

ORDINANCE NO. 45-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
REPEALING AND REENACTING CHAPTER 9.96 OF THE ELK GROVE MUNICIPAL
CODE RELATING TO ALARM SYSTEMS**

The City Council of the City of Elk Grove does ordain as follows:

Section 1. AUTHORITY.

The City Council enacts this ordinance pursuant to the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 2. REPEAL.

Chapter 9.96 of the Elk Grove Municipal Code is hereby repealed in its entirety.

Section 3. ENACTMENT.

Chapter 9.96 is added to the Elk Grove Municipal Code to read in its entirety as follows.

Chapter 9.96

9.96.010. PURPOSE AND AUTHORITY.

The City Council finds and determines that the responsible use of alarm systems facilitates the effective and efficient response to alarms by the Elk Grove Police Department and is in the best interests of the people of the City of Elk Grove. A permit is required to operate an alarm system and the fee for the permit covers the estimated reasonable cost of administering this ordinance and regulating alarm systems. Reducing the number of false alarms and unnecessary responses by the Elk Grove Police Department is consistent with the public health and safety. This ordinance is not intended to interfere with contractual obligations between alarm businesses and alarm users or to supersede any provisions of State law.

9.96.020. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply and are listed below alphabetically:

“Alarm agent” shall mean a person employed by an alarm company operator whose duties include selling on premises, altering, installing, maintaining, moving, repairing, replacing, servicing, responding or monitoring an alarm system, or a person who manages or supervises a person employed by an alarm company to perform any of the duties described herein.

“Alarm company operator” shall mean any person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service alarm systems or who responds to alarm system except for any alarm agent. “Alarm company operator,” however, does not include a business which merely sells from a fixed location or manufacturers alarms systems unless the business services, installs, sells on premises, monitors, or responds to alarm systems at the protected premises.

“Alarm system” shall mean any mechanical and/or electrical device designed for the detection of an unauthorized entry on real property premises, or for alerting others of the commission of an unlawful act or both; and when actuated, emits a sound or transmits a signal to indicate that an emergency situation exists, and which may prompt police to respond.

Alarm systems include, but are not limited to, silent alarms, audible alarms, and direct dial telephone devices. The following devices shall not constitute alarm systems within the meaning of this section:

- (1) Devices which are not installed, operated, or used for the purpose of reporting an emergency to the Police Department;
- (2) Alarm devices affixed to motor vehicles, trailers or trailer coaches (as defined in California Vehicle Code Sections 415, 630 and 635), vessels, or aircraft;
- (3) Alarm devices installed on a temporary basis by the Police Department.

“Alarm user” shall mean any person using an alarm system at his/her place of business or residence.

“Audible alarm” shall mean a device designed for the detection of an unauthorized entry on, or an attempted entry into premises or a structure; or for alerting others of the commission of an unlawful act, or both, and which, when activated, generates an audible sound on or off the premises.

“Automatic calling/dialing system” shall mean an alarm system which automatically sends over telephone lines, by direct connect or otherwise, a recorded message indicating an emergency situation exists.

“Central monitoring station” shall mean any office, station, or telephone answering service where person(s) monitor and/or receive emergency signals from alarm systems, and thereafter, relay messages from such signals by live voice to the Elk Grove Police Department Telecommunications Center.

“Direct connect” shall mean an alarm system which has the capability of transmitting system signals to, and receiving them at, an agency maintained by a local government entity such as the City of Elk Grove at its Elk Grove 911 call center.

“False alarm” shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or the negligence of the owner, lessee, or of his/her employees or agents, which activates response by law enforcement or other emergency response providers when an emergency condition does not exist; provided, however, alarms caused by acts of nature such as earthquakes, floods, tornadoes, or other violent, uncontrollable acts of nature shall not be considered false alarms.

“Interconnect” means 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.

“Nonpriority” shall mean that police response to the activation of an alarm shall not be given precedence over other calls and will be predicated upon availability of police units and other service needs.

“Panic Alarm” means any device or system designed to alert law enforcement of a violent act or an immediate present threat of a violent act by manually activating a switch or button.

“Permittee” means the person to whom an alarm system permit is issued.

“Person” shall mean any individual, partnership, corporation, or other entity.

“Police Chief” shall mean the Police Chief of the City of Elk Grove or the Police Chief’s designee.

“Primary Trunk line” means any telephone line, including 911 emergency lines, leading directly into the Communications Center of the Elk Grove Police Department 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 Elk Grove Police Department’s jurisdiction.

“Silent alarm” shall mean any mechanical and/or electrical device designed for the detection of unauthorized entry on premises or for alerting another of the commission of an unlawful act which transmits a signal to a monitored, remote location.

“Standby power backup” shall mean any auxiliary, secondary, or back-up power source capable of supplying adequate power to properly operate an alarm system should the primary power source be interrupted.

9.96.030. PERMIT REQUIRED.

(a) Alarm User. (1) Except as otherwise provided hereafter, it shall be unlawful for any person to connect, or operate, or to cause to be connected, or operated, an alarm system in the City of Elk Grove without obtaining a valid alarm system permit within fifteen (15) days of connecting or commencing to operate an alarm system and keeping a valid alarm system permit in full force and effect at all times thereafter.

(2) The application for an alarm system permit shall include an agreement, which the applicant must sign before the permit is issued, whereby the applicant/permittee agrees to reimburse the City for costs incurred by the City resulting from false alarms.

(3) Persons owning or in possession of property on which an alarm system exists shall be responsible for securing the proper alarm system permit and such permit shall be issued only to the person who owns or is in possession of the property on which the alarm system exists.

(4) The Chief of Police shall issue the alarm system permit within a reasonable period following the date of receipt of application, unless the alarm system does not comply with the specifications contained in this chapter, the applicant has failed to pay the required fee, or the application contains a misrepresentation of fact.

(5) In the event the Chief of Police denies the permit to an applicant for any of the reasons set forth in Subsection (4), the applicant shall have the right to a hearing concerning the denial pursuant to Sections 9.96.090 through 9.96.100

(6) Any person who operates an alarm system without obtaining a permit as set forth in subsection (a)(1), above, shall obtain a permit within 30 days of receipt of a notice from the Elk Grove Police Department that a permit is required and shall pay the fee set forth in Section 9.96.040. Failure to obtain a permit and pay fees within 30 days of notice shall result in a fine as determined by resolution of the City Council.

(7) **Payment of Fee:** An invoice shall be mailed to the alarm operator within thirty (30) days following the assessment of the fee. Fees are due and owing not later than thirty (30) days after the date of mailing the invoice. The date of mailing shall appear on the invoice. Fees received after the due date shall be subject to a late fee as determined by resolution of the City Council. Fees received more than sixty (60) days after the due date shall be subject to an additional late fee as determined by resolution of the City Council.

(b) Alarm Companies. (1) No alarm company shall perform any installation, connection or maintenance of any alarm system in the City for which a valid permit has not been issued. The alarm company shall verify the existence of a valid permit either by obtaining a valid permit for the alarm user or by confirming the prior issuance of a permit, in writing, with the Elk Grove Police Department. Any installation, connection or maintenance of any alarm system by an alarm company for which no valid permit has

been issued is an infraction punishable by a fine as determined by resolution of the City Council.

(2) Any alarm company operator notified by the Elk Grove Police Department that an alarm system user's permit has been suspended, revoked, or not renewed, shall discontinue any and all service on such system within fifteen days of notification.

9.96.040. ALARM APPLICATION PERMIT AND FEE.

(a) Applications and reapplications for all permits required by this chapter shall be filed with the Elk Grove Police Department and shall be accompanied by fees set by resolution of the City Council. The fees are established to cover part of the cost of investigating and processing the applications, notices and permits and are not refundable. The Elk Grove Police Department shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. Permits shall be for a term of three (3) years.

(b) The application for an alarm system permit shall include an agreement, which the applicant must sign before the permit can be issued, whereby the applicant agrees to reimburse the City for a portion of the costs incurred by the City resulting from false alarms.

9.96.050. RENEWALS, REAPPLICATIONS AND INFORMATION CHANGES.

(a) Renewals. In order for the Police Department to update and verify records, each permittee shall be required to renew alarm system permits issued every three (3) years for residential and businesses. Renewals will be at no cost if updated information is received before the three (3) year expiration of the permit. Failure to update information will result in a reapplication.

(b) Reapplications. Permittees shall reapply for an alarm permit under any of the following conditions:

1. Whenever a permit has been revoked pursuant to this chapter;
2. Whenever a permit has expired and no renewal has been applied for within fifteen days prior to the expiration date; or
3. Whenever additional systems are added to the premises, business or property.

(c) Information changes. The permittee shall inform the Elk Grove Police Department of any changes to information on the application within ten (10) days of such change. No fee shall be assessed to correct the information.

9.96.060 FALSE ALARMS. (a) Three or more false alarms in any calendar year shall result in the imposition of a fine as determined by resolution of the City Council. All fines shall be payable to the City of Elk Grove.

(b) **Payment of Fines:** An invoice shall be mailed to the alarm user within thirty (30) days of the false alarm. The fine is due and owing not later than thirty (30) days after the date of mailing the invoice. The date of mailing shall appear on the invoice.

(c) **Discontinuance of Response:** In addition to any other action that may be taken by the Elk Grove Police Department pursuant to this Chapter, the Chief of Police or his/her designee may discontinue responding to an alarm at any location if the Alarm user has not corrected the conditions that cause false alarms after the sixth false alarm within a calendar year. The period of non-response shall be determined by the Chief of Police, but shall not exceed six months. The Chief of Police may shorten the period of non-response upon receipt of satisfactory evidence that the problem creating the false alarms has been corrected. In addition, the Chief of Police may discontinue responding to false alarms at a location if the Alarm user at the location has failed to pay any false alarm fine(s) sixty (60) days after the date an invoice was mailed to the Alarm user, until such time as such fines are paid, plus an additional five (5) business days in order to allow sufficient time to process payments.

(d) **Appeal:** Any person may appeal the assessment of a false alarm fine by filing a Notice of Appeal with the Elk Grove Police Department within fifteen (15) days of the mailing of the invoice. The invoice shall advise the person to whom the fine is assessed of the right to appeal. The Notice of Appeal shall state all reasons why the appealing party believes that the fine was improperly assessed and shall be accompanied by any documentary evidence that the appealing party wishes to be considered. The appeal and all documentation shall be reviewed by the Chief of Police or the Chief of Police's designee. The decision of the Chief of Police or the Chief of Police's designee shall be final. In the event that it is determined that the false alarm fine was improperly assessed, the fine shall be canceled.

9.96.070 RESPONSIBILITY FOR ALARM SERVICE - Audible or Silent. In case of either an audible or a silent alarm, the person or persons named in the alarm permit application or a person whose name is on file with the Police Department as a designated responding party shall, upon proper notification, proceed immediately to the location of the activated alarm and provide access to the premises to allow the Police Department to properly secure such premises.

All alarm service companies which contract to provide alarm response services within the City shall maintain service personnel on duty twenty-four (24) hours a day to provide for such responses.

9.96.080 SUSPENSION OF PERMIT. When grounds as hereafter provided exist, the Chief of Police may determine to suspend a permit. Suspensions of permits shall be for

a maximum of three hundred sixty-five (365) calendar days. Use of the alarm system during a suspension of the permit shall be a violation of this chapter.

The following shall constitute grounds for suspension of an alarm permit:

- (a) The violation of any of the provisions of this chapter.
- (b) A false statement on the permit application.
- (c) Failure to pay any fee or fine assessed pursuant to this Chapter.
- (e) Six (6) or more false alarms during any calendar year.

9.96.090 APPEAL. If an application for a permit is denied or a permit is to be considered for suspension pursuant to Section 9.96.080 the Chief of Police shall serve on the applicant or permittee a written notice of the Chief of Police's proposed action including, in the case of suspension, the length of the proposed suspension, and of the right to a hearing on the matter. Service shall be by certified/registered mail to the applicant's or permittee's last known address. Service shall be considered complete five (5) days after such mailing.

Any decision for a denial or suspension of a permit may be appealed pursuant to the appeals procedure set forth in Chapter 1.11 of this Code.

9.96.100 ISSUANCE OF ADMINISTRATIVE CITATIONS. Any person authorized to enforce provisions of this Chapter may, in addition to any other means of enforcement, issue administrative citations to enforce the provisions of this Chapter pursuant to the administrative citation procedures set forth in Chapter 1.12 of this Code.

9.96.110 AUDIBLE ALARM SYSTEMS.

(a) Sirens Prohibited. (1) No alarm system which has an audible alarm and which emits the sound of a siren shall be installed or connected on the outside of any building in the City, on or after the effective date of the ordinance. This section shall not be construed to prohibit the use of certain electronic horns or howlers that may be approved by the Chief of Police or the Chief of Police's designee.

(2) Any alarm system which has an audible alarm and which emits the sound of a siren and which is installed and in operation prior to the effective date of this ordinance codified in this chapter shall be disconnected within thirty days after the effective date of the ordinance. Anyone who installs or permits the installation of, or uses such an alarm system, is guilty of an infraction as provided in Section 9.96.130.

(b) Automatic Shutoff Required. Any alarm system which is installed or connected on or after the effective date of this ordinance and which, when activated, generates an audible alarm on the exterior of the structure in which the system is maintained, shall

have as part of the alarm system an automatic shutoff device which shuts off the alarm system within twenty minutes of initial activation. Any alarm system which is installed and in operation prior to the date the ordinance codified in this chapter becomes effective and which, when activated, generates an audible sound on the exterior of the structure in which the system is maintained, shall have such an automatic shutoff device, as described above, installed and in operation within sixty days after the effective date of the ordinance codified in this chapter.

(1) Any person who uses, or causes the installation of, an alarm system without the required shutoff is guilty of an infraction as provided in Section 9.96.030.

(2) Any alarm company who installs an alarm system without the required shutoff is guilty of an infraction as provided in Section 9.60.030.

9.96.120 AUTOMATIC CALLING/DIALING SYSTEMS PROHIBITED.

(a) No automatic dialing device shall be interconnected to a primary trunk line of the police department. Any person who makes or permits the interconnection is guilty of an infraction as provided in Section 9.60.030.

(b) Persons owning or leasing an automatic dialing systems may have the device interconnected to a telephone line transmitting directly to:

1. A central station;
2. A modified central station; or
3. An answering service.

(c) The relaying of messages to the police department by a central monitoring station, modified central station, or an answering service shall be over a primary trunk line.

(d) No automatic dialing system may be interconnected to the telephone operator, city telephone operator, or 911 emergency center operator.

9.96.130 VIOLATION OF CHAPTER. (a) Except as otherwise specifically provided, pursuant to the provisions of Government Code Section 36900, violation of any of the provisions contained in this Chapter shall constitute an infraction punishable by fines as determined by resolution of the City Council.

The City Manager, or the Manager's designee, is the official charged with the responsibility for administering the provisions of this Chapter. Pursuant to the provisions of Section 836.5 of the Penal Code, the Elk Grove Police Department shall

be authorized to enforce and arrest persons without a warrant for violations of the provisions of this Chapter.

The City Manager, or his designee, is hereby empowered to seek recovery of the fines or false alarm service fees by civil action in small claims court.

(b) All remedies set forth in this Chapter are cumulative and the use of one or more remedies shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

Section 4: NO MANDATORY DUTY OF CARE.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

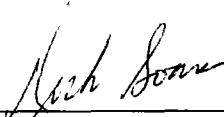
Section 5: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.


Section 6. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

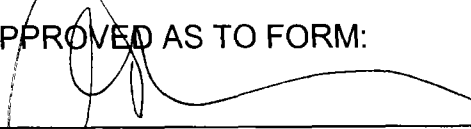
INTRODUCED: October 25, 2006
ADOPTED: November 8, 2006
EFFECTIVE: December 8, 2006



RICK SOARES, MAYOR OF THE CITY OF
ELK GROVE

ATTEST:


PEGGY E. JACKSON
CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 45-2006**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on October 25, 2006 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 8, 2006 by the following vote:

AYES : COUNCILMEMBERS: Soares, Scherman, Briggs, Leary, Cooper

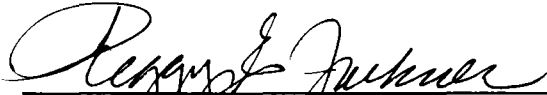
NOES : COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

A summary of the ordinance was published pursuant to GC 36933(c) (1).





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**