

ORDINANCE NO. 1073

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SIMI VALLEY AMENDING CHAPTER 30 OF TITLE 5 OF THE
SIMI VALLEY MUNICIPAL CODE RELATING TO THE
REGULATION OF ALARM SYSTEMS

Whereas, Chapter 30 of Title 5 of the Simi Valley Municipal Code contains regulations relating to the regulation of alarms in the City of Simi Valley; and

WHEREAS, the City Council desires to amend Chapter 30 of Title 5, as set forth in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 30 of Title 5 of the Simi Valley Municipal Code is hereby amended to read as follows:

Sec. 5-30.01. Findings and Purpose.

The City Council finds and declares as follows:

The purpose of this chapter is to establish standards and controls of the various types of emergency alarm signals from alarm devices that require a police response.

This chapter applies to any person, business, firm, corporation or any commercial entity owning, operating, maintaining, installing or selling alarm devices, or dial alarm devices designed to summon the police to any location in response to a signal or other transmission generated or produced by such devices.

Sec. 5-30.02. Definitions.

For the purposes of this chapter, certain terms are defined as follows:

(a) “**Alarm**” means any sound, signal or message generated by an alarm system, alarm user or other person, to which police or fire personnel are expected to respond.

(b) “**Alarm business**” means a business that sells, leases, installs, moves, maintains, repairs, alters, replaces, services or monitors alarm systems. Alarm business includes “alarm company operator” as defined in California Business and Professions Code Section 7590.2.

(c) **“Alarm system”** means any device, whether mechanical or electrical, fixed or mobile, designed and used to notify police personnel to respond. An alarm system does not include a battery operated smoke detector or the conventional use of a cellular or landline telephone. An alarm system does include manual and automatic alarms systems and mobile security devices.

(d) **“Alarm user”** means any organization or person who has responsibility for or control over the maintenance, use or activation of any alarm system.

(e) **“Audible alarm”** means an alarm device that, when activated, emits an audible sound at or about the alarm site.

(f) **“Automatic dialing device”** means a device that automatically sends over regular telephone lines, by direct connection, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police personnel are expected to respond.

(g) **“Burglar alarm system”** means an alarm system designed or used to detect and report an unauthorized entry or attempted unauthorized entry upon the premises, building or structure protected by the system.

(h) **“Central station”** means a facility to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of messages by a live voice to the police department.

(i) **“Department”** means the Simi Valley Police Department.

(j) **“Duress alarm”** means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

(k) **“Emergency”** for the purpose of this chapter means the commission or attempted commission of a robbery, burglary or other criminal activity.

(l) **“False alarm”** means the activation of an alarm system where there is no evidence of criminal activity and the cause is by mechanical failure, malfunction or the negligence of the owner or lessee or an alarm system or of the employees, agents or invitees thereof. A false alarm includes an alarm caused by a power outage, but shall not include alarms caused by earthquakes, violent winds or other external natural causes beyond the control of the owner or lessee of the alarm system.

(m) **“Police chief”** means the Chief of Police of the Simi Valley Police Department or authorized designee thereof.

(n) **“Robbery alarm system”** means an alarm system designed or used for alerting others of a robbery or other crime in progress that involves potentially serious bodily

injury or death. For purposes of this definition, a robbery alarm system includes duress, panic, hold-up and robbery-in-progress alarms.

(o) **“Verified response”** means the confirmation of criminal activity prior to contacting the Police Department to request a police response.

Sec. 5-30.03. Misuse of alarm system.

Use of an alarm system in the absence of an actual emergency situation, which results in the response of police or emergency service personnel; or use of an alarm system rather than a telephone to summon police or emergency service personnel in any situation where such telephone use would not create an immediate threat to the safety of the caller or other persons; or use of an alarm system to summon police to incidents of shoplifting, petty theft, disturbances, prowlers, suspicious circumstances or to any incident where all suspects are believed to have left the scene, is a false alarm and misuse of the alarm system. Misuse of an alarm system is unlawful.

Sec. 5-30.04. Alarm agent.

No person shall conduct himself or herself as an alarm agent, as defined by Business and Professions Code Section 7590.1(o), without obtaining an alarm agent permit from the State Department of Consumer Affairs Bureau of Security and Investigative Services. Every person acting as an alarm agent shall carry on their person at all times, while so engaged, a valid alarm agent permit or identification card and shall display such permit or card to any police officer or alarm system owner upon request.

Sec. 5-30.05. Alarm requirements.

(a) **Alarm system user responsibility.** It shall be the duty of the alarm user to properly use the alarm system, ensure that all alarm users are instructed in the proper use of the alarm system and are aware of the provisions of this chapter, and to maintain the alarm in proper working order. In addition, the street address for the premises shall be clearly visible.

The alarm system user or designee shall respond to the premises following activation of an alarm at the premises after being requested to do so by the Police Department. The response shall be made within a reasonable time and, in any event, not later than sixty (60) minutes after being requested to do so by the Police Department.

(b) **Audible alarm systems.** Every audible alarm installed shall be equipped with a timer that, after alarm activation, automatically silences any external sounding devices within fifteen (15) minutes and resets automatically within thirty (30) minutes of being activated. If an alarm continues to emit sound after 45 minutes, police or fire personnel may silence the alarm and shall not be liable to the alarm user for any damage to the alarm system caused thereby or for any other matter arising out of silencing the alarm.

(c) **Direct dial alarms.** No person shall install or use any device, which, when activated, automatically dials a public telephone line of the City or the Police Department. All automatic telephone dialing system shall dial a private answering service, such as a private alarm dispatch center run by an alarm business.

(d) **Simulated alarms.** No person shall install or use any alarm system that emits a sound similar to that of an emergency vehicle, siren or civil defense warning system or activates for any purpose other than detecting an unauthorized entry into a building or facility protected by such alarm system or to signal the presence of a hazard requiring urgent attention.

(e) **Emergency power supply.** Alarm systems shall be equipped with an uninterruptible power supply capable of maintaining alarm operation for a period of not less than six (6) hours following the interruption of normal electrical utility service.

Sec. 5-30.06. Alarm monitoring procedures and verified response.

(a) **Verified response status.** Any alarm system monitored by an alarm business that has in excess of two (2) false alarms in a calendar year shall automatically be placed on verified response status for the balance of that calendar year. When the alarm system has been placed on verified response status, it shall be subject to verification, as further set forth herein, prior to the police department being notified by the alarm business. In the event an alarm system is on verified response status and the alarm business cannot verify the alarm, the police department may broadcast the alarm call as a new information item and police officers may respond, subject to workload, to any such calls that occur between the hours 6 a.m. and 10 p.m.

(b) **Verification methods and Procedures.** Alarm businesses shall attempt to verify alarms from alarm systems on verified response status using the following methods. If not immediately verified as criminal activity, two attempts by the alarm business shall be made to verify the validity of the alarm prior to contacting the police department. Attempt to verify must be made by using two (2) of the following methods:

- (1) Exterior activation of alarm sensors.
- (2) Interior activation of alarm sensors.
- (3) Audio sensors placed throughout the premises.
- (4) Motion detectors to monitor movement inside the premises.
- (5) Visual observation through video feed to the monitoring center.
- (6) Telephonic verification by alarm business contacting alarm user to determine if there is an accidental activation. Passwords shall be utilized to confirm the identity of the alarm user.

- (7) Private guard response to alarm site, as directed by the alarm business. (It should be noted that the police department does not recommend a private guard response, however alarm businesses, may, at their discretion, utilize this procedure as an option).

(c) **Time periods not subject to verified response.** Between the hours of 10 p.m. and 6 a.m., mandatory verification for alarm systems on verified response status will not apply.

(d) **Additional alarms and locations not subject to verified response.** The following shall not be subject to verified response:

- (1) Robbery, intruder, duress, panic or emergency alarm system activation (e.g., fire).
- (2) Requests for emergency assistance from local mobile sources.
- (3) Audible alarm systems not monitored by an alarm company.
- (4) Vehicle alarms.
- (5) Pawnshops, secondhand dealers, gun shops, or any location that handles firearms.
- (6) Other locations as determined by the Chief of Police.

(e) **Alarm business, central station and answering service procedures.**

(1) At the time that a police response to an alarm site is requested, central stations or other answering services shall provide the Police Department Dispatcher with all of the following information:

- (i) A toll-free telephone number for contacting the central station dispatchers.
- (ii) The time, date, and location of the alarm.
- (iii) The name, address and telephone number of the alarm user or his or her designee.
- (iv) The cause of the alarm.

(2) The alarm business shall initiate contact to the alarm user within 24 hours via mail, fax, telephone or other electronic means whenever a police response request has been made to the alarm user's residence or business.

(3) When an alarm business has requested a police response, police dispatch shall be promptly advised if the alarm business has knowledge that the alarm user or another responder is also on the way to the alarm system location.

(4) The alarm business shall immediately notify police dispatch of the cancellation of the request for a police response to an alarm system location.

Sec. 5-30.07. Proper Use.

No person shall use or cause any alarm system to be used for any other purpose than for which it was designed.

Sec. 5-30.08. Alarm activation notification.

Each alarm user or alarm company shall notify the Police Department prior to any service, test, repair, maintenance, adjustment, alteration or installation that might activate a false alarm. For the purposes of this chapter, any alarm activated where such prior notice has been given shall not constitute a false alarm.

Sec. 5-30.09. Alarm business violations.

Alarm businesses shall be subject to the following:

(a) It shall be unlawful for an alarm business to misreport an alarm in order to receive police response.

(b) Alarm businesses shall be subject to being assessed civil fines, as established by City Council resolution, for failure to verify an alarm in accordance with the procedures set forth in this chapter, and before requesting a police response for alarms on verified response status.

(c) Alarm businesses shall be subject to being assessed a civil fine, as established by City Council resolution, if it is determined by a responding officer that an employee of the alarm business caused a false alarm at the location of the alarm system. False alarms caused by alarm business employees will not be counted as false alarms against the alarm user.

Sec. 5-30.10. False alarm civil fines.

Each false alarm in excess of two (2) in a calendar year shall be subject to civil fines pursuant to SVMC Section 1-8.101 et seq. Such civil fines shall apply to all alarm systems, including alarms monitored by alarm businesses that are on verified response status. The alarm administrator, as designated by the Chief of Police, shall issue all notices and orders in accordance with SVMC Section 1-8.105, and other applicable provisions of Chapter 8 of Title 1 of this Code.

The amount of fines shall be set by the City Council by Resolution in accordance with SVMC Section 1-8.107, and pursuant thereto, shall escalate for repeat false alarms occurring during the calendar year.

Fines may be appealed in accordance with SVMC Sections 1-8.109 and 1-8.110. The Chief of Police or his or her designee acting as the hearing administrator in accordance with SVMC Section 1-8.110 shall hear such appeals. The decision of the hearing administrator may be appealed to the City Manager or his or her designee and the decision of the City Manager on such an appeal shall be final. Fines shall be due and payable in accordance with SVMC Section 1-8.108, and subject to collection pursuant to SVMC Section 1-8.113.

Sec. 5-30.11. Enforcement: violations.

Violations. Any violation of the provisions of this chapter shall be deemed an infraction and punishable pursuant to SVMC Section 1-2.03 of Chapter 2 of Title 1 of this Code, unless a defendant has been convicted of three (3) or more violations of this Code, in which case the violation shall be deemed a misdemeanor and punishable pursuant to SVMC Section 1-2.02 of said Chapter 2.

Sec. 5-30.12. Business taxes.

Nothing contained in this chapter shall be construed as a waiver or exemption of any Business Tax otherwise applicable under the business tax certification provisions of Chapter 1 of Title 3 of the Simi Valley Municipal Code.

Sec. 5-30.13. Non-liability.

Nothing in this chapter shall create or be construed to create a duty upon the Police Department or City to respond to any alarm whether or not the alarm was false, nor shall the City or Police Department be held liable to the alarm user or third party for non-response pursuant to California Government Code Section 845. An alarm, like any other request for service from the Police Department, may be responded to within the resources of the Police Department at the time of the alarm.

Sec. 5-30.14. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional."

SECTION 2. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with SVMC Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on July 1, 2005.

PASSED and ADOPTED this 16th day of May, 2005

Attest:

s/Alice K. Redondo
Assistant City Clerk

s/Paul Miller, Mayor of the City of
Simi Valley, California

Approved as to Form:

Approved as to Content:

s/David H. Hirsch, City Attorney

s/Mike Sedell, City Manager

s/Mark E. Layhew, Chief of Police
Simi Valley Police Department