be accompanied by a nonrefundable permit fee which shall be established by resolution of the city council. The fee is established to cover the cost of processing the applications and permits and shall be in addition to any other permit fee imposed by this code.

(B) Every applicant shall be given a receipt for the aforesaid permit fee at the time such fee is paid. The receipt shall serve as a temporary alarm system permit for a period not to exceed forty five (45) days from the date on which said permit fee was paid, and shall be of no force or effect after the forty five (45) days period expires, or after the alarm system permit is issued by the chief of police, whichever occurs sooner. (Ord. 1243, 11-25-1980)

**6-14-7: ISSUANCE OF PERMIT:**

Alarm system permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect. (Ord. 1243, 11-25-1980)

**6-14-8: EXPIRATION OF PERMIT:**

Each alarm system permit that is issued shall expire one year after the date of issuance. The date of issuance shall be the date shown on the alarm system permit issued by the issuing authority. Upon expiration of an alarm system permit, a new permit shall be secured in the manner specified by section 6-14-5, subsection 6-14-6(B), sections 6-14-7 and 6-14-9 of this chapter. (Ord. 1243, 11-25-1980)

**6-14-9: RENEWAL FEES:**

The fee for the renewal of an alarm system permit shall be established by resolution of the city council. (Ord. 1243, 11-25-1980)

(A) Alarm permits shall be renewed on the anniversary date of said permit.

(B) Thirty (30) days prior to said renewal date the permittee shall be notified in writing by the city that the permit is due for renewal.

(C) If said permit is renewed within said thirty (30) day period, no fee shall be charged for said renewal.

(D) In the event said permit is not renewed during said thirty (30) day period, the permittee shall be required to submit an application for reinstatement of said permit and shall be required to pay the permit fee as set by resolution establishing alarm permit fees. (Res. 4372, 10-23-1984)

**6-14-10: TRANSFERABILITY OF PERMIT:**

Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only for the permittee named on the permit, and only for the particular alarm system or systems specified on the permit. No alarm system permit shall in any manner be transferred or assigned without the written consent of the chief of police. Any request to transfer an alarm system permit shall be made only upon such form as the chief of police may prescribe and shall be accompanied by a nonrefundable fee of five dollars (\$5.00). Transfer of an alarm system permit shall in no way affect the date of expiration of said permit. False alarm previously charged to the transferor shall not be charged to the transferee; provided, however, that the chief of police may deny any request to transfer an alarm system permit where, after reasonable investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms. (Ord. 1243, 11-25-1980)

**6-14-11: SUSPENSION AND REVOCATION OF PERMIT:**

(A) Hearings: No alarm system permit shall be suspended or revoked under this section until a hearing shall have been held by the chief of police, or a designated representative. Written notice of the time and place of such hearing shall be served upon the permittee, and upon the person who renders service or repairs to the permittee's alarm system as designated on the permittee's application, at least ten (10) days prior to the date set for such hearing. Such notice shall

contain a brief statement of the grounds to be relied upon for suspending or revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by depositing the same in the U.S. mail in a sealed envelope postage prepaid, addressed to such person to be notified at the address shown on the permit application.

(B) Grounds: The following shall constitute the exclusive grounds for suspension or revocation of an alarm system permit:

1. The violation of any of the provisions of this chapter.

2. Where an alarm system actuates excessive false alarms. An alarm system shall be deemed to actuate excessive false alarms where there are three (3) false alarms within thirty (30) consecutive days, five (5) false alarms within ninety (90) consecutive days or six (6) false alarms within one hundred eighty (180) consecutive days. If a permittee presents sufficient proof that a particular false alarm was caused by an event or act specified in subsections (A) and (B) of the definition of "false alarm" in section 6-14-2 of this chapter, said false alarm shall not be counted against the permittee in determining whether the permittee's alarm system actuated excessive false alarms.

(a) If the chief of police or designated representative, determines that an alarm system has generated excessive false alarms, the permittee responsible for such alarm system shall have his permit suspended for fifteen (15) days. On the sixteenth day following such a suspension, the suspended permit shall be restored by operation of law.

(b) If the chief of police, or designated representative, determines that an alarm system has generated excessive false alarms, and if he further finds that the permittee responsible for such alarm system has had his permit suspended during the twelve (12) months prior to the date on which the hearing is held, the permittee shall have his permit revoked.

3. The violation of any condition imposed by the chief of police upon an alarm system permit issued in accordance with section 6-14-12 of this chapter.

(C) Appeals: Any permit holder aggrieved by the decision of the issuing authority in suspending or revoking an alarm system permit may appeal such decision to the city council.

Notice of appeal shall be filed in writing with the city clerk not later than ten (10) days after said suspension or revocation. During the pendency of said appeal to the council the permit shall remain in effect.

The city shall either conduct a hearing on said appeal or refer said appeal to a hearing officer who shall conduct the hearing within thirty (30) days of the filing of said appeal. (Ord. 1243, 11-25-1980)

(D) Notices:

1. Notwithstanding the foregoing provisions, after the police department has recorded two (2) false alarms in any quarter of any calendar year, generated by any alarm user permit holder, the permit holder and the alarm company maintaining the alarm annunciator panel at the communication center shall be notified either by personal delivery or first class mail that police response to any further false alarms will result in a charge for each such response.

2. The response to a second or subsequent false alarm by any alarm user not possessing a valid permit as required by this chapter and, after said user has been once warned/advised by letter or citation of the permit requirements and no permit having still been issued shall result in a charge for each such response.

3. The fee for police response as provided herein shall be set by resolution of the city council. (Ord. 1300, 5-25-1982)

#### **6-14-12: 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) Reapplication: All reapplications shall be submitted directly to the chief of police, or to that person whom the chief of police designates as the alarm officer, on such forms as may be prescribed.

(B) Fees: Every reapplication for an alarm system permit shall be accompanied by a nonrefundable permit fee which shall be established by resolution of the city council. The fee is established to cover the cost of processing the reapplications and permits and shall be in addition to any other permit fee imposed by this code.

(C) Investigation: The chief of police, or designated representative, shall investigate each 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 investigation of the alarm system; an examination of the alarm system and any specifications, diagrams, or descriptions pertaining thereto; and a prescribed test period of reasonable duration.

(D) Issuance Of Permit: If, after investigation, and in his sole discretion, the chief of police determines that the grounds for the prior revocation have been eliminated, or that such grounds 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 an alarm system permit as he deems reasonably necessary to ensure that the permittee will comply with the provisions of this chapter.

(E) Appeals: Any person whose reapplication for an alarm system permit is denied by the chief of police may appeal such denial to the city council, in accordance with the procedure set forth in subsection 6-14-11(C) of this chapter. (Ord. 1243, 11-25-1980)

#### **6-14-13: REGULATIONS, REQUIREMENTS AND DUTIES:**

(A) Alarm System Requirements: No alarm system shall be installed or connected on or after the date this chapter becomes effective which emits the sound of a siren. Any alarm system which emits the sound of a siren, and which is installed and in operation prior to the date this chapter becomes effective, shall have that part of the alarm system which emits the sound of a siren disconnected within one hundred eighty (180) days from the date this chapter becomes effective.

(B) Audible Alarm System Requirements: Any alarm system which is installed or connected on or after the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have as part of the system an automatic shutoff that will deactivate the audible portion of the system within fifteen (15) minutes after it is first activated. Any alarm system which is installed and in operation prior to the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have such an automatic shutoff device installed and in operation within one year after the date this chapter becomes effective.

(C) Display Of Alarm System Permit: Every alarm system permit shall be kept on the premises where the alarm system is located.

(D) Automatic Dialing Device Regulations:

1. No automatic dialing device shall be interconnected to a primary trunkline of the communications center or police department after the effective date of this chapter.

2. Within sixty (60) days after the effective date of this chapter, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of such device shall be responsible for having the device disconnected within the sixty (60) day time period.

3. Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- (a) A central station; or
- (b) A modified central station; or
- (c) An answering service.

4. The relaying of messages to the communications center by a modified central station or an answering service shall be over a special trunkline unless the special trunkline is unavailable; the relaying of messages by a central station may be over a direct line.

5. No automatic dialing device may be interconnected to the telephone company operator.

(E) Response Required: When an alarm system has been activated, the alarm business and/or the permittee shall have an alarm agent and/or other person in responsible control present at the location within thirty (30) minutes after being requested to do so by a representative of the communications center and/or Placerville police department.

(F) Power Supply: All alarm systems shall be equipped with an uninterruptible power supply in such a manner that the failure or interruption of normal electrical utility power shall not activate the alarm system. This power supply must be capable of at least four (4) hours of operation.

(G) Notification Card Required: All premises having an alarm permit system permit shall file and keep current an emergency notification card with the Placerville police department.

(H) Notice Of Name Of Servicer Or Occupant: 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. All silent alarm systems shall have a notice on the premises which provides the same information. (Ord. 1243, 11-25-1980)

#### **6-14-14: VIOLATION OF CHAPTER:**

(A) Penalties: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in California Penal Code section 19. (Ord. 1578, 8-28-2001)

(B) Enforcement: 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 fee due and unpaid at the time of such conviction, nor shall payment of any permit 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 fee shall be deemed delinquent thirty (30) days after it is due and payable. (Ord. 1243, 11-25-1980)

#### **6-14-15: 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 persons charged with the administration of this chapter; it is hereby declared that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information. (Ord. 1243, 11-25-1980)

#### **6-14-16: APPLICABILITY TO EXISTING ALARM SYSTEMS:**

The provisions of this chapter shall apply to all alarm systems which were installed, connected, operated or maintained on or

prior to the date on which this chapter becomes effective; provided, however, that the permits required for such alarm systems under section 6-14-4 of this chapter shall be obtained within ninety (90) days from and after the date on which this chapter becomes effective. (Ord. 1243, 11-25-1980)

**6-14-17: SEVERABILITY:**

If any section or part of any section of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the remainder hereof not hereby invalidated shall remain in full force and effect. The council of the city hereby declares that it is the intent of such council that it would have passed all other portions of this chapter independent of the elimination therefrom of any such portion as may be declared invalid. (Ord. 1243, 11-25-1980)

**6-14-18: APPLICABILITY OF CALIFORNIA BUILDING STANDARDS CODE:**

No provisions of this chapter shall be construed as preempting the requirements and/or regulations of the California building code or title 4, chapter 1 of this code. (Ord. 1642, 6-14-2011)