



## Excerpt from the Town of Danville's Municipal Code

### SECTION 5-3 ALARM SYSTEM

**5-3.1 Purpose and Authority.** The purpose of this ordinance is to encourage alarm users and alarm businesses to maintain the operational reliability and proper use of alarm systems and to reduce or eliminate false alarm dispatch requests. False alarm dispatches pose a safety hazard to police officers and the general public and divert police officers from other useful duties. This ordinance governs systems intended to summon a police response. It requires permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of permits.

This ordinance is adopted pursuant to the authority provided in California Business and Professions Code Section 7592.8.

**5-3.2 Definitions.** As used in this section:

- (a) Alarm Administrator means a person or persons designated by the Chief of Police to administer, control and review alarm applications, permits and alarm dispatch requests.
- (b) Alarm Business means any business operated by an individual or business entity, which engages in selling, leasing, servicing, repairing altering, replacing, moving, installing or monitoring an alarm system in an alarm site.
- (c) Alarm Dispatch Request means a notification to the police by the alarm business that an alarm, either manual or automatic has been activated at a particular alarm site.
- (d) Alarm Site means a single premise or location served by an alarm system. Each tenancy, if served by a separate alarm system in a multi-tenant building shall be considered a separate alarm site.
- (e) Alarm System means any assembly of equipment and devices designed to signal the presence of a potential hazard relayed by an alarm answering service to any other audible or silent alarm device to which the police are expected to respond. Fire and medical alarm systems and alarm systems, which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premise or an attempted

burglary, or robbery at a premise are specifically excluded from regulation under this Section.

(f) Alarm User means any person, firm, partnership, corporation or other entity, public or private, that uses an alarm system at its alarm site.

(g) Chief means the Chief of Police of Danville

(h) Duress Alarm means a silent alarm signal generated by the manual activations of a device intended to signal a crises situation requiring police response.

(j) Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(k) Intrusion Alarm means an alarm system signaling an entry or attempted entry into the area protected by the system.

(l) Monitoring means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to the city for the purpose of summoning police response to the alarm site.

### **5-3.3 Permit Required.**

(a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit issued by the alarm administrator. A separate permit is required for each alarm site. The initial permit application must be submitted to the alarm administrator within 15 days after the alarm installation.

(b) Upon receipt of a completed application form, the alarm administrator shall issue an alarm permit to an applicant unless the applicant has failed to pay any applicable fees or fines assessed.

(c) Each permit application must include the name, address, and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and the name, address and telephone number of the alarm business monitoring the alarm system. The Chief may require such other information as necessary to accomplish the purposes of this Section. All information furnished with an application shall be confidential.

(d) An alarm permit cannot be transferred to another person. An alarm user shall inform the alarm administrator of any change that alters any information listed on the permit application within 5 business days.

(e) The Town Council may establish an application fee for alarm permits as permitted by law as part of the Town's master fee schedule.

(f) A permit shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application and if applicable a permit renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of their permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a non-permitted alarm system and citations and penalties may be assessed.

#### **5-3.4 Alarm System Maintenance and Operation**

(a) Each alarm user shall:

(1) maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.

(2) make every reasonable effort to respond or cause a representative to respond to the alarm system's location within one hour when notified by the Town to provide access to the premises.

(3) not manually activate an alarm for any reason other than an occurrence of an event the alarm system was intended to report.

(b) Each alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than twenty minutes after being activated.

(b) Each alarm user shall post a notice containing the name and telephone number of the alarm business to be notified to render repairs, services, or turn off the alarm when the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground adjacent to the building

#### **5-3.5 Monitoring Procedures**

An alarm business performing monitoring services shall:

(a) not request dispatch for police response during the first week after installation of an alarm system, but rather use that week to train the alarm user on proper use of the alarm system.

(b) attempt to verify every alarm signal, except duress or hold up alarm activation before requesting a police response to an alarm signal.

(c) communicate verified cancellations of alarm dispatch requests to the Town in a manner and form determined by the alarm administrator.

- (d) ensure that all alarm users of alarm systems equipped with duress alarms are given adequate training as to the proper use of the duress alarm.
- (e) utilize the procedure the alarm administrator shall develop to accept verified cancellation of alarm dispatch requests

**5-3.6 System Performance Reviews.**

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm. Such a conference will be mandatory after three false alarm dispatches in a one-year period.

**5-3.7 Penalty.**

(a) An alarm user shall be subject to warnings and fines depending on the number of false alarm dispatches emitted from an alarm system within a calendar year based upon the following schedule:

Number of False Alarm Dispatches	Action Taken	Fines
1	Warning Letter	0
2	Written Notice	\$50
3	Written Notice	\$150
4 and over	Written Notice	\$300

(b) In addition any person operating an alarm system without a valid permit will be subject to a \$25.00 fine for each false alarm dispatch, in addition to any other fines. The alarm administrator may waive this additional fine for a non-permitted system if the alarm user applies for a permit within ten days after such violation.

(c) The fines provided for in subsections (a) and (b) above shall be imposed and processed as administrative fines pursuant to Section 1-5.5 of this Code.

(c) Alarm dispatch requests caused by actual criminal offense or with evidence of a criminal attempt shall not be counted as a false alarm dispatch.

**5-3.8 Non-Response.**

(a) After ten false alarm dispatches from an alarm system in a calendar year, the Chief may determine that rather than imposing additional fines, the alarm system warrants a non-response by the Town’s Police Department.

(b) Non-response status may be based on one (1) or more of the following conditions in addition to the number of false alarm dispatches:

- (1) Personnel at the location of the alarm system are not properly trained;
- (2) The alarm system is not properly maintained;
- (3) The alarm user has failed to pay the false alarm fines imposed under Section 5-3.7 within thirty (30) days after the fine becomes due;
- (4) The alarm user has failed or refused to respond to the location of an errant alarm;
- (5) The alarm system has been activated for reasons other than probable burglary, intrusion, or robbery; or
- (6) The subscriber has failed to comply with any provision of this section.

(c) The Town's Police Department will not respond to any alarm system in non-response status.

#### **5-3.9 Non-Response Notice and Hearing Procedure.**

(a) The Chief shall give written notice to any alarm user who is deemed subject to non-response status. The notice shall set forth the basis for the proposed non-response status, including all relevant facts. The notice shall inform the alarm user that if they do not request a hearing with the Chief within seven (7) calendar days after the notice is mailed, the Town's Police Department will no longer respond to the alarm system.

(b) Within seven (7) calendar days of the date of a non-response notice is mailed, the alarm user may request a hearing with the Chief by submitting a written request. The request shall set forth the reason(s) why the alarm should not be placed on non-response status.

(c) The Chief, or designee, shall set a hearing date and mail written notice of the date, time, and place thereof to the alarm user at least ten (10) days prior to the date of such hearing.

(d) At the hearing, the alarm user or their authorized representatives may present relevant oral and documentary evidence and cross-examine witnesses. At the conclusion of the hearing, the Chief shall issue a written decision either upholding or revoking the non-response status.

(e) The decision of the Chief may be appealed to the Town Council no later than ten (10) calendar days from the date of mailing the decision. The letter of appeal must state the grounds for appeal and must be mailed to the City Clerk no later than ten (10) days from the date the decision is mailed