

**ORDINANCE NO. [DRAFT 04-07-04]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BREA ESTABLISHING REGULATIONS FOR THE OPERATION OF ALARM SYSTEMS**

The City Council hereby ordains as follows:

Section 1. Chapter 3.36 of Title 3 of the Brea City Code is hereby repealed provided, however, that such repeal shall not affect or excuse any outstanding or pending false alarm charge accruing prior to the effective date of this Ordinance.

Section 2. A new Chapter 8.38 is hereby added to Title 8 of the Brea City Code to read as follows:

**“CHAPTER 8.38: REGULATION OF ALARM SYSTEMS**

Sections:

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**§ 8.38.010 TITLE.**

This Chapter shall be known as the ‘Public Safety Alarm System Ordinance’.

**§ 8.38.020 PURPOSE.**

The purpose of this Chapter is to set forth regulations governing burglary, robbery, fire, and medical assistance alarm systems within the City; to reduce false alarms; to require registration of alarm systems; and to provide the authority to establish fees.

### **§ 8.38.030 DEFINITIONS.**

Unless the context otherwise clearly indicates, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this Chapter.

‘Alarm agent’ means any person who is registered as an alarm agent with the Bureau of Collection and Investigative Services, pursuant to the provisions of the California Alarm Company Act, § 7590, et seq., of the Business and Professions Code and doing business as such within the corporate limits of the City of Brea.

‘Alarm company operator’ means any person licensed as an alarm company operator by the Bureau of Collection and Investigative Services pursuant to the provisions of the California Alarm Company Act, § 7590, et seq., of the Business and Professions Code and doing business as such within the corporate limits of the City of Brea.

‘Alarm Officer’ means, with regard to burglary or robbery alarm systems, the Chief of Police of the City of Brea, and with regard to fire or medical assistance alarms, the Fire Chief of the City of Brea, or their respective designees.

‘Alarm Permit Coordinator’ means the officer or employee of the City, or designee thereof, designated by the City Manager as having direct authority and responsibility for administration of the provisions of this Chapter, excepting only those functions specifically designated to be performed by the Alarm Officer.

‘Alarm 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.

‘Alarm system’ means any mechanical or electrical device which is designed or used for the detection of burglary, robbery, fire, or need for medical assistance within a building, structure, or facility, or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility, which emits a sound or transmits a signal or message when actuated, and which is designed to elicit a response from the Police Department or Fire Department. Alarm systems include, but are not limited to, automatic dialing devices, 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 the protected building, structure or facility are not included within this definition.

An alarm system includes all of the necessary equipment designed and installed for the detection of burglary, robbery, fire, need for medical assistance, or other hazard in a single building structure, or facility, or for alerting others to the commission of an unlawful act within a building, structure, or facility.

‘Audible alarm’ means a device designed for the detection of unauthorized entry on certain premises that generates an audible sound on such premises when it is actuated.

‘Automatic dialing device’ means an alarm system that automatically sends over regular telephone lines, by direct or wireless connection or otherwise, a prerecorded voice message or form of signal indicating the existence of an emergency situation that the alarm system is designed to detect.

‘Emergency’ means any condition which results in, or which could result in, the response of police or fire personnel or any condition which jeopardizes or could jeopardize public safety.

‘False alarm’ means an alarm signal activated from any alarm system that is responded to by personnel of the Police Department or Fire Department and for which no emergency situation exists or existed as determined by the responding personnel. The term ‘false alarm’ shall not include an alarm for which personnel of the Police Department or Fire Department do not actually arrive at the alarm location, or any alarm caused by earthquakes, severe storms or other extraordinary circumstances determined by the Alarm Officer to be clearly beyond the control of the alarm subscriber.

‘Non-response status’ means that status of police or fire service whereby the Police Department or the Fire Department will not respond to a specified alarm system.

‘Proprietor alarm’ means an alarm that is not serviced by an alarm agent or alarm company operator.

#### **§ 8.38.040 ALARM SYSTEM PERMIT.**

##### **A. Permit required.**

No alarm subscriber shall install, replace, maintain, or operate an alarm system within the City, excepting government and public school buildings, without applying for and receiving an alarm system permit in accordance with the provisions of this section. Following fifteen (15) days prior written notification, any alarm system which has been installed, replaced, maintained, or operated without the benefit of a valid permit may be placed on non-response status by the alarm officer according to the procedures delineated in § 8.38.110 of this Chapter until a permit has been issued or renewed. Permits for the installation, use and maintenance of automatic dialing devices are subject to the provisions of § 8.38.130 of this Chapter.

##### **B. Applications.**

Applications for an alarm system permit shall be filed with the Alarm Permit Coordinator on forms provided by the Alarm Permit Coordinator. The application shall be signed and verified by the alarm subscriber and shall contain such information as the Alarm Permit Coordinator may deem necessary. If the Alarm Permit Coordinator finds the application is complete and the information is true and correct, and the applicant is otherwise in compliance with all provisions of this Code, a permit shall be issued. Permits for alarm systems shall not be transferable. Applications for alarm system permits and the information contained thereon shall be confidential and the Alarm Officer and Alarm Permit Coordinator shall not release such application or the information contained

thereon to any person except as may be necessary in the administration and enforcement of the provisions of this Chapter, or otherwise as provided by law.

C. Fees.

An alarm subscriber applying for or renewing an alarm system permit shall pay the fee established by resolution of the City Council. Such fee shall not exceed the cost to the City in processing the application and administering the permit.

D. Alarm contact information.

The alarm subscriber shall supply on the application for permit the names, addresses, and phone numbers of at least three (3) persons to notify in the event of an alarm activation. If the alarm subscriber has entered into a service contract with an alarm company operator, or any other service company, which provides responses on a 24-hour basis, emergency telephone numbers of such company shall be deemed to satisfy this requirement. The name, address and 24-hour telephone number of the alarm subscriber's alarm company operator shall be provided.

E. Permit term.

Each permit issued pursuant to this Chapter shall be valid from the date of issuance through the following June 30<sup>th</sup>, or for such other period as may be established by the Alarm Permit Coordinator.

F. Display of permit.

The permit shall be kept on the premises and posted where the alarm system is located, or elsewhere as required by regulations promulgated by the Alarm Permit Coordinator.

G. Rules and regulations.

The Alarm Permit Coordinator may promulgate additional rules and regulations implementing the provisions of this Chapter. Such rules and regulations may include, but need not be limited to, establishing criteria for the waiver of fees required under this section and § 8.38.070 consistent with the intent and purpose of this Chapter.

**§ 8.38.050 REQUIRED RESPONSE; SILENCING ALARM SYSTEMS.**

Upon notification by the Alarm Officer that an alarm system is activated, the alarm subscriber, or the representative or alarm agent of the alarm subscriber, shall immediately proceed to the location and silence the alarm. The silencing shall be completed within Fifteen (15) minutes after notification when the alarm system is protecting a residential structure or within Thirty (30) minutes when the alarm system is protecting a commercial or industrial structure. Alternately, the alarm system may be equipped with an automatic shut-off device which shall silence the alarm within fifteen (15) minutes after activation when the alarm system is protecting a residential structure or within thirty (30) minutes of activation when the alarm system is protecting a commercial or industrial structure, thus

eliminating the need for personal responses otherwise required by this section. Furthermore, a failure of an alarm subscriber to comply with the response and alarm silencing time limits set forth herein shall be chargeable as a false alarm.

**§ 8.38.060 ALARM BUSINESSES AND AGENTS.**

All alarm company operators performing services in the City of Brea shall obtain a City business license, and all such operators and alarm agents shall register their name and file a copy of their state identification card, license, or permit with the Alarm Permit Coordinator. Each alarm agent while engaged in the duties of an alarm agent shall carry on such agent's person at all times the state identification card, license, or permit and shall display same to the Alarm Officer when requested. No alarm system may be installed by anyone other than the owner of the alarm or alarm company operator.

**§ 8.38.070 NOTICE OF CHANGE.**

Whenever any change occurs relating to any application or other information required by this Chapter, the person required to provide such information shall give written notice thereof to the Alarm Permit Coordinator within ten (10) days of such change.

**§ 8.38.080 ALARM SYSTEM STANDARDS.**

All alarm systems shall conform with the provisions of Chapter 15.12 of the Brea City Code (California Electrical Code), if applicable. No alarm system, not including automatic dialing device alarms, shall be operated unless the alarm subscriber has entered into a service contract with an alarm company operator providing for service twenty-four (24) hours per day. Every alarm system shall be equipped so that it shall not activate in the event of a power outage unless there exists an emergency situation for which the alarm was designed to detect.

**§ 8.38.090 MAINTENANCE AND INSPECTIONS.**

A. Maintenance.

Each alarm subscriber shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.

B. Inspections.

Each alarm subscriber shall cause each alarm system to be inspected regularly, by a representative of the company with a service contract or other person qualified to inspect and service such equipment, at least once every twelve (12) months. Inspections shall be complete enough to detect any likely malfunctions and may include testing of the equipment. Particular attention shall be paid to the conditions that have the potential of causing false alarms. The person making the inspection shall provide a written report to the alarm subscriber, and the report shall be kept on the premises for two (2) years, subject to inspection by the Alarm Officer upon requested.

**§ 8.38.100 REIMBURSEMENT FOR FALSE ALARM RESPONSES.**

Each alarm subscriber shall reimburse the City for the cost of the Police or Fire Department personnel and equipment response to false alarms in such amount as established by resolution of the City Council.

**§ 8.38.110 MAINTAINING A PUBLIC NUISANCE ALARM.**

No alarm subscriber shall operate an alarm system for which no permit has been issued, or which generates more than three (3) false alarms in a ninety (90) day period, or four (4) false alarms in a one hundred and eighty (180) day period, or five (5) or more false alarms in any twelve (12) month period. Any alarm system operated or maintained in violation of this section shall be deemed a public nuisance. In addition to any other remedy available to the City, including the collection of any false alarm charge fee required or permitted by this Chapter, the Alarm Officer may, in such officer's discretion, place an alarm system operated or maintained in violation of this section on non-response status according to the procedures delineated in this section. Furthermore, the Alarm Officer may, consistent with the procedures herein, place an alarm system on non-response status when accrued false alarm charges have been outstanding for over thirty (30) days.

A. Notice.

The Alarm Officer shall provide the alarm subscriber ten (10) days written notice of non-response status. The non-response status shall not become effective unless the notice period has lapsed and no request for review has timely been made.

B. Review.

The alarm subscriber may request the Alarm Officer to review and reconsider the decision to place an alarm system on non-response status. In the event a request for review is filed during the ten (10) day notice period, non-response status shall not become effective until the fifth (5th) day following the provision of notice of an adverse decision by the Alarm Officer. The request for review shall contain all pertinent information and evidence the alarm subscriber deems appropriate for the Alarm Officer's consideration.

C. Compliance.

An alarm system shall remain on non-response status until such time as the alarm subscriber provides a written report, and such other evidence as the Alarm Officer deems adequate, describing the causes of the false alarms which resulted in the alarm system being placed on non-response status and the action taken to terminate or remedy such causes. Non-response status shall not terminate until the Alarm Officer finds that repair and corrective action adequate to remedy the causes for the false alarms have been effected and the alarm subscriber has paid all required fees. The Alarm Officer may impose conditions upon reactivation of active status. Active status may also be restored,

with or without conditions that may include payment of a deposit, upon payment of all delinquent alarm charges.

D. Revocation of alarm permit.

In any case where the Alarm Officer finds, based on substantial evidence, that an alarm subscriber who has been placed on non-response status within the previous twelve (12) months has not taken steps sufficient to remedy continued false alarms, or has repeatedly failed to pay delinquent false alarm charges, or has deliberately activated a false alarm, the alarm permit may be revoked for up to six (6) months, in addition to being placed on non-response status, following the provision of notice and review, if requested, pursuant to the procedures set forth in subsections A and B, of this Section. Following the period of revocation, an alarm subscriber may reapply for an alarm system permit in accordance with the provisions of this Chapter.

**§ 8.38.120 EXEMPT ALARMS.**

A. Automobile alarms.

The provisions of this Chapter shall not apply to audible alarms affixed to automobiles.

B. Alarm officer.

The provisions of this Chapter shall not apply to any alarm system installed or maintained by the Alarm Officer, or any alarm that is otherwise exempted by law from the provisions of this Chapter.

C. Telephone systems.

The provisions of this Chapter shall not apply to any auxiliary device installed by a telephone company to protect telephone company systems that might be damaged or disrupted by the use of an alarm system.

**§ 8.38.130 AUTOMATIC DIALING DEVICE PERMIT.**

A. Permit.

No person shall use or operate an automatic dialing device without having an alarm system permit.

B. Application for permit.

Applications for permits under this Section shall be made on such forms as may be prescribed by the Alarm Permit Coordinator and shall be signed by the alarm subscriber and the person who provides or installs such device. Each alarm subscriber shall provide the Alarm Permit Coordinator with an agreement on the part of both the alarm subscriber and the person who furnishes or installs such device that:

1. Such device will be programmed to initiate and deliver the recorded message or signal only to such City telephone number or numbers as may be assigned by the Alarm Permit Coordinator or an authorized representative; and
2. They will promptly notify the Alarm Permit Coordinator if the use of such device is discontinued; and
3. In the event such device malfunctions causing a false alarm, they will be subject to payment of false alarm charges pursuant to § 8.38.100.

C. Application and inspection fees.

Each application shall be accompanied by an alarm system application fee as established by resolution of the City Council. If in the opinion of the Alarm Permit Coordinator an inspection of the premises where such device is to be located is necessary or desirable, an inspection fee shall be paid. Prior to issuing any such permit, the Alarm Permit Coordinator may require an applicant to present for examination and inspection the device which the applicant propose to install and such other information relating to such device as may be necessary to establish its adequacy and suitability for the purpose intended.

D. Permit.

Any permit issued by the Alarm Permit Coordinator pursuant to the provisions of this Section shall specify the City telephone number or numbers to which any such device may be programmed. It shall be unlawful for the persons to whom such a permit is issued to utilize any City telephone number other than the number or numbers specified in such permit.

E. Revocation of permit.

Any permit issued pursuant to the provisions of this Section may be revoked by the Alarm Permit Coordinator at any time for any of the following reasons:

1. The use of such device or devices substantially impairs the City's communications facilities.
2. Failure to properly maintain and service such device.
3. Failure to pay any amounts due by reason of the malfunctioning of such device.
4. Maintaining a public nuisance alarm, as described in § 8.38.110.

F. Except as otherwise provided in this Section, all provisions of this Chapter shall apply to automatic dialing devices.

**§ 8.38.140 PROHIBITED ALARM SYSTEMS.**

A. Audible alarm systems similar to sirens.

It is unlawful to install or maintain on the exterior or interior of any building, an alarm system which upon actuation emits a sound which is similar to sirens in use on emergency vehicles or vehicles used for civil defense purposes.

B. Miscellaneous.

It is unlawful to install, use, maintain or deliberately activate any alarm system designed to detect burglaries or robberies for any purpose other than reporting such burglaries, robberies, or other crimes involving risk of personal harm or property damage. Deliberately activating an alarm for any purpose other than a condition that the alarm is intended to detect, is a misdemeanor.

**§ 8.38.150 PENALTIES AND ENFORCEMENT.**

A. Except as provided in § 8.38.140 B, the first violation of any provision of this Chapter occurring within a one (1) year period shall be punishable as an infraction. Each violation thereafter within such one (1) year period shall be punishable as a misdemeanor.

B. The conviction of any person for violation of any provision of this Chapter shall not release such person from paying any business taxes, charges, fees, license fees, or reimbursement for false alarm charges due and unpaid at the time of such conviction, nor shall payment of any fee or reimbursement for false alarms 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.

**§ 8.38.160 LIMITATION OF LIABILITY.**

Nothing in this Chapter shall be deemed to impose any liability on the part of the City of Brea as to any alarm subscriber or to any other person, as a result of any defect in an alarm system, failure of the City to receive an alarm, or failure of the City to respond to any alarm regulated by this Chapter, whether false or not. The City Council declares that it shall be entirely within the discretion of each police officer receiving a report of an alarm activation, as to whether or not to respond to such alarm, and that the City of Brea assumes no duty to respond to any alarm as a result of the enactment of this Chapter or the issuance of any permit hereunder.

Section 3. Time for Compliance.

Owners of alarm systems in existence as of the effective date of this Ordinance, shall have ninety (90) days to obtain an alarm system permit in accordance with this Chapter.

Section 4. Civil Remedies.

The violation of any of the provisions of this Ordinance hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

Section 5. Severability.

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner prescribed by law.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor

I, ELAINE CAPPS, City Clerk of the City of Brea, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Brea held on the \_\_\_\_ day of \_\_\_\_\_, 2004, and was finally passed at a regular meeting of the City Council of the City of Brea held on the \_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAINED:	COUNCILMEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Brea