

ORDINANCE NO. 05-15 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING RICHMOND MUNICIPAL CODE CHAPTER 7.96 (ALARM
ORDINANCE) IN ITS ENTIRETY**

Section I. Ordinance Amendment

The Council of the City of Richmond ordains that RMC Chapter 7.96 be amended in its entirety to read as follows:

Chapter 7.96 Regulation of Security Alarm systems

Section:

7.96.010	Definitions
7.96.020	Alarm Businesses-Installation, Connection or Monitoring
7.96.030	Duties
7.96.040	Administration
7.96.050	Permit Duration and Renewal
7.96.060	Maintaining and Providing Specific Information; Cancellation of Response
7.96.070	No Response Status
7.96.080	Penalties

7.96.010 DEFINITIONS

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

“Administrative Citation” is a citation issued under the procedures and in the amounts set forth in Chapter 2.62 for specific violations of this Chapter.

“Administrative False Alarm Fine” means a fine issued for false alarms under this Chapter and in the amounts set forth herein.

“Alarm Administrator” means the person or persons designated by the City to administer, control and review alarm applications, permits and alarm dispatch requests.

“Alarm system” means a mechanical or electrical device which is designed or used for the detection of a burglary, illegal intrusion or robbery within a building, structure, or facility, or for alerting others to the commission of an unlawful act within a building, structure or facility, which emits a sound or transmits a signal or message when activated. Devices which are used to register alarms that are audible, visible or perceptible outside the protected building, structure or facility are not included within the definition.

“Alarm User Permit” is the permit issued by the City to the alarm user/subscriber.

“Cross Zone Structure” is an alarm system design that provides coverage of zones by multiple devices, to minimize potential false alarms.

“Duress Alarm” means an alarm signal generated, under duress, by the manual activation of a device intended to signal a crisis requiring police response.

“False Alarm” means the activation of an alarm system due to mechanical failure, malfunction, improper installation or maintenance, or the negligence and improper use by the alarm user/subscriber, or his/her agents, employees, or occupants and there is no visible evidence of criminal activity, forced entry or unauthorized trespassers.

“Hold-Up Alarm” means an alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

“Notice of Violation” is a formal notification by the Alarm Administrator/City Attorney to the alarm user.

“Notice of Response” means the preprinted card posted on the premises, or left with a responsible party, by the responding police officer advising that police responded to a false alarm at the location and warning about potential false alarm fines.

“One Plus Duress Alarm” means the ability of an alarm system to accept manual activation of a silent alarm signal by entering at a keypad a code that adds one (1) to the last digit of the normal arm/disarm code. For example, if the normal code is “1234” then the “one plus duress” code would be “1235”.

7.96.020 ALARM BUSINESSES – INSTALLATION, CONNECTION AND MONITORING

A. All alarm businesses, including alarm monitoring business, shall comply with the licensing requirements of the California Alarm Company Act set forth in Chapter 11.6 of the California Business & Professions Code.

B. It is unlawful for any alarm or alarm monitoring businesses to fail to register with the Richmond Police Department as a licensed California alarm business operator prior to commencing business within the City, including accepting monitoring subscriptions or monitoring agreements.

C. It is unlawful for any alarm business to install, connect, accept a subscription for, or monitor any alarm system upon any property located within the City without first obtaining a copy of the current valid alarm system permit from the City, or submitting an application for an alarm user permit along with the required thirty (\$30) dollar initial permit fee. This includes companies that sell or offer subscriptions to monitor self-installed alarm systems that send an alarm signal of any type to the monitoring company.

D. If the City notifies an alarm business of a denial, nonrenewal, suspension, revocation or of other conduct, the alarm business shall discontinue monitoring service to that alarm system within fourteen (14) days of such notification. The alarm business shall immediately notify the City in writing that the company has complied with this section.

7.96.030 REQUIREMENTS

- A. The Alarm Installation Business shall comply with the following regulations;
1. The business shall not program alarm systems so that they are capable of sending One Plus Duress Alarms. The alarm installation business shall remove such alarm feature from alarm systems whenever an alarm technician is at the alarm site or otherwise accessing the panel for reprogramming purposes.
 2. On all new and up graded installations, the alarm business shall use only control panel(s) which meet Security Industry Association (SIA) control panel standard model CP-01.
 3. Automatic voice dialers are prohibited.
 4. No alarm system shall be installed or used which emits a sound which is similar to that of an emergency vehicle siren or civil defense warning system. The Chief of Police or his/her designee shall have sole discretion regarding a sound emitted from an audible alarm.
 5. The release of proprietary information regarding law enforcement purposes to the City shall be maintained pursuant to the California Public Records Act.
 6. The Monitoring Business shall:
 - a. Report alarm signals by using telephone numbers designated by the City;
 - b. An alarm business performing monitoring services shall:
 - i) Attempt to verify, by calling the alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch.
 - ii) In the cases of a panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified by video and/or audible means, provide address and alarm user registration number, when available, to the communications center to facilitate dispatch and/or cancellation; and

- iii) Communicate a cancellation to the law enforcement communications center immediately following a determination that response is unnecessary.
7. Communicate nature of alarm (i.e.: burglary, robbery, panic, silent, audible, and interior or perimeter, etc.);
8. After an alarm dispatch request, promptly advise the law enforcement agency if the monitoring business knows that the alarm user or the responder is on the way to the alarm site;
9. Monitoring business must maintain records for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify.
10. Alarm businesses shall assist in obtaining the initial alarm registration and registration fee from the alarm user prior to activation.

B. The Alarm User shall comply with the following regulation:

1. It is unlawful to install, operate, or maintain an audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation. If the alarm system has an automatic cutoff with a re-arming phase, the re-arming phase must be capable of distinguishing between open and closed circuits, and if the circuit is broken, the system shall not re-arm.
2. It is unlawful for an alarm user to install, operate, or cause to be operated, an alarm system at its alarm site without a valid permit issued by the Alarm Administrator or Chief of Police. Applications for an alarm system permit shall be filed with the Police Department or Alarm Administrator on the forms provided and include a fifty (\$50) dollar permit fee. The application shall be signed and verified by the alarm user and shall contain such information as the Chief of Police may deem necessary. If the application is found complete and the information is true and correct, and the applicant is otherwise in compliance with all provisions of this ordinance, a permit shall be issued. Permits for alarm systems shall not be transferable from one alarm user to another alarm user or from one address to another address for the same alarm user.
3. Alarm users/subscribers sixty seven (67) years of age and older who qualify as “low income”, as defined by the Department of Health and Human Services, may request a waiver of permit fees, provided they are the homeowner or the primary lessee of a rental unit. It is the responsibility of the person seeking the waiver to meet and show proof of qualifications. This waiver of permit fees does not act as a waiver of any Administrative False Alarm Fines that may be incurred for excessive false alarms.
4. Every alarm business shall apply for and obtain an alarm permit prior to the

installation or accepting a subscription for monitoring of any alarm system, including systems that were installed by the property owner or the occupant at the property where the alarm is installed.

- C. Every alarm user/subscriber with an alarm system installed prior to the effective date of this section shall obtain for the alarm user permit within 90 days of the enactment of this ordinance.
- D. Multiple alarms located at a single address may be installed and operated under a single permit or under multiple permits as specified below:
 - 1. Any alarm user who desires to operate or maintain more than one alarm system at any business or residential property may apply for a single alarm user permit for multiple alarm systems at a single address. For the purposes of determining false alarm fees, all alarm activity by the alarm systems under the single permit will be cumulative.
 - 2. Any person who desires to operate more than one alarm system at any single business or residential property may apply for separate alarm user permits for each alarm system operated or maintained at such location. If the applicant chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each alarm system, and a separate permit fee shall accompany each application. Where multiple alarm user permits are issued for multiple alarm systems at one address, false alarm activity will be charged only to the permit for the alarm system which resulted in the false alarm activity.

7.96.040 ADMINISTRATION

All newly installed and reinstalled equipment shall not be subject to false alarms for a period of thirty (30) days from the date the alarm system becomes operational.

7.96.050 PERMIT DURATION AND RENEWAL

A permit shall expire one year from the date of issuance, and must be renewed every two (2) years by the user, by submitting an updated application and a permit renewal fee of \$30, to the Alarm Administrator. It is the responsibility of the alarm user to submit an application and permit renewal fee prior to the permit expiration date. Any change in the amount of the permit fee or renewal permit fee shall only be made by amending this Chapter.

**7.96.060 MAINTAINING AND PROVIDING SPECIFIED INFORMATION;
CANCELLATION OF RESPONSE**

- A. Any monitoring facility, including a telephone answering service, that makes an alarm dispatch request for an alarm system location, shall maintain and may provide the following information to the Police dispatcher at the time each alarm dispatch request is made:

- (1) The name of the permittee;
 - (2) The address of the alarm;
 - (3) The alarm permit number;
 - (4) Any further information available as to which zone has been activated;
 - (5) A 24-hour contact number of a responsible party who can respond to the site of the alarm when requested by the Alarm Administrator, Police Dispatch or the responding officer.
- B. An alarm business must cancel an alarm dispatch request immediately if the alarm business determines that the alarm signal is a false alarm. No false alarm fine will be charged for such canceled alarm dispatch request unless the responding officer has already arrived at the premises. This section shall not apply to holdup alarms which are not subject to cancellation and for which a fine shall be made for all responses to a false alarm.

7.96.070 NO RESPONSE STATUS AND APPEALS

- A. An alarm user shall be placed on a “No Response” status upon the seventh (7) false alarms within a twelve (12) month period. “No Response” status means that the Police Department will not respond to the site of the alarm is located based solely upon activation of the alarm system. “No Response” status does not preclude a police response to a location based upon a call for service not originating from the alarm.
- B. Prior to being placed on a “No Response” status, the City Attorney shall notify in writing by first class mail the alarm user who is to be placed in a “No Response” status. Placement on “No Response” status shall become effective ten (10) days after the date on which the notice was mailed.
- C. Any alarm user or alarm company aggrieved by an assessment of an Administrative False Alarm Fine, or issuance of an Administrative Citation, or by a change in response status, or by a determination made pursuant to this Chapter, may file an appeal. Such appeal must be filed within fourteen (14) days after the date on which notification was mailed of the change in response status or of a determination made pursuant to Section 7.96. (No Response) of this Chapter, or the date of issuance of an Administrative Citations or the date of issuance of an Administrative False Alarm Fine invoice.

Such appeals must be presented in writing to the City of Richmond, Police Department and must set forth the factual basis of the appeal. The City shall set a time and place that the hearing on the appeal will be held and shall notify the appellant of the date and time by first class mail or telephone call at least seven (7) days before the hearing. The Hearing Officer’s determination shall be final.

- D. The City’s copy of the responding officer’s Notice of Response shall serve as prima fascia evidence that the police were dispatched and responded to the location of the alarm, determined that there were no visible signs of criminal activity or attempted forced entry, and that the alarm was false.

- E. Upon timely appeal of the determination to place an alarm user in a “No Response” status, the placement shall be stayed pending the Hearing Officer’s decision. Any false alarms occurring during the automatic stay period shall continue to incur penalties and shall be used in support of the “No Response” status.
- F. In order to be removed from a “No Response” status, the alarm user shall first be required to pay all Administrative fines incurred and show proof of corrections of the conditions which caused the false alarms. Proof of correction shall be required and include, but not be limited to, documentation of repair and maintenance of the alarm system or proof of correction of conditions creating the false alarms and training of employees in any commercial establishment where such alarm is located.

7.96.080 PENALTIES

- A. Any alarm business that installs, connects, and accepts subscriptions or monitors an alarm system without first complying with this chapter shall be guilty of a misdemeanor and subject to Administrative Citations in the amounts set forth in section 2.62 of this Code.
- B. Any person, who installs, permits, maintains, or allows an alarm system to be installed, connected, operated, monitored or maintained without a valid permit as required in this Chapter shall be guilty of a misdemeanor and subject to Administrative Citations in the amounts set forth in section 2.62 of this Code.
- C. The maximum number of allowable false alarms, that will not incur a false alarm fine, shall be no more than two (2) in a calendar year. The alarm user who has more than two (2) false alarms in a calendar year shall be subject to Administrative False Alarms Fines as follows:
 - 1. First and Second false alarm- No fine;
 - 2. Third false alarm- \$100;
 - 3. Fourth false alarm - \$150;
 - 4. Fifth false alarm, and each false alarm thereafter- \$250.
- D. Any permit user who has seven (7) or more false alarms in a calendar year shall be placed on a “No Response” status.
- E. In determining the number of false alarms, multiple alarms occurring in an unbroken twenty-four (24) hour period shall be counted as one (1) false alarm, to allow the alarm user time to take corrective actions.
- F. Manual activation of a duress, panic, or holdup alarm for an event not consistent with the elements of California Penal Code 211 or life threatening situations such as shootings or stabbings, shall be a violation of this section and will result in the issuance of an Administrative Citation, regardless of the number of false alarms.
- G. All penalties set forth in this Chapter are in addition to all other remedies provided by law.

- H. Any fines imposed under this Chapter may be collected as special assessment liens and/or in any other manner provided by law.

Section II. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section III. CALIFORNIA ENVIROMENTAL QUALITY ACT REQUIREMENTS (CEQA)

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code Section 21000 et seq., including without limitation Public Resources Code Section 21065, CEQA Guidelines 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section VI. EFFECTIVE DATE

This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held January 20, 2015, and finally passed and adopted at a regular meeting thereof held February 3, 2015, by the following vote:

AYES:	Councilmembers Bates, Beckles, Martinez, Vice Mayor Myrick and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	Councilmember McLaughlin.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 05-15 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 3, 2015.