

*Note to Chapter 7.96

* Prior ordinance history: Ordinance No. 20-73 N.S.

7.96.010 Purpose.

The immediate preservation of the public safety, health and welfare requires the adoption of the ordinance codified in this chapter. The public has purchased burglar alarm systems which have malfunctioned, causing an increase in false alarm reports. These alarms require an immediate response from the Richmond Police Department, thus resulting in inefficiency, including but not limited to danger to the public by the reduction of police units available for general safety and financial loss to the city.

7.96.020 Definitions.

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

(a) "Alarm system" means any device designed for the detection of an unauthorized entry on or into any building, place, premises, or for alerting others of the commission of an unlawful act, or both, and when actuated emits a sound or transmits a signal or message.

(b) "Alarm business" means any business which is engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system in or on any building, place or premises.

(c) "Alarm agent" means any person who is hired by an alarm business as an agent or employee for performance of any of the following functions within this city: selling; leasing; maintaining; servicing; repairing; altering; replacing; moving; or installing any alarm system in or on any building, place or premises.

(d) "Audible alarm" means that type of alarm system which, when activated, emits an audible sound.

(e) "Subscriber" means a person contracting with an alarm business for any of its services.

(f) "Person" means any individual, partnership, corporation, or other entity.

(g) "Police Department" means the Police Department of the City of Richmond, California, and "Chief of Police" means chief of such department or his authorized representative.

(h) "Silent alarm" means that type of alarm system, which, when activated, sounds a bell or buzzer or turns on a light at a predesignated place other than the location where the alarm has been installed.

(i) "Automatic dialing system" means a device which is connected to a telephone line and upon activation of an alarm system, automatically dials a predetermined telephone number assigned, and transmits a message or signal to the Police Department indicating a need for emergency response.

(j) "Commercial alarm" means an alarm installed on the premises which is primarily used for one or more of the following:

1. Business providing sales, service, or both;
2. Public agency or nonprofit entity or organization providing service to the general public. The term "commercial alarm" does not include any alarm installed on premises primarily used for residential purposes.

(k) "Panic alarm" means a manually activated switch (possibly portable and battery-operated) which signals an alarm to the main alarm system and is activated by persons when a crime or

personal harm is eminent.

(l) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or the negligence and improper use by the owner or his agents. Such terminology does not include, for example, alarms caused by severe weather or other violent uncontrollable acts of nature.

(m) "Police alarm board" means the alarm-receiving center located in the Police Department communication section. The police alarm board receives, by direct connection, alarm and trouble signals from locations that contract with the City for this service. The police alarm board is restricted to commercial and business structures only.

(n) "IAO" means the City of Richmond employee holding the personnel title of "Investigative and Appeals Officer" or his/her designee.

(Amended by Ordinance No. 14-98 N.S.)

7.96.030 Certain types of sound prohibited.

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 representative shall make final determination in regard to any question about the sound emitted from an audible alarm.

7.96.040 Audible alarm shutoff.

It is unlawful to operate an audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation, or on a U.L. certified system, within a maximum time of thirty (30) 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.

(Amended by Ordinance No. 12-91 N.S.)

7.96.050 Backup power supply.

Any new alarm system installed in a commercial business shall be supplied with a power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The power supply must be capable of at least four (4) hours of operation. Alarm systems installed in commercial businesses prior to the enactment of this chapter shall have six (6) months to comply with this requirement.

7.96.060 Automatic dialing system.

No person shall use or operate, cause to be used or operated, arrange, adjust, program, or otherwise provide or install any device or combination of devices, including alarm systems that will, upon activation, either mechanically, electrically, automatically, or by any other means initiate the intrastate calling, dialing, or connection to any telephone number, line, or instrument assigned to the City or Police Department.

7.96.070 Police alarm board/panel.

All alarms terminating at the Police Department alarm panel will be subject to the approval of the Chief of Police.

7.96.080 Alarm systems terminating at City Police Department.

The installation of any alarm system in a manner which, when the system is activated, would cause a signal or message to be sent directly to the Police Department by telephone line or by any other means must have the prior written approval of the Chief of Police. Any alarm company may apply in writing to the Chief of Police for such approval and such approval shall be evidenced by the issuance of a letter of approval. Such letter shall describe the alarm system and the testing procedures to be followed by the applicant along with such other information as the Chief of Police may reasonably require to reach a decision on the application. The Chief of Police shall grant such approval if he finds that the termination of the signal or message in the City's Police Department will not hinder city police activities. Each applicant who has been granted such approval shall maintain adequate equipment and an adequate work force to repair, maintain and otherwise service the particular alarm system involved. The City Council may prescribe by resolution a fee for each application processed under this section.

7.96.090 False alarms.

(a) The maximum number of allowable false alarms shall be no more than two (2) in the six-month period from January 1st through June 30th and no more than two (2) in the six-month period from July 1st through December 31st, before an alarm subscriber/owner is assessed false alarm service

assessment fees in accordance with Section 7.96.150 of this chapter.

(b) The maximum number of allowable false alarms shall be no more than four (4) in the six-month period from January 1st through June 30th and no more than four (4) in the six-month period from July 1st through December 31st, before an alarm subscriber/owner is placed on "no response status" in accordance with Sections 7.96.100 and 7.96.110 of this chapter.

(c) In determining the number of false alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one false alarm, to allow the alarm owner/subscriber time to take corrective action.

(d) In addition to any other remedies provided for in this chapter, any alarm owner/subscriber whose alarm system exceeds the maximum number of allowable false alarms specified in subsection (b) of this section, or who fails to pay any service assessment fee assessed pursuant to subsection (a) of this section and Section 7.96.150 of this chapter shall be guilty of an infraction, punishable as set forth in Section 1.04.110 of this Code.

(Amended by Ordinance No. 12-91 N.S. and 23-95 N.S.)

7.96.100 No response status.

Any alarm owner/subscriber will be placed on a no response status upon the activation of five (5) false alarms within the six-month period from January 1st through June 30th and upon the activation of five (5) false alarms within the six-month period from July 1st through December 31st. "No response status" means that the Police Department will not respond to the site on which the alarm is located based solely upon activation of the alarm system. No response status does not preclude police response to a location based upon a call for service not originating from

an alarm.

(Amended by Ordinance No. 12-91 N.S.)

7.96.110 No response notification.

Prior to being placed on a no response status, the City Attorney shall notify in writing by first class mail any alarm owner/subscriber who is to be placed in a "no response" status. Placement in a no response status shall become effective ten days after the date on which the notice is mailed.

(Amended by Ordinance No. 12-91 N.S.)

7.96.120 Method for removal from no response status.

(a) In order to be removed from a no response status, an alarm owner/subscriber shall pay all false alarm assessment fees assessed pursuant to this chapter and shall correct all conditions which caused the false alarms resulting in the placement in a no response status. Proof of correction shall be to the satisfaction of the Chief of Police. Proof of corrections which may be required include, without limitation, documentation of repair of the alarm system or portions thereof or documentation of training of employees, other users of the alarm system or users or occupiers of the location where the alarm system is located.

(b) Upon compliance with the requirements of subsection (a) of this section, the Chief of Police shall remove the alarm owner/subscriber from a no response status. After an alarm owner/subscriber has been removed from a no response status pursuant to this section, all false alarms reported prior to the placement in a no response status shall be canceled and shall not be counted towards the maximum allowable false alarms.

(c) The Police Department shall notify the City Attorney when an alarm owner/subscriber has been removed from a no response status by compliance with the requirements of this section.

(Amended by Ordinance No. 12-91 N.S.)

7.96.130 Delays in transmission or response/liability limitations.

The city shall be under no duty or obligation to subscribers or any other person by reason of any provision of this chapter or privileges of a subscriber hereunder, including, but not limited to, any defects in the police alarm panel or any delays in transmission or response to any alarm.

7.96.140 Appeal process.

(a) Any alarm owner, subscriber, alarm agent or alarm business aggrieved by a change in response status, by an assessment of a service assessment fee, or by a determination made pursuant to Section 7.96.190 of this chapter, may file an appeal with the IAO. Such appeal must be filed within thirty (30) days after the date on which notification has been mailed of the change in response status, of the assessment of a fee or of a determination made pursuant to Section 7.96.190 of this chapter, respectively. Such appeal must be presented to the IAO in writing by delivery to the IAO at the City of Richmond, Police Commission Office and must set forth the basis of the appeal. The IAO shall set the time and place when and where the hearing on the appeal will be held and shall notify the appellant of the date and time by letter sent by first class mail at least seven (7) days before the hearing. The hearing shall be held on the date and time set for the hearing and appeal. The IAO shall render a decision on the appeal. The IAO shall render

his decision orally at the time of the hearing or in writing after the hearing. If the decision is rendered orally at the time of the hearing, it shall be reflected in written minutes of the hearing. If it is rendered in writing, it shall be mailed to the appellant by first class mail.

(b) The decision of the IAO shall be the final administrative decision of the City.

(c) On any timely appeal to the IAO of the decision to place an alarm owner/subscriber in a no response status, the placement in a no response status shall be stayed until a decision is rendered by the IAO. Any false alarms occurring during the automatic stay pending appeal, which is provided for by this section, shall be counted as any other false alarm.

(d) In any appeal hearing provided for in this section, except for an appeal hearing involving an exterior lot alarm, where the issue is whether a false alarm or alarms have occurred, the burden shall first be on the Chief of Police to demonstrate that the alarm occurred, that City personnel responded, and that there was no evidence of any criminal activity at the location protected by the alarm. If the Chief of Police provides evidence to establish these facts, a rebuttable presumption shall arise that the alarm was a false alarm, as defined in this chapter. The appellant may rebut the presumption by providing evidence of criminal activity related to the alarm in question or by providing evidence that the alarm in question was caused by severe weather or other uncontrollable acts of nature or other circumstance showing that the alarm was not a false alarm as defined in this chapter. Such evidence may include, without limitation, signs of forcible entry, witness statements or proof of property damage.

(Amended by Ordinance No. 12-91 N.S. and Ordinance No. 14-98 N.S.)

7.96.150 False alarm service assessment fee.

(a) In addition to any other remedy provided for in this chapter, any subscriber or person who maintains or has an alarm connected to the police alarm panel or who has an alarm system which requires police response created by any signal, message or alarm and transmitted to emergency units and which proves to be a false alarm shall pay a false alarm service assessment fee to the City, as follows:

(1) First and second false alarm in the six-month period from January 1st through June 30th and first false alarm in the six-month period from July 1st through December 31st: No fee;

(2) Third false alarm and each thereafter in the six-month period from January 1st through June 30th and third false alarm and each thereafter in the six-month period from July 1st through December 31st: \$50.00;

(3) Fourth false alarm and each thereafter in the six-month period from January 1st through June 30th and fourth false alarm and each thereafter in the six-month period from July 1st through December 31st: \$100.00.

(b) When it is determined by the City Council that there is a need for a modification to the false alarm service assessment fees, the City Council shall make the modification by resolution amending this section. The City may establish a separate account for fees collected pursuant to this chapter.

(c) If a false alarm assessment fee is not paid to the City within 30 days from the date on which a bill for such fees is mailed to the alarm owner/subscriber, the City may collect such fee through all legal means available, which may include a lawsuit in small claims court or in the Municipal Court, or, where the alarm owner/subscriber is also the record owner of the site at which the subject alarm is located, may include the recovery of the fees through special assessment and lien against the property, as described in subsection (d) of this section. In any such suit or procedure to recover the false alarm assessment fee, the City may also recover all reasonable and necessary

administrative costs incurred in recovering such fees.

(d) On a periodic basis as determined by the Director of Finance, the director shall prepare and file with the City Clerk a report and assessment list which identifies all real property at which an alarm system is located, the owner or subscriber of which is also the record owner of the same property, and as to which false alarm assessment fees are due to the City pursuant to this chapter. The report and assessment list shall provide a description of the real property, the dates and amounts of false alarm assessment fees incurred, the administrative expenses incurred by the City in seeking to recover

such fees and the names and addresses of the record owner(s) of the property. Upon receipt of the report, the City Clerk shall post a notice of filing of the report in a conspicuous place in City Hall, with the notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the City Council for hearing and confirmation. The City Clerk shall also mail by first class mail a notice to each property owner at the address identified in the report and assessment list. The notice shall provide a copy of the report and assessment list and shall notify the owner that the costs identified in the report and assessment list shall be assessed against the property unless objection is made by the owner in writing and submitted to the City Clerk at least two days before the hearing. The notice shall also specify the time and place when and where the proposed assessment will be presented to the City Council for hearing and confirmation. The notice shall be mailed at least 10 days prior to the date of the hearing. Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the City Council hearing must submit any and all objections in writing to the City Clerk at least two days prior to the date of hearing. The failure of any owner to submit objections to the City Clerk shall constitute a waiver of any such objections. At the time and place fixed for hearing and confirming the proposed assessments, the City Council shall hear the same. At such hearing, only those persons who have submitted written objections to the City Clerk will be heard by the Council. At the hearing, the City Council may correct, modify or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the Council shall confirm each assessment and the amount thereof, as proposed or as corrected or modified, and order that an assessment be made against the property. If the Council orders that an assessment be assessed against the property, it shall also direct that the same be recorded on the tax assessment roll and thereafter the assessment shall constitute a special assessment and lien against the property. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

(Amended by Ordinance No. 12-91 N.S. and 23-95 N.S.)

7.96.160 New alarm systems.

A new alarm system subscriber/owner will be given a 30-day grace period from the provisions of this chapter for the purpose of testing new equipment and training parties responsible for the operation and maintenance of the new alarm system. The 30-day grace period shall begin on the date the Police Department is informed in writing of the installation of a new alarm system. The grace period shall be forfeited if the Police Department has not been informed in writing of the installation of a new alarm system.

(Source: Ordinance No. 12-89 N.S.)

7.96.170 Severability.

If any action, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more of these sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

7.96.180 Suit for recovery of unpaid sums.

Any sum required to be paid hereunder shall be deemed a debt to the City, and any person who engages in excessive false alarms shall be liable to an action by and in the name of the City in any court of competent jurisdiction for recovery of any such sum.

(Source: Ordinance No. 12-89 N.S.)

7.96.190 Increase in maximum allowable false alarms.

(a) Notwithstanding the provisions contained in Sections 7.96.090, 7.96.100 and 7.96.150 or any other section of this chapter, in order to ensure the fair application of this chapter, the Chief of Police, may, upon written application of an alarm owner/subscriber and upon good cause shown, increase the maximum number of allowable false alarms before service assessment fees are assessed or before no response status is invoked. The Chief of Police shall promulgate written rules and regulations to implement this section. Such rules and regulations shall define circumstances constituting

good cause for such increase and factors to be used in determining the number of allowable false alarms in such circumstances. In determining good cause for such increase, the Chief of Police may consider such factors as the number of contacts contained in the alarm system, the number of alarm systems in the alarmed structure, the square footage of the alarmed structure, and the number of employees and shifts at the alarmed structure. The Chief of Police may also impose any reasonable condition upon the granting of any such increase, including, without limitation, the requirement that any alarm system owner/subscriber implement additional security procedures or measures recommended by the Chief of Police.

(b) Any determination by the Chief of Police on any application made pursuant to this section to increase the maximum allowable false alarms shall be in writing. In the event that the application is denied, the determination shall specify the facts establishing the lack of good cause. If an increase is granted, the determination shall specify the facts establishing the good cause for the increase and the factors considered in arriving at the maximum allowable false alarms, shall set forth any requirements on which the granting of such increase is conditioned, and shall state the maximum number of false alarms before service assessment fees are assessed and before no response status is invoked.

(c) Any person aggrieved by any determination by the Chief of Police made pursuant to this section may file an appeal. Such appeal shall be governed by the same procedures and requirements set forth in Section 7.96.140 of this chapter.

(Added by Ordinance No. 12-91 N.S.)

7.96.200 Council findings--Exterior lot alarms.

(a) The Council of the City of Richmond finds, determines and declares that alarms which protect exterior lots by their nature pose special, distinct difficulties to law enforcement personnel in that they are often used in place of other security measures, that exterior lots are more easily accessible than the interior of a building or structure, thereby inviting more frequent entry and more frequent activation of an alarm to which the police must respond, and that, in the absence of the use of a specialized alarm system, they are more likely to be activated by events which are unrelated to illegal activity. In order to eliminate these difficulties, special regulation of exterior lot alarms is necessary.

(Added by Ordinance No. 12-91 N.S.)

7.96.210 Regulations relating to exterior lot alarms.

(a) The Police Department shall not respond to the site on which an exterior lot alarm is located based solely upon activation of such alarm system, unless the owner/subscriber complies with all of the following conditions:

- (1) The owner/subscriber provides proof to the Chief of Police that the exterior lot alarm is of a type which is designed and operates so as to significantly reduce or eliminate the possibility of animals or objects activating the alarm, such as a double beam infrared alarm system;
- (2) The owner/subscriber provides proof to the Chief of Police that the alarm has been tested and certified as free from mechanical defects within the immediately preceding thirty days;
- (3) The owner/subscriber agrees to provide the Police Department access to the exterior lot upon the activation of any alarm; and
- (4) The owner/subscriber provides the name and address of the person to whom any notices required by this chapter shall be sent.

(b) The requirements imposed by subsection (a) of this section shall not take effect as to any exterior lot alarm, unless and until the Chief of Police has provided at least 30 days written notice of the requirements of this section sent by certified mail, return receipt requested, to the location of such alarm system.

(c) Following compliance with the provisions of subsection (a) of this section, an exterior lot alarm shall be treated in the same fashion as any other alarm system, except that:

- (1) The Chief of Police may recommend in writing that the owner/subscriber implement additional security measures in the event that the site at which the alarm system is located has experienced more than 12 alarms resulting in police response in any twelve-month period and shall specify the period in which such measures shall be implemented. In making such recommendation, the Chief of Police shall balance the increased security provided by the proposed measures as compared with the cost, negative impact on sales or other detriment to the owner/ subscriber in implementing them. If the owner/ subscriber disagrees with the security measures recommended by the Chief of Police, the owner/ subscriber may, within 15 days of the date the written recommendation is mailed to the owner/subscriber or designated representative, request in writing a hearing before the IAO specifying the basis for disagreement and proposing alternative security measures. At such hearing, the IAO shall determine those security measures which are reasonable and which will increase security and which the owner/subscriber shall be required to make. The determination of the IAO shall be in writing, shall specify the security measures which are to be implemented and shall specify the time period in which the owner/subscriber shall implement such measures. The failure to

implement such measures in a timely fashion as recommended by the Chief of Police or, after hearing, as determined by the IAO, shall result in placement in a no response status, as defined in Sections 7.96.100 and 7.96.110 of this chapter until such time that such measures are implemented. The decision of the IAO shall be the final administrative decision of the City;

(2) Prior to treating any alarm activation on an exterior lot as a false alarm, the Chief of Police shall first notify the alarm owner/subscriber by letter sent by first class mail to the owner/subscriber or designated representative that an alarm was activated, that the police responded and that no evidence of criminal activity was found. Within 15 days of the date of mailing of such notice, the owner/subscriber shall provide evidence in writing to the Chief of Police which he/she believes demonstrates that the alarm was not a false alarm. Such evidence may include proof of criminal activity related to the alarm or alarm monitoring records which show that the alarm system was activated or tripped at least two times by a person other than investigating police department officer(s) or alarm owner/subscriber representative accompanying the police officer(s). If such evidence is reliable and is supplied in a timely fashion, the Chief of Police shall determine that the alarm was not a false alarm and shall so notify the alarm owner/subscriber. Notwithstanding subsection (c)(4) of this section, if the owner/subscriber fails to provide any such evidence within 15 days of the date of mailing of the notice, the alarm shall conclusively be deemed a false alarm for all purposes, including any appeal.

(3) Notwithstanding subsection (c) (4) of this section, any alarm activation to which a police officer(s) responds within a reasonable time following activation and as to which there is no representative of the owner/subscriber at the alarmed site to provide access within a reasonable time following activation, shall conclusively be deemed a false alarm for all purposes, including appeal, unless the police officer is able to determine without access that criminal activity is occurring or has occurred at the alarmed site. Prior to treating any alarm activation as a false alarm pursuant to this subsection, the Chief of Police shall first notify the alarm owner/subscriber by letter sent by first class mail to the owner/subscriber or designated representative that an alarm was activated, that the police responded within a reasonable time following activation, that no representative of the owner/subscriber appeared at the alarmed site to provide access within a reasonable time following activation and that no evidence of criminal activity was found. Within 15 days of the date of mailing of such notice, the owner/subscriber shall provide evidence in writing to the Chief of Police which he/she believes demonstrates that a representative of the alarm owner/subscriber did appear at the alarmed site within a reasonable time following activation or that no police officer responded within a reasonable time following activation. If such evidence is reliable and is supplied in a timely fashion, the Chief of Police shall determine that the alarm is not deemed a false alarm pursuant to this subsection and shall so notify the alarm owner/subscriber. For purposes of this subsection, the phrase "within a reasonable time following activation" shall mean within one-half hour following the time at which the police department is notified of the alarm activation and police response is requested.

(4) In any appeal hearing provided for by this chapter involving an exterior lot alarm, where the issue is whether a false alarm or alarms have occurred, the burden shall first be on the Chief of Police to demonstrate that the alarm occurred, that city personnel responded, and that there was no evidence of any criminal activity at the location protected by the alarm. If the Chief of Police provides evidence to establish these facts, a rebuttable presumption shall arise that the alarm was a false alarm, as defined in this chapter. The appellant may rebut the presumption by providing evidence of criminal activity related to the alarm in question or by providing evidence that the

alarm in question was caused by severe weather or other uncontrollable acts of nature or other circumstance showing that the alarm was not a false alarm as defined in this chapter. Such evidence may include, without limitation, signs of forcible entry, witness statements, proof of property damage or alarm monitoring records which show that the alarm system was activated or tripped at least two times by a person other than investigating police department officer(s) or alarm owner/subscriber representative accompanying the police officer(s).
(Ordinance No. 12-91 N.S. amended by Ordinance No. 14-98 N.S.)