

Chapter 9.32

FIRE AND BURGLAR ALARM SYSTEMS*

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9.32.010 Purpose. The purpose of this chapter is to set forth regulations governing burglary and fire alarm systems, alarm businesses and agents within the town and permits therefor, provide the authority to establish fees, and provide for punishment of violations of provisions of this chapter. (Ord. 458 (part), 1987).

9.32.020 Definitions. For the purpose of this chapter, the following words and phrases shall have the meaning given herein:

(1) "Alarm agent" means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, removing or installing on or in any building, structure, or facility, any alarm system.

* Prior history: Ord. 312 as amended by Ords. 319, 382 and 385.

(2) "Alarm business" means the business by any individual, partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed, any alarm system in or on any building, structure, or facility.

(3) "Alarm system" means any mechanical or electrical device which is designed or used for the detection of fire or unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or both; and which emits a sound or transmits a signal or message when actuated and which is likely to result in a response by the police department. Alarm systems include, but are not limited to, direct dial telephone devices, 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 building, structure or facility are not included in the category of burglar alarm systems for purposes of this ordinance. Medical alarms will be treated as fire alarms for purposes of this ordinance.

An alarm system includes all of the necessary equipment designed and installed for the detection of fire or an unauthorized entry into a single building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both.

(4) "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 actuated.

(5) "False alarm" means the activation of an alarm system through mechanical failure, improper installation or through the negligence of the owner or lessee, or his employees or agents. Such terminology does not include alarms caused by acts of God, electrical interruptions, flooding, or acts of third parties caused by an illegal entry or attempted entry as determined by the director of public safety, or his representative.

(6) "Notice" means written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of United States Postal Service.

(7) "Person" means natural person, firm, partnership, association or corporation.

(8) "Proprietor alarm" means any alarm which is not serviced by an alarm business.

(9) "Reporting telephone" means any intrusion detection device which, when activated, causes, either mechanically, electronically, or by any other automatic means of dialing of any telephone number and then transmits a prerecorded message.

(10) "Subscriber" means any person who purchases, leases, contracts for or otherwise obtains an alarm system or contracts for the servicing or maintenance of an alarm system from an alarm business. (Ord. 458 (part), 1987).

9.32.030 License to operate alarm system business. It is unlawful for any person to own, manage, conduct or carry on the business of installing servicing, maintaining, repairing, replacing, moving or removing, or causing to be installed, serviced, maintained, repaired, replaced, moved or removed, in or on any building within the town any intrusion detection device known as a burglar alarm or any fire alarm signaling system or device unless a license therefor first has been procured from the town, and the license tax paid in full.

Application for such license shall be made upon such form as shall be specified from time to time by resolution of the town council. Such license shall be issued five business days after receipt by the town clerk of the completed application and payment of the license tax, unless during such period the chief of police shall, after review of the application and investigation of the applicant, disapprove such application by reason of any false, misleading or fraudulent statement of a material fact in the application, or his or any employee's prior conviction of theft or embezzlement, or of any other felony or misdemeanor involving robbery, burglary, fraud, buying or receiving of stolen property, or of arson. Such application may also be disapproved if applicant is a corporation and if all of its officers, directors, and stockholders do not meet such requirements. Applicant shall have a right to appeal of any such denial to the town council. (Ord. 458 (part), 1987).

9.32.040 Permit required of owner. No person shall operate or permit to be operated, upon his premises, or install, or permit to be installed, upon his premises, any intrusion detection device known as a burglar alarm or any fire alarm signaling system or device, including any automatic calling device as described in Section 9.32.120, without first obtaining a permit therefor. Application for such permit shall be made to the town public safety department. Each application to be made upon such forms as shall be specified from time to time by resolution of the town council. In addition to the foregoing, the following conditions shall apply to all such permits:

(a) A filing fee in an amount fixed from time to time by resolution of the town council shall accompany each application;

(b) Each application for permit shall indicate the name of the licensed alarm service company which shall install and service such system or device. The method and location of every installation is to be approved by the director of public safety or his representative, and every such installation may be subject to such periodic test or maintenance procedure as may be reasonably required by such authority.

(c) Each permit must be renewed annually. No additional filing fee shall be required for renewal, but on each such renewal permittee must first present a certificate of inspection, as of a date within thirty days next preceding the date of the renewal application, by a licensed burglar or fire alarm service company, as the case may be, the cost thereof to be borne by permittee;

(d) Alarm permits and emergency information will be maintained at the control box for the alarm;

(e) Any permit granted hereunder may be revoked by the director of public safety for any reason for which the granting of such permit might be lawfully denied, for the violation of any provision of this chapter, and of the rules and regulations in implementation thereof, or for other good cause. Permittee, however, shall have a right of appeal to the town council from any such suspension or revocation.

(f) Each alarm business shall notify the department of public safety in writing of each new alarm subscriber's name, address, and telephone number prior to activation of a new alarm system, or upon the sale or transfer of any system to another subscriber. (Ord. 458 (part), 1987).

9.32.050 Fire alarm devices to be listed. No person shall sell, offer for sale or install any fire alarm system component unless such device has been listed and approved by the California State Fire Marshal's office. (Ord. 458 (part), 1987).

9.32.060 Grounds for denial. The permit may be denied by the public safety director if the system does not comply with standards and regulations adopted pursuant to Section 9.32.080, or if any of the following occur:

(1) The applicant, his employee or agent 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 town department; or

(2) That the applicant has had a similar type permit previously revoked for good cause within the last year, unless applicant can show material change in circumstances since the date of revocation. (Ord. 458 (part), 1987).

9.32.070 Audible alarm requirements. All burglar alarm systems with audible devices must be equipped with a cutoff device that limits the period of exterior sounding to fifteen minutes (maximum). Alarm companies must mark all exterior sounding devices with their company name and telephone number, unless the system is owned by the permit holder. Proprietary systems must be marked with the telephone number of a person responsible to turn the system off. Company decals or signs visible from the front door of the installed premises will suffice for marking the bell box or other sounding device. The company name and phone number must be present on the label. The use of siren type audible devices is prohibited. (Ord. 458 (part), 1987).

9.32.080 Alarm system standards and requirements. The town council by resolution may prescribe minimum standards and regulations for the installation and maintenance of all alarm systems installed within the town. The director of public safety, or his representative, shall be authorized to inspect and approve all alarm systems installed within the town. (Ord. 458 (part), 1987).

9.32.090 Owner responsibility. The owner of premises having an alarm system shall instruct all persons having access to the premises in the proper use and operation of the alarm, including specifically all necessary instruction in turning the system on and off, and precautions for preventing false alarms. The owner or person operating any system during maintenance, testing or repair must notify the public safety department prior to any audible device activation likely to cause a response by the police to the premises. (Ord. 458 (part), 1987).

9.32.100 Records of inspection. Each alarm business, alarm agent, or permittee shall display to the director of public safety when requested, their record of inspection or repair of any installed alarm system. (Ord. 458 (part), 1987).

9.32.110 Alarm systems which constitute a hazard to responding public safety officers. No permit shall be issued for an alarm system, which due to the nature of its installation or construction, constitutes an unreasonable hazard to responding public safety officers in the opinion of the director of public safety. (Ord. 458 (part), 1987).

9.32.120 Reporting telephones prohibited. No person, except a public utility engaged in the business of providing communications services and facilities, shall use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide

or install, any device or combination of devices that will upon activation, either mechanically, electronically or by other automatic means, initiate the interstate calling, dialing or connection to any telephone number assigned to any subscriber by a public telephone company, without the prior written consent of such subscriber.

The term "telephone number" includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with the subscriber to such primary number when the primary telephone is in use. In no case will the prerecorded message from such reporting telephone terminate at any town-owned facility, or other city approved communication center. (Ord. 458 (part), 1987).

9.32.130 Grounds for suspension and revocation. The following shall constitute grounds for suspension and revocation of a permit;

- (1) The violation of any of the provisions of this chapter;
- (2) The failure to comply with standards or regulations adopted pursuant to Section 9.52.080;
- (3) When an alarm system actuates excessive false alarms, as defined by the town council, and thereby constitutes a public nuisance;
- (4) When the applicant or permittee, or his employee or agent, 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 town agency;
- (5) When the applicant or permittee has had a similar permit previously revoked for good cause within the past year, unless the applicant or permittee can show material change *in* the circumstances since the date of revocation;
- (6) Immediately following an alarm activation, where the alarm system permittee or his designated representative(s) fails to respond to a request for access to the protected premises, upon request to do so by a police officer or dispatcher who deems a response necessary to insure the security of the premises or persons where the system is installed. (Ord. 458 (part), 1987).

9.32.140 Suspension. Any permit issued under this chapter may be suspended by the director of public safety for any of the grounds provided for in Section 9.32.130. The determination of the director of public safety with regard to matters of suspension shall be appealable in the time and manner set forth in this chapter. (Ord. 458 (part), 1987).

9.32.150 Procedure. (a) In the case of suspension under Section 9.52.210, the director of public safety shall serve the permittee with a written order of suspension which shall state the reasons for such suspension. The order shall be effective immediately if personally served, or forty-eight hours after the same has been deposited in the course of transmission in the United States Postal Service.

(b) Notwithstanding the effectiveness of an order of suspension, the permittee may continue the use of any alarm system requiring a permit under this chapter, until the appeal process as defined in this chapter has been exhausted, unless the director of public safety determines that the continued operation of such alarm system jeopardizes officer safety, or constitutes a public nuisance. (Ord. 458 (part), 1987).

9.32.1.60 Revocation. Suspension of the permit shall become a revocation fifteen days after the order of suspension becomes effective, unless the permittee files an appeal of the order of suspension in the manner set forth in this chapter. When an appeal is filed, the order of suspension shall be stayed pending a determination thereon by the town council who shall act upon the same in the manner set forth in this chapter. Such suspension shall become a revocation if the decision of the town council upholds the suspension. The suspension shall be dissolved immediately if the decision of the town council reverses the suspension. (Ord. 458 (part), 1987).

9.32.170 Surrender of permit. If any permit is revoked pursuant to this chapter, the permittee shall surrender the permit to the police department and discontinue the use of any and all alarm systems covered by the permit. (Ord. 458 (part), 1987).

9.32.180 Burglar alarms--False alarm penalties. Tabulation-year: July 1 to June 30. All police responses will be tabulated during this period. No alarm permittee can carry over any balance of unused false alarms. Alarms within the first fifteen days of operation of a new system, or first ten days of a substantially modified system (at discretion of the director of public safety) will not be counted as false alarms.

The town council by resolution shall prescribe the charges to be made for each false alarm response.

The fifteenth false alarm suspends the permit. If reinstated, and the number reaches thirty, the permit will be revoked. Material change in conditions must be proved to allow reinstatement in the next permit year. A new fee is required for issuance of a new permit. (Ord. 458 (part), 1987).

9.32.190 Fire alarms--False alarm penalties. Tabulation year: July 1st to June 30th. All fire responses will be tabulated during this period. No alarm permittee can carry over any balance of unused false alarms. Alarms within the first fifteen days of operation of a new system, or first ten days of a substantially modified system (at discretion of the director of public safety) will not be counted as false alarms. Trouble calls reported to the public safety department are counted as false alarms, and call for a response of men and equipment.

The town council by resolution shall prescribe the charges to be made for each false alarm response.

The tenth false alarm suspends the alarm permit. If reinstated, and the number reaches fifteen, the permit will be revoked. Material change in conditions must be proved to allow reinstatement. A new fee is required for issuance of a new permit. (Ord. 458 (part), 1987).

9.32.200 Confidentiality. This information furnished and secured pursuant to this chapter shall be confidential, shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be disclosed except to those persons charged with the administration of this chapter. (Ord. 458 (part), 1987).

9.32.210 Right of appeal. (a) Any person aggrieved by the decision of the director of public safety, with reference to any matter covered by this chapter, shall have the right to appeal to the town council.

(b) A statement setting forth fully the grounds of such appeal shall be filed with the town clerk within fifteen days after notice of the decision of the director of public safety has been delivered to such person or mailed to his last known address. The town council shall set a time and place for hearing on the appeal and the town clerk shall promptly *give* notice of such hearing to the appellant. Such notice shall be in writing and shall be mailed to the appellant at his

last known address at least five days prior to the date of hearing. The decision and order of the council on such appeal shall be final and conclusive.

(c) In the alternative, the aggrieved person may informally seek relief from a decision of the public safety director by presenting evidence to the director of public safety that the deficiencies in the alarm system, or its operation, have been rectified. That evidence must be presented within fifteen days of the effective date of an order of suspension. Within five days of the date upon which the evidence is presented, the director of public safety shall notify permittee of his decision. In the event informal relief is not granted, the aggrieved person has an additional fifteen days from the date of notification of the decision by the director of public safety to file a formal appeal as provided for above. (Ord. 458 (part), 1987).

9.32.220 Penalties for violation. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor or an infraction and upon conviction of either shall be punished according to law. (Ord. 458 (part), 1987).

9.32.230 Enforcement. The conviction and/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. The amount of any permit fee shall be deemed a debt to the town. All permit fees shall be deemed delinquent thirty days after they are due and payable. (Ord. 458 (part), 1987).

9.32.240 Compliance. All persons subject to the provisions of this chapter on the effective date hereof shall comply herewith within sixty days after the effective date of this chapter. (Ord. 458 (part), 1987).