

**CHAPTER 8.38**

**BURGLARY AND ROBBERY ALARM PROCEDURES**

8.38.010 Short title.

This chapter shall be known as the burglary and robbery alarm procedures ordinance of the City of Orland.

8.38.020 Purposes.

The purposes of this chapter are to regulate the use of alarm systems and to reduce the incidence of false alarms at business and residential structures. This will give members of the police department more time to combat real crime, thereby furthering the health, safety and welfare of the people of Orland.

8.38.030 Definitions.

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

A. Alarm Company. The term "alarm company" shall be defined as any person, retail establishment, organization, answering service, central station, or modified central station that installs, connects, or monitors burglary, robbery, or other alarm security systems for profit or other consideration. Such companies must be licensed in accordance with Business and Professions Code Section 7590 et. seq.

B. Alarm System. The phrase "alarm system" means any mechanical or electrical device which is designed or used for protection against an 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, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute an alarm system within the meaning of this chapter:

1. Alarm devices affixed to motor vehicles; and
2. Alarm devices installed on a temporary basis by the police department.

C. Alarm User. The phrase "alarm user" means any person, firm, partnership, corporation, or other entity who uses an alarm system at its alarm site.

D. Answering Service. The phrase "answering service" means a telephone answering service which provides, among its services, the receiving on a continuous basis of emergency signals from alarm systems, and the subsequent immediate relaying of said messages based on such signals by live voice to the communications center of the police department.

E. Automatic Dialing Device. The phrase "automatic dialing device" means 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.

F. Cancellation. An alarm cancellation means an alarm company has verified with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.

G. Central Station. The phrase "central station" means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service persons are continuously present to investigate signals.

H. Direct Line. The phrase "direct line" means a telephone line leading directly from a central station to the communication center of the police department where said line is used only to report emergency signals on a person-to-person basis.

I. Emergency. The word "emergency" means the commission or attempted commission of a robbery or burglary, or other imminent felony or felony-in-commission.

J. Excessive False Alarms. An alarm system shall be deemed to actuate excessive false alarms when there are four or more false alarms within a consecutive three hundred sixty-five day period. If a permittee presents sufficient proof that a particular false alarm was caused by an event or act specified in subsection K of this section, said false alarm shall not be counted against the permittee in determining whether the permittee's alarm system actuated excessive false alarms.

K. False Alarm. The phrase "false alarm" means the activation of an alarm system which results in a response by the police department where an emergency does not exist. False alarms which fall into the following four categories shall not be counted against a permittee under Section 8.38.140 for the purpose of revocation of an alarm system permit:

1. False alarms which the permittee can demonstrate were proximately caused by severe storms, earthquakes, or other violent acts of nature; and
2. False alarms which the permittee can demonstrate were actually caused by the act of some person other than:
  - a. The permittee. For the purpose of this subsection, the term "permittee" shall include the officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the permittee.
  - b. The person who installed, connected, operated, maintained, or serviced the alarm system.

c. 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.

3. False alarms which occur during the fifteen days following the installation date of new alarm systems.

4. An alarm response which is canceled prior to officers arriving at the alarm location.

L. Felony. The word "felony," as defined in California Penal Code Section 17, means a crime which is punishable by death or by imprisonment in the state prison.

M. Interconnect. The term "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.

N. Liaison. The word "liaison" means the person designated by the chief of police to be available to alarm companies to help resolve disputed false alarms.

O. Modified Central Station. The phrase "modified central station" means an office to which alarm systems are connected, where operators supervise the circuits, but where guards are not present to investigate alarm signals.

P. Panic Alarm. The phrase "panic alarm" means any electrical or mechanical device designed to enable an individual, twenty-four hours a day, to instantly alert others of the existence of an emergency (as defined in subsection I of this section) by the sounding of an audible alarm or transmitting a signal or message when activated.

Q. Permittee. With the exception of the definition of permittee in subsection K.2.a of this section, the word "permittee" means the person to whom an alarm system permit is issued.

R. Primary Trunk Line. The phrase "primary trunk line" means a telephone line leading directly into the communication center of the police department, including 911 emergency lines, for the purpose of handling emergency calls on a person-to-person basis, 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.

S. Robbery Alarm System. The phrase "robbery alarm system" means any device or system designed to operate night or day to instantly transmit a silent signal to alert others of an actual armed robbery or holdup in progress.

T. Siren. The word "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.

U. Special Trunk Line. The phrase "special trunk line" means a telephone line leading into the communication center of the police department and having the primary purpose of handling emergency signals or messages originating through a central station, modified central station, or answering service.

#### 8.38.040 Alarm company duties.

A. Comply With Chapter. Alarm companies as defined in this chapter shall not provide, install, nor maintain any alarm system unless it complies with the provisions of this chapter.

B. Alarm Verification. Alarm companies shall attempt to verify every alarm signal, except robbery and panic alarm activations, before requesting a law enforcement response to that signal. An alarm signal found to be a false signal shall be canceled.

C. Alarm User Records. Alarm companies shall maintain current information on alarm users to include, but not be limited to, the name, complete address, and telephone numbers of the user; and the names and telephone numbers of at least two individuals who are able and willing to respond within thirty minutes to the alarm site, are able to grant access to the alarm site, and can deactivate the alarm system should it be necessary. Any alarm company that fails to maintain such current information on alarm users is guilty of an infraction as provided in Section 8.38.180 (A)(1).

#### 8.38.050 Audible alarm systems--Automatic dialing devices.

##### A. Siren Limitations.

1. No alarm system which emits the sound level of an emergency vehicle siren shall be installed or connected on or after the effective date of the ordinance codified in this chapter. This section shall not be construed to prohibit the use of certain electronic horns or howlers that may be approved by the police chief or a designated representative.

2. Any alarm system which emits the sound level of an emergency vehicle siren and which is installed and in operation prior to the effective date of the ordinance codified in this chapter shall be disconnected within thirty days after the effective date of the ordinance codified in this chapter.

3. Anyone who installs or permits the installation of, or uses such an alarm system, is guilty of an infraction as provided in Section 8.38.180(A)(1).

B. Automatic Shut-off Required. Any alarm system installed or connected on or after the effective date of the ordinance codified in this chapter that when activated generates an audible sound on the exterior of the structure in which the system is maintained, shall have as part of the alarm system an automatic shut-off device which shuts off the alarm system within fifteen minutes of initial activation. Any alarm system installed and in operation prior to the effective date of the ordinance codified in this chapter that when activated generates an audible sound on the exterior of the structure in which the system is maintained, shall have such an automatic shut-off device, as described above, installed and in operation within thirty days after the effective date of the ordinance codified in this chapter.

1. Any person who uses or causes the installation of an audible alarm system without the required shut-off is guilty of an infraction as provided in Section 8.38.180 (A)(1).
2. Any alarm company who installs an audible alarm system without the required shut-off is guilty of an infraction as provided in Section 8.38.180 (A)(1).

C. Automatic Dialing Devices Prohibited.

1. No automatic dialing device shall transmit a signal directly to the police department after the effective date of the ordinance codified in this chapter. Any person who makes or permits the transmission of a signal directly to the police department is guilty of an infraction as provided in Section 8.38.180 (A)(1).
2. Persons owning or leasing an automatic dialing device may have the device transmit a signal to a telephone line directly to:
  - a. A central station;
  - b. A modified central station; or
  - c. An answering service.
3. The relaying of messages to the police department by a modified central station or an answering service shall be over a special trunk line, unless a special trunk line is unavailable. The relaying of messages by a central station may be over a direct line.
4. No automatic dialing device shall transmit a signal directly to a telephone company operator, a city telephone number, or a 911 emergency center operator.

8.38.060 Robbery and panic alarm system.

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A. Robbery Alarm System. A robbery alarm system is to be activated only in the event of a robbery. Any other use is prohibited. Any person who violates this subsection is

guilty of either an infraction or a misdemeanor as provided in Section 8.38.180 A2.

B. Panic Alarm. The indiscriminate activation of a panic alarm by any person for reason other than signifying an emergency as defined in Section 8.38.030 (I) is prohibited and is punishable in accordance with Section 8.38.180 (A)(1).

#### 8.38.070 Permit applications and reapplications--Confidentiality.

##### A. Permit Applications and Reapplications.

1. Applications and reapplications for an alarm system permit shall be filed with the chief of police on such forms as may be prescribed. Such applications and reapplications shall contain the name, address, and telephone number of the person who will respond to the alarm, or render service or repairs to the alarm, during any hour of the day or night, and such additional information as the chief of police shall deem reasonably necessary for the evaluation and proper processing of the permit application. Every alarm permit shall be kept on the premises where the alarm system is installed for use.

2. Any person who operates or maintains more than one alarm system upon any business or residential 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 on said property; provided, however, that if such person chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each such system. If one permit is obtained for a number of alarm systems at one location, false alarms by any combination of those systems shall be counted toward the determination of excessive false alarms as provided in Section 8.38.030(J). Where multiple permits exist for multiple systems at one address, false alarms will be charged to the proper permit or alarm system.

B. 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 disclosed 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 any information.

#### 8.38.080 Permit required.

##### A. Individual Users.

1. No property owner or person in possession of property shall cause an alarm system to be installed, connected, operated, or maintained upon any parcel of real

property within the city without first obtaining an alarm system permit. Said permit shall be issued in accordance with the provisions of this chapter. Any such person who causes an alarm system to be installed, connected, operated, or maintained without first obtaining a permit as required by this section is guilty of an infraction as provided in Section 8.38.180 (A)(3).

B. Alarm Companies: Installation or Connection of Alarm Systems.

1. No alarm company shall install or connect an alarm system upon any real property within the city without first performing whichever of the following acts is most feasible:

a. Obtaining a copy of the alarm system permit from the alarm system user or the city;

b. Notifying the city by written declaration executed under penalty of perjury that the permit application has been mailed or personally delivered to the city; the declaration shall be signed by an authorized agent of the alarm company; or

c. Obtaining from the user of the alarm system a written declaration executed under penalty of perjury that said user has previously mailed the permit application to the city. The declaration shall be witnessed by the signature of an authorized agent of the alarm company. This declaration shall also be personally delivered or mailed to the city by the alarm company.

2. The declarations listed in subsections B(1)(b) and B(1)(c) of this section shall be served or given to the city within three business days of installing or connecting an alarm system.

3. Any alarm company who installs or connects an alarm system without complying with one of the requirements listed in subsection B(1)(a) through B(1)(c) of this section is guilty of an infraction as provided in Section 8.38.180 (A)(1).

C. Alarm Companies: Maintenance of Alarm Systems.

1. Once an alarm company has established that the user of an alarm system to be installed or maintained by the alarm company has a valid permit or has complied with the provisions of Section 8.38.080( B), the alarm company may maintain the alarm system until such time as it has been notified by certified mail of a revocation of the permit by the city in accordance with the provisions of this chapter. Where the servicing alarm company has been notified of a revocation of a permit by the city, said company shall place the alarm system in a nondispatch

status, and the police shall not be requested to respond to alarms from the system. Any alarm company that fails to comply with this section is guilty of an infraction as provided in Section 8.38.180 (A)(1).

#### 8.38.100 Issuance of permit.

A. By Whom Issued. The chief of police or his or her designated representative may issue an alarm system permit after the requirements of this chapter have been met. The chief of police may deny any application and any reapplication or revoke any alarm system permit used to provide security for any illegal activity.

B. To Whom Issued. An alarm system permit may be issued to the owner or person in possession of the real property which the alarm system is designed to protect.

#### 8.38.110 Terms of permit--Notice to alarm companies.

A. Terms of Permit. Each alarm system permit issued shall remain valid until such time one or more of the following conditions exist:

1. The location of the premises changes;
2. The ownership of the premises changes;
3. The alarm company changes;
4. The alarm system permit is revoked.

B. Notice to Alarm Companies. Notice of revocation of alarm system permits shall be served on the servicing alarm company.

#### 8.38.120 Transfer or assignment of permit.

Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only as to the permittee named on the permit, the premises identified on the permit, and only for the particular system or alarm 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 in writing. False alarms 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 investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms.

#### 8.38.130 Reapplication for permit--Background investigation--Reissuance of permit. Any person whose alarm system permit(s) is/are revoked may reapply for a new alarm system

permit, but only in accordance with the procedure set forth in this section.

A. Reapplication for Permit. All reapplications shall be submitted directly to the chief of police or his or her designee on such forms as may be prescribed.

B. Background Investigation. The chief of police or his or her 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.

C. Reissuance of Permit. If after investigation and in his sole discretion the chief of police or his or her designated representative 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 owner or person in possession of the parcel of real property which the alarm system is designed to protect. The chief of police or his or her designated representative may impose such conditions on the alarm system permit as he deems reasonably necessary to insure that the permittee will comply with the provisions of this chapter.

#### 8.38.140 Police review of false alarms.

A. Any alarm permittee who has four through fourteen false alarms within a consecutive three hundred sixty-five-day period shall be subject to fees and/or revocation as provided herein.

B. For each false alarm recorded between four and fourteen within a consecutive three hundred sixty-five-day period:

1. The police department shall notify both the alarm permittee and the alarm company by mail of such fact, and direct a report to the chief of police.
2. Upon review of the report by the chief of police or his or her designee, a determination will be made, based on all the information available, whether a fee will be assessed against the alarm permittee. If a finding to assess a fee is made, a notice of the fee shall be mailed to both the alarm permittee and the alarm company, if any. The notice shall specify the details of all excessive false alarms.
3. The fee(s) imposed pursuant to this subsection B shall be in accordance with Section 8.38.180(A)(4).

C. For each false alarm recorded beyond fourteen within a consecutive three hundred sixty-five-day period:

1. The police department shall direct a report to the chief of police.
2. Upon review of the report by the chief of police or his or her designee, a determination will be made, based on all the information available, whether to revoke the alarm permit. If a finding to revoke is made, a notice of revocation shall be mailed by certified mail to both the alarm permittee and the alarm company, if any.
3. If the chief of police or his or her designee decides not to revoke the alarm permit, a determination will be made, based on all the information available, whether a fee will be assessed against the alarm permittee. The fee(s) imposed pursuant to this subsection C shall be in accordance with Section 8.38.180(A)(5). If a finding to impose a fee is made, a notice of the fee shall be mailed to both the alarm permittee and the alarm company, if any. The notice shall specify the details of all excessive false alarms.
4. Unless there is a separate indication that a crime is in progress, the chief of police or his or her designee may refuse police response to an alarm dispatch request from an alarm site for which the alarm permit has been revoked.

#### 8.38.150 Alarm system prohibition.

Upon a final determination to impose a fee pursuant to Sections 8.38.140 and 8.38.180(A) of this chapter for the fourth and any subsequent false alarms within a consecutive three hundred sixty-five-day period, the responsible party shall tender the fee assessed within thirty days of the date ordered. In the event the fee is not tendered, the continued operation of the alarm system by the alarm permittee is unlawful, and the unpaid balance will be subject to a charge of one and one-half percent per month, compounded monthly, in addition to the fee. The chief of police or his or her designee may revoke the alarm permit(s) of an alarm permittee who has failed to tender any fee within thirty days of the date ordered.

#### 8.38.160 Appeal procedures.

- A. Any party aggrieved by a decision of the chief of police or his or her designee made pursuant to Section 8.38.140 may, within ten days of receipt of notice of the decision, appeal to an administrative hearing officer so designated by the city manager by filing a written appeal with the chief of police or his or her designee. The administrative hearing officer shall be a person other than the chief of police or his or her designee.
- B. The written appeal shall set forth the specific objections to the decision of the chief of police which form the basis of the appeal.
- C. The administrative hearing officer shall set a time and place for the hearing as soon as

practicable.

D. The hearing process shall be conducted in an informal process:

1. The administrative hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings.
2. All parties to the hearing shall have the right to present evidence in support of or in opposition to the decision of the chief of police or his or her designee.

E. The decision of the administrative hearing officer shall be based upon the evidence presented, and it shall either:

1. Affirm the decision of the chief of police or his or her designee, in which case any fee imposed or permit revoked pursuant to Sections 8.38.140 and 8.38.180(A) shall be sustained; or
2. Reverse the decision of the chief of police or his or her designee, in whole or in part, in which case no fee, no revocation, or a lesser fee shall be imposed.

#### 8.38.170 Notices.

Except as otherwise provided by this chapter, any notice or other written proof required by this chapter to be served on or given to any person shall be in writing and shall be duly served and given when personally delivered to the person to whom it is directed, or when deposited in the United States mail, first class, postage prepaid, addressed to the last known address of the person to whom it is directed.

#### 8.38.180 Violations--Penalties and enforcement.

A. Penalties. Except where punishment is specifically provided elsewhere in this code, any person who violates any provision of this chapter is subject to the following terms and penalties:

1. Violations of Sections 8.38.040(C), 8.38.050(A)(1), 8.38.050(A)(2), 8.38.050(B)(1), 8.38.050(B)(2), 8.38.050(C)(1), 8.38.060(B), 8.38.080(B)(1), and 8.38.080(C)(1) are infractions punishable by (1) a fine not exceeding one hundred dollars for the first violation; (2) a fine not exceeding two hundred dollars for the second violation within one year of a prior violation; and (3) a fine not exceeding two hundred fifty dollars for the third and each successive violation within one year of a prior violation.

2. A violation of Section 8.38.060(A) may be filed as either a misdemeanor

punishable by a fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding six months, or both, or an infraction punishable in accordance with Section 8.38.180(A)(1).

3. A violation of Section 8.38.080(A)(1) is an infraction punishable as provided in Section 8.38.180(A)(1) or by a fee of fifty dollars for each false alarm, or both.

4. Permittees in violation of Section 8.38.140(B) are liable to the city for a fee of sixty-five dollars per false alarm upon the fourth through ninth false alarms, and one hundred thirty dollars per false alarm upon the tenth through fourteenth false alarms, for the cost of providing a police response where an emergency does not exist. The alarm permittee is responsible for payment of any fees imposed.

5. For the fifteenth or more false alarms, permittees in violation of Section 8.38.140(C) are liable to the city for a fee of two hundred sixty dollars per false alarm, for the cost of providing a police response where an emergency does not exist. The alarm permittee is responsible for payment of any fees imposed.

B. Enforcement. 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 fee due and owing shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent fee. All fees shall be deemed delinquent thirty days from the date they are due and payable.

#### 8.38.190 Severability.

The sections, paragraphs, sentences, clauses, and phrases of this chapter are, and are intended to be, severable. If any section, paragraph, sentence, clause, or phrase of this chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this chapter.

#### 8.38.200 Applicability to existing alarm systems.

The provisions of this chapter shall also apply to all alarm systems which were installed, connected, operated, or maintained on or prior to the effective date of the ordinance codified in this chapter.

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance with fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) 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 GC 36933(c)(1).

PASSED AND ADOPTED by the City Council by the City of Orland this 2nd day of May, 2011 by the following vote:

AYES: Councilmembers Gee, Hoffman, Roundy, Elliott & Mayor Paschall

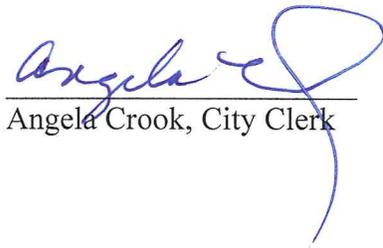
NOES: None

ABSTAIN: None

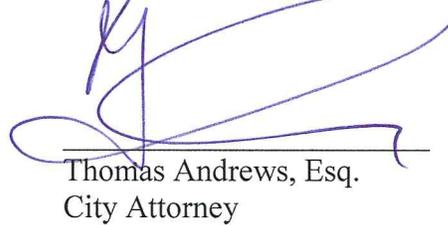
ABSENT: None

  
James E. Paschall, Sr., Mayor

ATTEST:

  
Angela Crook, City Clerk

APPROVED AS TO FORM:

  
Thomas Andrews, Esq.  
City Attorney