

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WHITTIER, CALIFORNIA, REPEALING AND
REPLACING CHAPTER 5.20 OF THE WHITTIER
MUNICIPAL CODE REGARDING FALSE ALARMS

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.20 – Communication Devices – of Title 5 (Business Licenses, Taxes and Regulations), of the Whittier Municipal Code is hereby repealed and replaced in its entirety with the following text:

Chapter 5.20 – FALSE ALARMS

5.20.010 – PURPOSE.

The public has purchased alarm systems which either mechanically malfunction or are not operated properly by their users, causing an increase in false alarm reports which require an immediate response from the Police Department, thus needlessly diverting limited police resources. The purpose of this chapter is to set forth regulations governing the use of alarm systems, require permits therefore, establish fees, and provide penalty for violations of provisions of this chapter.

5.20.020 – DEFINITIONS.

Unless the context or subject matter otherwise requires, terms defined herein shall have the following meaning when used in this chapter.

- A. “Alarm company” means any person that engages in business or accepts employment to install, maintain, alter, sell, monitor, service, respond to or cause others to respond to an alarm device located in the City. This includes an alarm company that is located outside the limits of the City which monitor alarms installed within the limits of the City.
- B. “Alarm permit” means a permit issued by the City allowing the operation of an alarm system within the City.
- C. “Alarm signal” means a detectable signal; audible or visual, generated by an alarm system.
- D. “Alarm system” means any system, device or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, cell, internet, radio, wireless based transmission system or other form of message to an alarm company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside a protected premises or protected property, or transmits a signal beyond a protected premises or protected property in some other

fashion. The definition of "alarm system" includes, but is not limited to, a manual alarm, a remote alarm and/or an outdoor alarm system. A fire alarm system solely designed to detect a fire condition and actuate an alarm or warning of fire is not included within this definition.

- E. "Alarm user" means any person owning, leasing or operating an alarm system, or on whose property or premises an alarm system is maintained for the protection of such property or premises.
- F. "Cancellation" means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request.
- G. "City" means the City of Whittier.
- H. "Chief of Police" means the Chief of the Whittier Police Department, or his/her designee.
- I. "Day" means business day.
- J. "False alarm" means an alarm signal activated willfully, unintentionally, negligently or inadvertently; due to mechanical or electrical malfunction; due to improper installation or maintenance; or due to weather conditions, necessitating a response and arrival by the Police Department that was not cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this chapter when, upon inspection by the Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the property or premises which would have activated a properly functioning alarm system.
- K. "Fire alarm system" means a system consisting of a control unit and a combination of electrical interconnected devices solely designed and intended to detect a fire condition and to actuate an alarm or warning of fire in a building or structure by either manual or automatic activation, or both.
- L. "Hearing Officer" shall have the same meaning as set forth in Section 1.09.020 of the Whittier Municipal Code.
- M. "Manual alarm" means any system, device, or mechanism, manually activated by a person to alert others that a crime, attempted crime, or other emergency at a protected premise or protected property is occurring, is about to occur, or has occurred, which, when activated, transmits a telephonic, wireless, electronic, video, cell, internet, radio, wireless based transmission system or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises or protected property, or transmits a signal beyond the protected premises or protected property.
- N. "Notice" means written notice, given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon

the completion of personal service or upon the placing of the same in the custody of the United States Postal Service.

- O. "Outdoor alarm system" means a manual or remote alarm system designed to cover an outdoor area not secured by a structure, building or facility.
- P. "Person" means any individual, sole proprietorship, partnership, corporation, limited liability company, 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.
- Q. "Police Department" or "police" means the Whittier Police Department, and includes other law enforcement agencies assisting the Whittier Police Department.
- R. "Protected premises" means any structure, building, or facility, or portion thereof, protected by an alarm system.
- S. "Protected property" means the outdoor areas of real property that are not secured by a structure, building, or facility which are protected by an alarm system.
- T. "Remote alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry, attempted entry or property damage upon real property protected by an alarm system which is not manually activated by a person and which, when activated, transmits a telephonic, wireless, electronic, video, cell, internet, radio, wireless based transmission system or other form of message, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises or protected property, or transmits a signal beyond the protected premises or protected property. As used in this chapter, alarms on Automatic Teller Machines (ATMs) are included in this definition.
- U. "Responsible person" means each and all of the following: (1) any person actually in charge of the protected premises or protected property from which a false alarm originates; and (2) the owner, tenant or other person lawfully occupying the protected premises or protected property from which a false alarm originates.
- V. "Runaway alarm" means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.
- W. "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms.
- X. "Verify" means an attempt by the alarm company to determine whether an alarm signal is valid before requesting law enforcement dispatch by one or more of the following:
 - 1. Enhanced Call Verification (ECV) commonly referred to as two – call verification. Where the alarm monitoring centers make two calls to two

different numbers (one typically a cell phone) prior to calling the authorities in an effort to determine the cause of the alarm and whether or not dispatch is required.

2. Video Verification – Where the alarm monitoring center views priority video software connected to the premise to confirm there is an emergency prior to calling the authorities in an effort to determine the cause of the alarm and whether or not dispatch is required.
3. Audible Verification – Where the alarm monitoring center listens in on the premise to determine if there is an emergency prior to calling the authorities in an effort to determine the cause of the alarm and whether or not dispatch is required.

5.20.030 – ALARM PERMIT REQUIRED.

No person shall install, maintain, operate, or use an alarm system without first applying and receiving an alarm permit therefore in accordance with the provisions of this chapter. If an alarm user has one or more alarm systems protecting two or more separate premises having different addresses and/or tenants, a separate alarm permit shall be required for each premises and/or tenant. Alarm subscriber will have 30 days after alarm is installed to obtain an alarm permit.

5.20.040 – EXEMPTIONS.

No alarm permit shall be required for any of the following:

- A. Alarm systems installed on property owned, leased or controlled by municipal, county, state or federal government agencies.
- B. Audible alarms affixed to motor vehicles.

5.20.050 – ALARM PERMIT PROCEDURES.

- A. Applications for all alarm permits required hereunder shall be filed with the Police Department. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application.
- B. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm permit within thirty days of obtaining possession of the property. Alarm permits are not transferable.
- C. The Chief of Police shall issue an alarm permit as requested, unless he/she determines that the applicant has had an alarm permit revoked by the City within one year prior to the date of the application.

5.20.060 – NOTICE OF CHANGE.

Whenever any change occurs relating to the written information required by Section 5.20.050 (governing Application Forms) of this chapter, the applicant or permittee shall give written notice thereof to the Police Department within twenty days after such change or at any hearing conducted under this chapter if such hearing is conducted before said notice has been given.

5.20.070 – REVOCATION OF ALARM PERMITS.

- A. Any alarmed premises which have seven or more false alarms within a 365 day period shall subject the alarm user to revocation of the alarm permit. Alarm permit revocation will result in a termination of police response to alarm calls at the premises.
- B. If, at any time, it shall come to the attention of the Chief of Police that the holder of an alarm permit issued under this chapter has violated any provisions of this chapter, rules, or regulations made, pursuant to this chapter, the Chief of Police may revoke the alarm permit.
- C. If an alarm permit is to be revoked, as provided hereunder, the Chief of Police shall give the permittee fifteen days notice of the Chief of Police's intention to revoke the alarm permit by personal service or by mail addressed to permittee at the address set forth on the alarm permit application. Upon failure of the permittee to take corrective action, as set forth by the Chief of Police in the notice of intent to revoke, and provide proof thereof to the Chief of Police or to pay the false alarm prevention fine, the alarm permit shall be revoked. If an alarm permit is revoked, the Chief of Police shall provide notice to the permittee that the alarm permit has been revoked via personal service or by mail addressed to permittee at the address set forth on the alarm permit application. Said notice shall also provide that the permittee may appeal the revocation to the Hearing Officer, as provided in Section 4.95.080 of this chapter.

5.20.080 – APPEAL OF REVOCATION.

- A. In the event a notice of revocation is given, the permittee may appeal the revocation by filing a statement with the Police Department setting forth the facts and circumstances regarding the actions of the Chief of Police. The Hearing Officer, shall cause the appeal to be placed on the next available date on the Hearing Officer's calendar and notify the appellant. The Hearing Officer shall receive evidence, both oral and written, at such hearing and may affirm, overrule or modify the action of the Chief of Police. The permittee will be notified of the decision of the Hearing Officer by mail or personal service and the Hearing Officer's decision shall be final. The right to appeal to the Hearing Officer from an

action of the Chief of Police shall terminate upon the expiration of fifteen days following deposit of the notice of revocation in the United States Post Office or personal service of said notice.

- B. All fees paid by permittee, as provided by this chapter, shall be forfeited in the event of revocation. Enforcement of a revocation notice, pursuant to Section 5.20.070, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5.20.090 – DUTIES OF THE ALARM USER.

- A. An alarm user shall respond or cause a representative to respond to the alarm system's location, to render service or repairs to the alarm system, within one hour of being notified by the Police Department of an alarm activation or a need for service.
- B. An alarm user shall obtain a new alarm permit if there is a change in address, ownership or possession of the protected property or premises.
- C. Ninety days after enactment of this chapter, an alarm user shall, on all new and up-graded installations, use only alarm control panel(s) which, at a minimum, meet SIA Control Panel Standard CP-01 or its equivalent.

5.20.100 – DUTIES OF THE ALARM COMPANY.

- A. Alarm Company must have a City of Whittier business license.
- B. Alarm Company must have an Alarm Company Operator License issued by the Department of Consumer Affairs Bureau of Security and Investigation Services from the State of California.
- C. Every Alarm Company representative that enters a residence to sell an alarm system must have an Alarm Agent license issued by the Department of Consumer Affairs Bureau of Security and Investigation Services from the State of California.
- D. Prior to activation of an alarm system, the alarm company shall provide instructions explaining the proper operation of the alarm system to the alarm user and written information of how to obtain service from the alarm company for the alarm system.
- E. Prior to contacting the Police Department and requesting that the police respond to a remote alarm system activation, an alarm company shall attempt to verify that the alarm signal is not a false alarm.
- F. An alarm company requesting that the police respond to an alarm system activation shall provide the Whittier Police Communications Center with any available information about the location and nature of the alarm.
- G. An alarm company shall immediately contact the Whittier Police Communications Center to cancel a police response following a determination that response is unnecessary.

5.20.110 – USE OF ALARM SYSTEMS – RESTRICTED.

- A. No person shall install, maintain, operate or use an alarm system that emits an audible sound or visible signal that can be heard or seen by persons outside of a protected premise or protected property where such emission does not automatically cease within ten (10) minutes of its activation.
- B. No person shall install, maintain, operate or use an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes.
- C. No person shall install, maintain, operate or use an alarm system which automatically dials the Police Department.
- D. No person shall activate a manual alarm unless the person who activates the alarm has a good faith belief, at the time the person activated the alarm, that a crime, attempted crime, or other emergency at the protected premises or protected property was occurring, was about to occur or had occurred.

5.20.120 – FALSE ALARM – PREVENTION FINE.

- A. When emergency alarms, messages, signals or notices are received by the Police Department that evidence a failure to comply with the requirements of this chapter, or an alarm permit issued hereunder, the Chief of Police is authorized to demand that the owner or lessee of the alarm system initiating such alarms, messages, signals or notices, or his or her representative, disconnect the alarm system until it is made to comply with said requirements.
- B. No person shall install, maintain, operate, or use an alarm system that generates a false alarm. There is hereby imposed and assessed upon a responsible person a fine for each false alarm call in excess of one in any twelve month period, which fine shall be determined by resolution of the City Council. The fine will be paid to the City Controller for deposit into the General Fund.
- C. The fine imposed, pursuant to this chapter, shall be a debt owed, jointly and severally, by the responsible persons, as defined in this chapter, to the City. Any such responsible persons owing money, pursuant to the provisions of this chapter, shall be jointly and severally liable in an action brought in the name of the City for recovery of such amount, together with reasonable attorneys' fees.
- D. The Police Department may provide an educational program for the prevention of false alarms.
 - 1. The Police Department shall allow an alarm user to attend any established false alarm prevention program designated by the Chief of Police.
 - 2. Each alarm user who attends a false alarm prevention program shall be responsible for paying all provider fees associated with the program.
 - 3. If the alarm user successfully completes the false alarm prevention program, the Police Department shall issue the person a certificate. The

certificate may be used in lieu of one (1) payment for one fine assessed, pursuant to this Section, provided that the certificate is submitted within one (1) year of its issuance.

4. An alarm user who attends a false alarm prevention program provided pursuant to this section is not eligible to attend another program within one year from the time in which the person last attended the program.
- E. An alarm permit may be revoked, as provided in Section 4.95.070, in addition to the payment of the prevention fine, as provided in this Section, or in the event of failure to pay the false alarm fine.

5.20.130 – REPAIR.

After any false alarm caused by a malfunction of the alarm system, an alarm system user shall cause the alarm system to be repaired so as to eliminate such malfunction before reactivating the alarm. A person shall not reactivate such alarm until such repairs have been made.

5.20.140 – TESTING ALARM.

- A. An alarm user shall notify the Whittier Police Communications Center prior to any service, test, repair maintenance, adjustment, alterations, or installations of systems which would normally result in a police response, which might activate a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm.
- B. Notwithstanding Section 4.95.140.010, no person shall activate an alarm for the purpose of ascertaining the time it takes from when the alarm is activated until the arrival of a police officer (response time). Any person activating an alarm to ascertain response time is guilty of a misdemeanor punishable as set forth in Whittier Municipal Code Section 1.08.010.

5.20.150 – NO DUTY OR OBLIGATION.

Nothing in this chapter imposes or creates any express or implied duties or obligations on the part of the City, its Police Department or any other governmental agency to respond to an alarm activation of any sort, whether verified or not. Any and all liability of consequential damage resulting from the failure to respond to an alarm activation of any sort is hereby disclaimed and governmental immunity, as provided by law, is retained by the City.

5.20.160 – ENFORCEMENT PROVISIONS.

The Chief of Police shall have broad discretion to promulgate, execute and enforce policies, procedures and directives as may, in his/her discretion, be necessary to implement the provisions of this chapter. Such powers shall include, but are not

limited to, the power to promulgate, execute and enforce a policy regarding dispatch of police to alarm signals, as well as the discretion to discontinue police response to alarm signals due to the alarm user's failure to comply with the provisions of this chapter or to properly repair alarm systems deemed to constitute runaway alarms.

5.20.170 – VIOLATION OF CHAPTER; PENALTIES.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be deemed guilty of an infraction.

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this _____ day of _____ 2013.

BOB HENDERSON, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer