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Chief of Police

Milpitas Police Department

V-213-12.00 Alarm System Regulations

V-213-12.01 Definitions

For the purpose of this Section, unless the context indicates otherwise, certain words and phrases used in this Section are defined as follows:

- (a) "Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or upon land, or for alerting others of the commission of an unlawful act within a building, structure or facility, or upon land; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, automatic telephone dialing devices, hard lines, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected land, building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.
- (b) "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.
- (c) "Automatic telephone dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or digital signal an emergency message indicating a need for emergency response.
- (d) "False alarm" means a report received by the Police Department from any source resulting in a response by the Police Department to the premises on which an alarm system is located, where an emergency situation does not exist.
- (e) "Hard line" means a telephone or other line leading directly from the premises protected by an alarm device, or from an alarm central station to the City's communication center where said line is used solely to report the existence of circumstances necessitating police response.
- (f) "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- (g) "Responsible party" means any person, firm, partnership, company, association or corporation, or school district, or any owner or lessee of premises on which an alarm system is installed or maintained, or the agent or representative of the above, which or who utilizes an alarm system on premises located within the City of Milpitas.
- (h) "Premises" means any private residential, commercial or industrial land and/or buildings located within the City of Milpitas including school districts (excluding land or buildings owned, rented or leased by the federal, state or local government).
- (i) "Ninety- (90-) day period" means the period of time commencing upon the occurrence of a first false alarm, and terminating ninety (90) consecutive days thereafter.
- (j) "First false alarm" means the first occurrence in which the Police Department responds to the premises and there is a false alarm as defined in this Chapter. (Ord. 196.2 (part), 2/19/91)

V-213-12.02 Automatic Telephone Dialing Device Prohibited

It is unlawful for any person to use or cause to be used any electrical or mechanical device or attachment to a telephone that automatically reports a taped or other recorded message of a police or fire emergency direct to a City communication center. Each such call shall be deemed a separate violation punishable as a misdemeanor. (Ord. 196.2 (part), 2/19/91)

V-213-12.03 Audible Alarm Requirements

- (a) No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for air-raid/disaster warnings.
- (b) Every audible alarm system shall have a sign or notice posted on or near the audible device with the

name and telephone number of the person or company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. The alarm business or person responsible for the maintenance of the system and the owner of the audible alarm shall be responsible for deactivating any alarm within thirty (30) minutes after notification that such alarm is activated and ringing, or within thirty (30) minutes after reasonable efforts have been made to provide such notification.

(c) Every audible alarm installed after the adoption of this Chapter shall have a timing device which automatically shuts off the alarm within fifteen (15) minutes after the alarm is activated. Every audible alarm installed prior to the adoption of this Chapter without such a timing device shall be required to have such a device installed if any activated alarm is not deactivated within the thirty (30) minute time limit set forth in subsection (b) of this Section. (Ord. 196.2 (part), 2/19/91)

V-213-12.05 False Alarms

(a) No responsible party of any premises within the City of Milpitas shall be penalized for the occurrence of three false alarms at said premises within any one-year period.

(b) No responsible party of any premises within the City of Milpitas shall have or permit any fourth or subsequent false alarm at the same premises within the one-year period after a third false alarm has been responded to by the Police Department. A service charge shall be assessed against the responsible party for every false alarm occurring after the third false alarm within the one-year period.

(c) There is hereby imposed a service charge upon every owner who reports, causes to be or permits to be reported, a false alarm which is responded to by the Police Department. Said service charge shall be set by resolution of the City Council of the City of Milpitas and such charge shall reasonably reflect the costs to the City of responding to such false alarms.

(d) The City Manager or his designee is empowered and authorized to enforce the provisions of this Chapter. A notice of assessment of the service charge, which notice shall describe the date and time of the alleged false alarm, and whether police personnel responded thereto, shall be sent to the owner of the premises where the false alarm occurred.

(e) In the event of the failure of any person to pay the charges assessed pursuant to the provisions of this Chapter, the City may institute an action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the City may be collected. (Ord. 196.7 (part), 3/3/98; Ord. 196.2 (part), 2/19/91)

V-213-12.06 Nuisance Alarm

(a) An alarm shall be deemed a nuisance alarm and a public nuisance when it has been emitting sound continuously for at least one (1) hour, or intermittently for two (2) hours, and has been reported to the Police Department as an annoyance by a person in the vicinity of the alarm, and its owner is not available to silence the alarm or to cause it to be silenced.

(b) An alarm system shall be deemed a nuisance alarm and a public nuisance if such alarm system actuates excessive false alarms. Four (4) false alarms in any ninety (90) day period is hereby found and determined to be an excessive number of false alarms at any given location.

(c) Any officer or police aide of the Police Department, or private alarm service contractor hired by the City is authorized to enter on exterior private property areas, for the purpose of silencing a nuisance alarm. Forcible entry may be made into vehicles, exterior alarm equipment boxes, and attics and crawl space vents, in order to accomplish this purpose.

(d) Neither the City, nor its police officer or police aide, nor any officer or employee of the City or of a private alarm service contractor engaged by the police shall be liable in damage or loss to the owner of a nuisance alarm for silencing the nuisance alarm or for entry on the owner's property for the purpose of silencing a nuisance alarm or for any damage resulting from reasonable efforts to silence the nuisance alarm.

(e) The costs of the private alarm service contractor described above shall be due and payable upon presentation. All charges shall constitute a valid and subsisting debt in favor of the City and against the person for whom such services are rendered, and an immediate cause of action shall accrue to the City for collection thereof in any court of competent jurisdiction. (Ord. 196.2 (part), 2/19/91)

V-213-12.07 Notice and Hearing to Determine Reasonableness of Charge

(a) The person or persons charged pursuant to this Division shall have five (5) days after service of bill to file a written request with the Chief of Police for a hearing to determine the reasonableness of the charge.

(b) Upon receipt of such request, the Chief of Police or his/her duly authorized representative shall give to the requesting party or parties not less than seven (7) days written notice of the time and place of the hearing to determine the reasonableness of the fees and charges.

(c) The hearing shall be conducted by the Chief of Police or his or her duly authorized representative, who shall act as the hearing officer. An authorized representative shall consider all relevant evidence, including but not limited to, applicable staff reports. He or she shall give any interested person a reasonable opportunity to be heard in conjunction therewith. Based upon the evidence so presented, the Chief of Police or his or her duly authorized representative shall determine the reasonableness of the fees and charges imposed.

(d) The decision of the Chief of Police or his or her duly authorized representative shall be final and conclusive in the absence of an appeal as provided in this Division.

(e) The Chief of Police or his or her duly authorized representative shall, within five (5) working days of his or her decision, give written notice of the decision to the person or persons who requested the hearing and to any other person requesting such notice. (Ord. 196.3 (part), 9/17/91)

V-213-12.08 Appeal

Any person aggrieved by the decision of the Chief of Police or his or her duly authorized representative may appeal in accordance with the procedures set forth in Title I, Chapter 20, Section 5 of this Code. (Ord. 196.3 (part), 9/17/91)