



CITY OF CHICO, CA-ORDINANCE

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Chapter 5.40 REGULATION OF ALARM SYSTEMS

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5.40.010 Purpose.

The purpose of this chapter is to encourage security alarm users and security alarm monitoring companies to maintain the operational reliability and the proper use of alarm systems in order to reduce unnecessary police responses to false alarms and to require in-person or other independent verification before responding to emergency calls at premises where an automatic property and/or automatic burglary alarm system has a record of unreliability.

The express purpose of this chapter is to provide for and promote the health, safety and welfare

of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially affected by the terms of this chapter. This chapter imposes or creates no duties on the part of the city or any of its departments, and the obligation of complying with the requirements of this chapter, and any liability for failing to do so, is placed upon the parties responsible for using, owning, operating, monitoring or maintaining automatic alarm systems.

5.40.020 Definitions.

The following definitions shall be fully applicable to this Chapter 5.40 in its entirety, except as expressly stated to the contrary herein.

A. "Alarm site" means the location at which a subscriber's alarm system is installed.

B. "Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. For purposes of this chapter, a system, device, or mechanism primarily protecting a motor vehicle, or one designed to communicate a medical emergency, including but not limited to a panic alarm button or similar device, is not considered to be an alarm system or alarm device.

C. "Alarm system monitoring company" means any individual, partnership, corporation or other form of association that engages in business or accepts employment to monitor any property, burglary, and/or robbery alarms located in the city. For purposes of this chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.

D. "Alarm system user" or "alarm user" means the person having or maintaining a property, burglary, robbery, or panic alarm. It means only the subscriber when the system is connected to an alarm system monitoring company. It means only the self-monitored alarm user when the system is not connected to an alarm system monitoring company.

E. "Burglary alarm." See "Property alarm" below.

F. "Chief of Police" or "Chief" means the Chief of Police of the City of Chico and his or her designee.

G. "Department" means the Department of Finance and Administrative Services of the City of Chico.

H. "Director" means the Director of Finance and Administrative Services of the city or any

officer, agent or employee of the city designated to act on the Director's behalf.

I. "Dispatch" means a discretionary decision whether to direct police units to a location where there has been a report made, by whatever means, that police assistance or investigation is needed. There is no duty to dispatch under any circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are made subject to competing priorities and available police response resources.

J. "Enhanced call verification" means telephone verification which requires as a minimum that a second telephone call be made from the alarm system monitoring company to a different telephone number provided by the alarm system user, if the first attempt fails to reach the alarm system user who can properly identify themselves, to attempt to determine whether an alarm signal is valid before requesting City of Chico Police dispatch.

K. "False Alarm" means the notification to the Chico Police Department or concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Chico Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for police response; or
2. The dispatch of police was cancelled by the alarm system monitoring company after the arrival of police at the premises.

L. "Monitoring" means the process by which an alarm system monitoring company or self-monitored alarm system user receives signals from an alarm system or alarm device.

M. "Panic alarm." See "Robbery alarm" below.

N. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons, but excludes the United States, the State of California and any political subdivision or municipal corporation thereof.

O. "Property alarm" or "burglary alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques, and, when activated, automatically transmits a telephone message, emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

P. "Robbery alarm" or "panic alarm" means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the "protected premises");
2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
3. It transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by

persons outside the protected premises; and

4. It is intended to summon police assistance to the premises.

Q. "Self-monitored alarm system user" means any person who does not engage in business or accepts employment to monitor property, burglary, and/or robbery alarms, but elects to internally monitor its own property, burglary, and/or robbery alarms located within the city.

R. "Subscriber" means a person having or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.

S. "Verification" means an independent method of determining that a signal from an automatic alarm system reflects a need for police assistance or investigation. The means of verification shall include, and be limited to, one or more of the following:

1. An independent confirmation that a signal reflects a need for police assistance or investigation either by the alarm system user, an individual at or near the premises, an individual viewing video surveillance of the premises, or an alternate response agency made before dispatching police; or

2. An alternate system that the Chief determines has or is likely to have a high degree of reliability.

5.40.030 Direct connections to municipal systems prohibited.

It shall be unlawful for anyone to make any direct connection to or on the municipally owned police signal systems of the city.

5.40.040 Reporting not prohibited.

Nothing in this chapter shall prohibit or prevent any individual from making reports to the Chico Police Department.

5.40.050 Audible alarm standards.

No property or burglary alarm which, when activated, causes an audible sound to be heard off the premises continuously for more than ten (10) minutes shall be installed on privately owned premises in the city.

Owners of existing property or burglary alarms which, when activated, sound continuously until turned off and send audible sounds off the premises are encouraged to limit the duration of the sound to ten (10) minutes or less by such methods as installing an automatic shutoff mechanism, connecting to a monitoring system, or converting to more modern equipment. Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona fide emergency when the sound may assist in saving life or avoiding injury.

5.40.060 Notice - Alarm turnoff.

Anyone who shall have or maintain on any premises an audible-type property, burglary and/or robbery alarm shall maintain posted at the main entrance to such premises a prominent notice of the telephone numbers at which the person or persons authorized to enter such premises and turn off such alarm can be reached at all times.

5.40.070 Ten-minute limit on audible alarms.

The sounding of an audible property or burglary alarm in a manner that the sound can be heard continuously off the premises for more than ten (10) minutes is a civil infraction. It shall be charged to the alarm user.

It is a defense that the continuous sounding of the alarm system or alarm device assisted in saving life or avoiding injury in a bona fide emergency.

It is a mitigating circumstance that the alarm system or alarm device was activated by an unauthorized entry or by criminal activity.

5.40.080 Unlawful activation or report of alarm.

No person shall activate any robbery, panic, property, or burglary alarm for the purpose of summoning police except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises, or the user needs immediate assistance in order to avoid injury or serious bodily harm.

Anyone who notifies the police of an activated alarm system and has knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system, shall at the same time notify the police of such apparent malfunction.

5.40.090 Licensing.

A. Every alarm system monitoring company doing business within the city shall obtain and maintain a City of Chico business license in accordance with the Chico Municipal Code.

B. No self-monitored alarm system user is required to obtain a City of Chico business license.

5.40.100 Verification process.

A. Every alarm system monitoring company shall:

1. Prior to contacting Chico police dispatchers to respond to an alarm system, attempt to verify the activation of the alarm system, through any of the following: enhanced call verification, an independent onsite confirmation that a signal reflects a need for police assistance or investigation, or a confirmation that a signal reflects a need for police assistance or investigation via the use of a remote audio or video system monitored by an alarm system monitoring company, EXCEPT in the case of a panic or robbery alarm;

2. Provide the Chief of Police such information about the nature of its property, burglary, robbery, and panic alarms; its method of monitoring; its program for preventing false alarms; its number of false alarms and verified alarms; and its method of disconnecting audible alarm systems, each as the Chief may require by rule;

3. Provide the Director with a current list of all subscribers' names and the associated protected premises it serves within sixty (60) days of the effective date of this ordinance, and thereafter provide updates of that list to the Director on a quarterly basis; and

4. When the Chief reports that there appears to have been a false alarm at a subscriber's premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof and prevent recurrences.

B. Every self-monitored alarm system user shall:

1. Provide the Chief of Police such information about the nature of its property, burglary, robbery, and panic alarms; its method of monitoring; its program for preventing false alarms; its number of false alarms and verified alarms; and its method of disconnecting audible alarm systems, each as the Chief may require by rule;

2. Provide the Director with a current list of all the protected premises it self-monitors within sixty (60) days of the effective date of this ordinance, and thereafter provide updates of that list to the Director on a quarterly basis; and

3. When the Chief reports that there appears to have been a false alarm at a self-monitored alarm system user's premises, work cooperatively with the Chief in order to determine the cause thereof and prevent recurrences.

5.40.110 Determination - Rebuttable presumption.

For the purposes of this subchapter, there is a rebuttable presumption that the following determinations made by the Chief of Police, or made on behalf of the Chief by a police officer dispatched to the premises, are correct:

A. There is no evidence of a crime or other activity that would warrant a call for police assistance or police investigation at the premises; and

B. No individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch or verified a need for police response.

5.40.120 Frequent false alarms - Process for disregarding automatic alarms - Verification.

A. In exercising his or her discretion to make a dispatch in response to a property or burglary alarm, the Chief of Police may disregard a call for dispatch when:

1. The call comes from or is prompted by a property alarm or burglary alarm that has a record of sending four (4) false alarms within a period of twelve (12) months or from an alarm system user who has an outstanding false alarm fee balance of sixty (60) or more days from the date that the Department mails or transmits the notice described in CMC Section 5.40.140(A); and

2. The call is the only basis for making such a dispatch.

The Chief may consider such a call as an additional factor in making his or her decision to order a dispatch when a verification from an individual at the premises, or other independent evidence, shows a need for police assistance at the premises.

B. To discourage false alarms, the Chief may adopt a process of sending a letter by regular mail informing the alarm system user of record of the false alarm history, the need to take corrective action, and the prospect that four (4) false alarms within a period of twelve (12) months shall result in the automatic signals being disregarded and a verification being required or other independent information showing a need for such a dispatch before a dispatch will be made to the premises.

C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a notice to the alarm system user that:

1. Four (4) false alarms occurred within a period of twelve (12) months or a false alarm fee is outstanding for a period of sixty (60) or more days;
2. The remedy authorized in subsection A may be taken;
3. The alarm system user may request a hearing before the Chief or his designee and explain why the Chief should not take the proposed action; if no hearing is requested, the Chico Police Department will after ten (10) business days disregard automatic signals from the premises without verification or other independent information showing a need for such dispatch; and
4. A requirement of an in-person communication or verification may remain in effect for a period of three hundred sixty-five (365) days.

D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) business days. Both the alarm user and a representative from the alarm system monitoring company are required to attend. If the alarm user is a self-monitored alarm system user, the self-monitored alarm system user is required to attend. The Chief may take into consideration such factors as the steps that the alarm system user or alarm system monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the facts and circumstances of the false alarms; and other relevant information presented by the alarm user or the alarm system monitoring company.

E. The Chief may suspend or cancel the remedy under subsection A if he or she determines that the alarm system has been corrected or the user has taken corrective action to prevent the recurrence of false alarms.

5.40.130 Penalty for false alarms.

An alarm user shall be subject to a false alarm fee whenever there is no evidence of a crime or other activity that would warrant a call for police assistance or investigation at the premises; provided however, that no false alarm fee shall be assessed if verification occurs. False alarm fees shall be imposed as follows:

1. For the first false alarm - \$0;
2. For the second false alarm - \$100;
3. For the third false alarm and each subsequent false alarm - \$200, subject to CMC Section 5.40.120.

5.40.140 Notice and hearing on penalty for false alarms.

A. The Department shall mail by first class mail a written notice of the false alarm fee to the alarm system user. The notice shall state the date and time of the false alarm, and that the alarm system user is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the determination that the false alarm occurred. All false alarm fees are due and payable within sixty (60) days of the date that the Department mails or transmits the notice, unless: (1) an appeal is filed pursuant to this chapter, in which case the fees appealed from are due and payable within ten (10) days

after the date of the written ruling.

B. An alarm system user wanting to contest a false alarm fee shall file a written appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director or the Director's designee, not more than twenty (20) days from the date the appeal is filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons affirming or reversing the notice. The decision of the Director shall be final.

C. The Director may, but is not required to, delegate authority to conduct hearings under this section to the Chico Police Department.

5.40.150 Civil violations.

A. Any unlawful conduct under this chapter, or the violation of or failure to comply with any provision of this chapter, or any rule or regulation, or final order of the Director made pursuant to this chapter shall be a civil violation punishable by a civil fine or forfeiture not to exceed five hundred dollars (\$500.00).

B. Each day of continued violation or noncompliance constitutes a separate offense, and the monetary penalties shall accumulate.

C. There shall be a maximum penalty and default amount of two hundred fifty dollars (\$250.00) plus statutory assessments for a failure to pay a penalty imposed pursuant to subsection A or B.