

Title 5 BUSINESS LICENSES AND REGULATIONS*

Chapter 5.49 BURGLARY--ROBBERY--FIRE ALARM SYSTEMS*

5.49.010 Definitions.

For the purpose of this chapter certain words and phrases shall be construed herein as set forth in this section unless it is apparent from the context that a different meaning is intended.

“Alarm agent” means any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to (excluding public safety officer), or causing others to respond to an alarm system in or on any building, structure, facility, vessel or vehicle.

“Alarm business” means any business carried on by any person who engages in the sale, lease, maintenance, service, repair, alteration, replacement or installation of any alarm or alarm system in or on any building, structure, facility, vessel or vehicle.

“Alarm system” means an assembly of equipment and devices arranged to signal the presence of a fire, hazard or intrusion into a building, structure, facility, vessel or vehicle requiring urgent attention and to which fire, police or other emergency equipment is expected to respond. Alarm systems include, but are not limited to, direct dial tone devices, telephonic alarm systems, audible alarm and proprietor alarms. Devices which are not designed or used to evoke a police or fire response or used to register alarms that are intended to be audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system.

“Appellant” means a person who perfects an appeal pursuant to this chapter.

“Applicant” means a person, firm or corporation who files an application for permit as provided for in this chapter.

“Audible alarm” means a device designed for the detection of a fire or of an intrusion on premises which generates an audible sound on the premises when it is actuated.

“City” means the City of Newport Beach.

“Day” means a calendar day.

“Person” means a person, firm, corporation, association, partnership, individual, organization or company.

“False alarm” means the activation of an alarm system through mechanical failure, accident, misoperation, malfunction, misuse, or the negligence of either the owner or lessee of the alarm system or any of their employees or agents. A Police false alarm shall be deemed to have occurred after an alarm dispatch request is received and the responding officer finds no evidence of a criminal offense or attempted criminal offense at the alarm site, but does not include an alarm dispatch which is cancelled by the alarm user or permittee prior to the time the responding officer reaches the site.

“Proprietor alarm” means an alarm which is not regularly serviced by an alarm business.

“Telephonic alarm system” means any mechanism, equipment or device which is designed to operate automatically through the use of public telephone facilities to transmit a signal, message or warning to another location. (Ord. 99-19 § 2, 1999; Ord. 94-46 § 3 (part), 1994; Ord. 85-3 § 1, 1985; Ord. 1898 § 1 (part), 1982)

5.49.020 Permit for Alarm System Required.

No person shall install or use an alarm system without first obtaining an alarm permit issued by the City in accordance with the provisions of this chapter. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.030 Application for Permit.

Application for an alarm permit shall be filed with the Finance Director on forms provided by the City and the applicant shall, at the time of application, pay the fee established by resolution of the City Council. The application shall be signed and verified by the owner or lessee of the alarm system for which the permit is requested, and the application shall contain such information as may be required by the Finance Director in order to ensure that the permit is issued in accordance with the provisions of this chapter. Permits provided for in this chapter shall be issued by the Finance Director and shall be nontransferable. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.040 Application for Alarm Permit--Investigation.

Upon receiving an application from any person for an alarm permit, the Finance Director shall cause an investigation to be made of the system to be installed to determine if the system complies with the requirements of this chapter. If the proposed system complies with this chapter, the Finance Director shall cause a permit to be issued. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.045 Duration of Permit.

Permits for private residences shall be valid for three years from the date of issuance. Permits for nonresidential alarms shall be valid for one year from date of issuance. Applications for renewal of permit shall be accompanied by a renewal fee established by resolution of the City Council and any unpaid past due fees or fines. Permits will not be renewed until all fees and fines have been paid. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994)

5.49.050 Revocation of Permits.

An alarm permit may be revoked as follows: If, after investigation, the Chief of Police and/or the Fire Chief determines that the permittee has violated any provision of this chapter, or in the case of telephonic alarm systems any provision of Chapter 5.48, or any conditions of the permit or fails to pay a false alarm penalty as provided in Section 5.49.070, the Chief of Police and/or the Fire Chief shall send to permittee, by registered mail, a notice of intent to revoke the permit, which notice shall specify the violation or violations determined by the Chief of Police and/or the Fire Chief to exist and that permittee has the right to appeal the decision to the City Manager as provided in Section 5.49.060, and that failure of the permittee to remedy the violation or violations specified in the notice of revocation within the fifteen (15) day appeal period, or within such additional time as may be allowed by the Chief of Police and/or Fire Chief upon a showing of good cause therefore, then the alarm permit shall be considered revoked. No new alarm permit application may be made for a period of six months after the permit is revoked, unless waived for good cause by the Chief of Police and/or Fire Chief. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 85-3 § 2, 1985: Ord. 1898 § 1 (part), 1982)

5.49.060 Notice of Appeal.

A. If any permittee is aggrieved by any action of the Chief of Police and/or the Fire Chief pursuant to the provisions of this chapter, the applicant may appeal to the City Manager, by filing with the City Manager, a notice of appeal setting forth the facts and circumstances regarding the appeal. This notice of appeal shall be filed not later than fifteen (15) days after service of a notice of revocation as provided for in Section 5.49.050. The City Manager, or duly authorized representative, shall, within fifteen (15) days from the date on which the appeal is filed, hold a hearing, consider all relevant evidence produced by the alarm permittee, the Chief of Police, the Fire Chief and any other interested party, make findings and determine the merits of the appeal.

B. The City Manager, or his duly authorized representative, may affirm, overrule or modify the decision of the Chief of Police and/or the Fire Chief, and his decision shall be final. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 85-3 § 3, 1985: Ord. 1898 § 1 (part), 1982)

5.49.070 False Alarm Penalty.

A. Any person who maintains, uses or possesses an alarm system, and which alarm has caused any signal, message or alarm to be transmitted to the Fire Department or the Police Department, either by direct telephone or other direct communication or by communication from an alarm agent or an alarm business, or by a person responding to an audible alarm and which alarm is determined to have been a false alarm by the Chief of Police and/or the Fire Chief, shall pay a false alarm penalty as provided below:

1. Police False Alarms.

Fifty dollars (\$50.00) for a third false alarm within any consecutive twelve (12) month period.

One hundred dollars (\$100.00) for a fourth false alarm within any consecutive twelve (12) month period.

One hundred twenty-five dollars (\$125.00) for a fifth false alarm within any consecutive twelve (12) month period.

Additional twenty-five dollars (\$25.00) increase for each subsequent false alarm within a consecutive twelve (12) month period. For example, one hundred fifty dollars (\$150.00) for a sixth false alarm; one hundred seventy-five dollars (\$175.00) for a seventh, etc.

2. Fire False Alarms.

Seventy-five dollars (\$75.00) for a third false alarm within any consecutive twelve (12) month period.

One hundred fifty dollars (\$150.00) for a fourth false alarm within any consecutive twelve (12) month period.

Two hundred dollars (\$200.00) for a fifth false alarm within any consecutive twelve (12) month period.

Additional twenty-five dollars (\$25.00) increase for each subsequent false alarm within a consecutive twelve (12) month period. For example, two hundred twenty-five dollars (\$225.00) for a sixth false alarm; two hundred fifty dollars (\$250.00) for a seventh, etc.

B. In the event that the permittee sustains six false alarms within a year, the Chief of Police and/or the Fire Chief, in addition to imposing the false alarm penalties provided herein, may commence revocation proceedings, as provided for by Section 5.49.050.

C. Notice of false alarm penalties shall be served, and false alarm penalties may be appealed in the manner provided in Sections 1.05.030 through 1.05.110 of this Code. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 90-32 § 1, 1990: Ord. 87-46 § 1, 1987: Ord. 85-3 § 4, 1985: Ord. 1898 § 1 (part), 1982)

5.49.080 Alarm System Standards and Regulations.

A. The Chief of Police and/or the Fire Chief shall adopt standards and regulations governing the installation, maintenance and operation of alarm systems, which may be included as conditions to the permit, and may specify the type of equipment to be utilized to aid or assist responding emergency equipment. No person shall engage in the business of an alarm agent unless the name of that person and a copy of that person's State identification card is submitted to the Chief of Police and/or the Fire Chief. No fee or application shall be required for such registration.

B. The Chief of Police and/or the Fire Chief may adopt a policy of not responding to signals from an alarm system if any person continues to operate an alarm system after the alarm permit has been duly revoked as described in Section 5.49.050 of this chapter. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 85-3 § 5, 1985: Ord. 1898 § 1 (part), 1982)

5.49.085 Permit Notification.

The City permit number assigned to an alarm system by the Police Department shall be given to the Police and/or Fire Dispatcher at the time an alarm is reported to the Police and/or Fire Communications Center by an alarm company, a central monitoring station, a telephone answering service or any other business that monitors and reports alarms. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 85-3 § 6, 1985)

5.49.090 Prohibitions.

No person shall install or use an alarm system which, upon activation, emits a sound similar to sirens in use for emergency vehicles or civil defense purposes. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.100 Fees.

Fees prescribed heretofore in this chapter shall be in addition to any other lawful fees imposed by the City for doing or conducting business within the City. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.110 Limitations on Liability.

The City is under no obligation or duty to any permittee or any other person by reason of any provision of this chapter, Chapter 5.48 or the exercise of any privilege by any permittee hereunder, including but not limited to any defects in a police or fire alarm system, any delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any City officer, employee or agent. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.120 Criminal Penalties.

Any person who violates the provisions of Sections 5.49.020, 5.49.070, 5.49.080 or 5.49.090 shall be guilty of an infraction. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)

5.49.130 Application of Chapter.

Any person who, on the effective date of the ordinance codified in this chapter, possesses, has installed or uses an alarm system which requires a permit under this chapter shall apply for and receive a permit, as provided in this chapter, within six weeks after the effective date of said ordinance. (Ord. 99-19 § 2, 1999: Ord. 94-46 § 3 (part), 1994: Ord. 1898 § 1 (part), 1982)