

ORDINANCE NO. 928

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN
ADDING CHAPTER 9.44 TO THE ROCKLIN
MUNICIPAL CODE RELATING TO
REGULATION OF ALARM SYSTEMS
AND EXCESSIVE ALARMS

WHEREAS, a burglar or holdup alarm is a high priority incident requiring the immediate assignment of multiple police units to respond, and

WHEREAS, the Police Department responds to a significant number of false alarms generated by security systems, causing a substantial expenditure of public funds designated for emergency resources; and

WHEREAS, it is the City's intention to create a civil penalty for repeated false burglar or holdup alarms in an effort to limit the number of false alarms.

The City Council of the City of Rocklin hereby ordains as follows:

Section 1. The City Council of the City of Rocklin hereby adds Chapter 9.44 to the Rocklin Municipal Code, effective April 11th, 2008, to read as follows:

Chapter 9.44

9.44.010 Purpose.

The purpose of this chapter is to encourage the proper and effective use of alarm systems by setting forth regulations governing burglary and holdup alarm systems within the City.

9.44.020 Definitions.

The following terms, whenever used in this chapter, shall have the following meanings:

A. "Alarm company" means a person in the business of selling, providing, monitoring, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. Such companies shall be licensed in accordance with the provisions of Chapter 5.04, Business License, of the Rocklin Municipal Code.

B. "Alarm dispatch request" means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

C. “Alarm site” means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

D. “Alarm system” means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response. Alarm System does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

E. “Applicant” means a person who files an application for a new or renewal permit as provided in this chapter.

F. “Arming station” means a device from which the alarm system is turned on (armed) and off (disarmed).

G. “Audible alarm” means an alarm system that generates an audible sound on the premises when it is actuated.

H. “Automatic shutoff device” means a mechanism that will cause the alarm system to shutoff and reset within fifteen minutes.

I. “Burglar alarm” means an alarm system designed or used to detect and report an unauthorized entry or attempted unauthorized entry upon the premises, building, or structure protected by the system.

J. “Canceled alarm” means a police response to an alarm signal, where the response is canceled by the alarm company or an authorized person at the alarm site prior to the arrival of any responding police unit. Canceled alarms are not considered false alarms. Duress or hold-up alarms may not be canceled.

K. “City” means the City of Rocklin.

L. “Direct dial telephone alarm” means a device which automatically telephones the Rocklin Police Department and delivers a prerecorded message upon the alarm activation of an alarm system.

M. “Duress alarm” means a silent or audible alarm system signal generated by the entry of a designated code into the arming station in order to signal that the alarm user is being forced to turn off the system or is in immediate danger and requires law enforcement response.

N. "Excessive false alarms" means two (2) or more false alarms within a rolling twelve (12) month period, whether the type was a Burglar Alarm or a Duress/Holdup Alarm. The rolling twelve month period will consist of the twelve months preceding an alarm event. A twelve month period will not consider any alarm event prior to the effective date of this Ordinance.

O. "False alarm" means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site. Alarms caused by power outage, severe storms, earthquakes, or other violent acts of nature are not false alarms and shall not be included in determining an excessive false alarm; provided, however, that it shall be the permittee's burden to prove by clear and convincing evidence that the alarm is not a false alarm.

P. "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Q. "Notice" means written notice, served either by personal service or by United States mail, first class postage prepaid, addressed to the person to be notified at the last known address. Service of such notice shall be effective upon the completion of personal service or forty-eight hours after the placing of the notice in the custody of United States Postal Service.

R. "Permittee" means any person granted a permit as provided herein, and his or its agents and representatives.

S. "Siren" means 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.

T. "Verified alarm" means an alarm or signal resulting from the actual detection of an unauthorized entry into a building, structure, or facility alerting the Rocklin Police Department and/or others of the commission of an unlawful act within a building and consistent with the type of alarm signal transmitted.

9.44.030 Standards and regulations prescribed.

The Chief of Police may prescribe or amend standards and regulations for the construction and maintenance of alarm systems installed within the City. All devices are required to meet or exceed such standards and regulations before permits may be issued pursuant to this chapter. The Chief of Police may require inspection of an alarm systems installed within the City during the permitting process.

9.44.040 Permits; Required.

A. Individual Users. It is unlawful to activate, operate or maintain an alarm system upon any premises within the City without first obtaining an alarm system permit to do so.

B. Alarm Company/Installers. It is unlawful to connect, activate, or install an alarm system upon any property within the City without first obtaining an alarm system permit.

C. Penalty – Violations of this Section are subject to civil penalty of \$100 per occurrence. Any violation of this Section shall be in addition to any excessive alarm penalties.

D. Waiver – The Chief of Police or designee may waive any penalty associated with the administration of this chapter upon presentation of substantial evidence showing extenuating, mitigating, or extraordinary facts and circumstances, and proof that an application for an alarm system permit has been submitted to the City.

9.44.050 Permits; Applications; Form.

A. Any person desiring an alarm system permit shall file an application with the Police Department on a form provided by the Police Department manually or electronically which includes, but is not limited to, the following information:

1. The name and address of the applicant;
2. If different than above, the address at which the alarm system is to be installed and used;
3. If the applicant is a corporation, the names and addresses of its principal officers;
4. If the applicant is a partnership, association, or other business entity, the names and addresses of the partners or persons comprising the same;
5. A description of the alarm system proposed to be installed, including the manufacturer's name and model number, if any; and,
6. The names, addresses and telephone numbers of one (1) or more persons who will be available to secure the premises during any hour of the day or night.
7. Any such additional information that the Police Chief may deem necessary in order to fully and properly administer this ordinance.

B. In the interest of public safety, and as per California Government Code 6254(f), all information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the City and by any third-party administrator or employees of a third-party administrator with access to such information.

C. Whenever any change occurs relating to the information required by this section, the applicant or permittee shall give written notice thereof to the Rocklin Police Department within ten days after such change.

D. An alarm system permit may be denied if the application is not in the form and does not contain all information or fees required by this chapter.

9.44.060 Permit; Term.

Alarm System Permits are issued for the period of two (2) years and will expire 730 days after the date of issuance or renewal, unless otherwise suspended or revoked at an earlier time. Upon expiration of an alarm system permit, a new permit shall be secured in the manner specified in Section 9.44.050 and Section 9.44.080 before an alarm system may continue in use.

9.44.070 Transfer of Permit Prohibited

Alarm permits may not be transferred to another person or alarm site. Permits are valid only for the permittee and address listed on the permit.

9.44.080 Permit; Fees; Receipt.

Every initial application and subsequent renewal for an alarm system permit shall be accompanied by a non-refundable permit fee. The fee is established to defray costs of processing applications and permits, and shall be in addition to any other permit fee imposed by the City of Rocklin Municipal Code. The Alarm System Permit fee imposed shall be stated in the schedule of fees that shall be adopted by the City Council.

9.44.090 Applicability of Existing Alarm Systems.

The provision 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. However, such systems shall be given a grace period, ending September 1, 2008, to obtain an Alarm System Permit and bring the alarm system into compliance with City alarm system standards. The rolling 12 month period as defined in Section 9.44.110 shall begin on the date this Ordinance is adopted.

9.44.100 Outside Audible Alarm Requirements

A. Every business maintaining an outside audible alarm shall post a notice containing the names and telephone numbers of the persons to be notified in order to render repairs and service or secure the premises during any hour of the day or night in the event that the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground level adjacent to the building where the alarm is located. The wording "Police Alarm – Call City of Rocklin Police Department" shall be placed on the alarm or immediately below the alarm device.

B. It shall be unlawful to install or use an alarm system which upon activation emits a sound similar to sirens in use on public emergency vehicles or for public disaster warning purposes.

C. All local exterior bell, gongs, noisemaking devices or pulsating lights shall have a timing device that will silence or turn off such devices or lights within fifteen (15) minutes following initial activation.

9.44.110 Penalty for Excessive False Alarms.

A. Whenever the police department responds to an excessive false alarm, the permittee shall be assessed a civil penalty as described within this Section.

B. The amount of the penalty assessed shall be determined by the combined number of both burglary and duress/holdup false alarms during a rolling twelve month period.

Alarm within prior 12 months	Penalty (General)	Penalty Holdup or Duress
Second	\$50	\$100
Third and Subsequent	\$100	\$150

C. Failure to pay the penalty when due shall, in addition to any other available remedy, may lead to suspension and/or revocation of the alarm permit and additional fees associated with collection.

D. Penalties may be waived by the Chief of Police or designee for false alarms upon presentation of substantial evidence showing extenuating, mitigating, or extraordinary facts and circumstances, and where the permittee has undertaken action to correct alarm system deficiencies.

E. Canceled alarms are not counted in the above schedule unless officers have arrived on scene before cancellation.

9.44.120 Grounds for suspension, denial and/or revocation.

Unless there is a separate indication that there is a crime in progress, the Chief of Police may reduce the priority or refuse police response to an alarm site after the denial, suspension or revocation of an alarm permit. The following shall constitute grounds for denial, suspension and/or revocation of the alarm permit:

A. Failure to pay fines and/or charges imposed as a result of excessive false alarms at any alarm site; or

B. Failure to comply with standards or regulations adopted pursuant to this chapter; or

C. Where the applicant, permittee, or the employee or agent of the applicant or permittee has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or record required to be filed with any city agency.

9.44.130 Denial, suspension or revocation of permit.

A. If the Chief of Police denies the issuance of a permit, suspends or revokes a permit issued under this Chapter, the Chief of Police shall serve the permittee with a written order stating the reasons for the denial, suspension or revocation of the permit. The order shall be effective immediately upon service and, unless there is a separate indication that there is a crime in progress, the Chief of Police may refuse police response to the alarm site after the suspension or revocation of an alarm permit.

B. It is unlawful to operate or use any alarm system after service of a notice of denial, suspension, or revocation of an alarm permit.

C. The Chief of Police may reconsider the denial, suspension or revocation of a permit or reinstate a suspended permit, provided that within forty-five days of the denial or suspension, the applicant or permittee has established to the satisfaction of the Chief of Police that the alarm system will be operated in compliance with this chapter, by complying with the following:

1. Provide a letter from an alarm company licensed by the State of California indicating that the alarm has been completely checked and any mechanical malfunctions have been repaired;
2. Agree that an agent of the business, or, if the alarm is residential, a responsible party, shall respond to the alarm site within thirty minutes of notification, each time the alarm is activated;
3. Review correct alarm setting procedures with every resident, agent, employee or other person who may be responsible for user error alarm activations;
4. Pay in full all outstanding excessive false alarm fines or charges; and
5. Other reasonable procedures, conditions, or requirements as may be established by the Chief of Police.

D. The decision of the Chief of Police to suspend a permit or the refusal of the Chief of Police to reinstate a permit may be appealed in writing by any interested person to the City Manager within fifteen calendar days of the decision and upon the payment of any penalties or fees due.

E. Any denial to issue a permit which has not been appealed within forty-five (45) days of such denial shall be final. Any suspended permit which is not reinstated within forty-five days shall automatically be deemed revoked. No revoked permit shall be reissued until six months after the revocation, at which time a new application may be filed pursuant to Section 9.44.050.

9.44.140 Fee exemptions.

The United States, the State of California, counties, municipal corporations, departments thereof and other governmental entities are exempt from application fees required in Section 9.44.080.

9.44.150 Public nuisance.

Any alarm system is a public nuisance:

A. When the alarm system generates an audible sound on the premises for a period longer than fifteen minutes;

B. When the alarm system generates excessive false alarms.

9.44.160 Remedies cumulative.

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.

Section 2. Section 3.32.050 of the Rocklin Municipal Code entitled “Service fees established” shall be amended to add “Alarm Permit Fee (7410)” under subsection (C) entitled “Public safety” and shall be amended to delete “Police False Alarm (7400)” under subsection (C) entitled “Public safety.”

Section 3. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on February 26, 2008, by the following vote:

AYES: Councilmembers: Hill, Lund, Yuill, Storey

NOES: Councilmembers: Magnuson

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on March 11, 2008, by the following roll call vote:

AYES: Councilmembers: Lund, Yuill, Storey

NOES: Councilmembers: Magnuson

ABSENT: Councilmembers: Hill

ABSTAIN: Councilmembers: None

Brett Storey, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

First Reading: 2/26/08

Second Reading: 3/11/08

Effective Date: 4/11/08

e:\clerk\ord\alarm ordinance(tjr)\03/12/08