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ORDINANCE NO. 2452

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO,  
CALIFORNIA, AMENDING 5.40 OF THE CHICO MUNICIPAL CODE  
RELATING TO ALARM SYSTEMS**

**WHEREAS**, prior to requiring verification of burglary alarms, the Chico Police Department responded to over 3,200 false alarms in 2012, the vast majority of which were burglary alarms, and

**WHEREAS**, verification of burglary alarms by the Alarm Company Operators provides additional indicia that the alarm indicates an actual or attempted burglary or other emergency is occurring at the alarmed premises, and

**WHEREAS**, on June 15, 2014 the Chico Police Department officially adopted an operational policy, which provided that the Chico Police Department would not respond to electronic (burglary) alarms unless they were verified alarms, and

**WHEREAS**, the effect of the verification requirement under this newly adopted operational policy reduced the number of police dispatches to burglary alarms to twenty-six (26) over a 45-day span, and

**WHEREAS**, no longer responding to unverified burglary alarm calls has freed up police resources to be deployed to other law-enforcement activities.

**THE CITY COUNCIL OF THE CITY OF CHICO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. AMENDMENT** Chapter 5.40 of the Chico Municipal Code is hereby amended in its entirety to read as follows:

**Chapter 5.40 – REGULATION OF ALARM SYSTEMS**

**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

1 chapter. This chapter imposes or creates no duties on the part of the City or any of its departments,  
2 and the obligation of complying with the requirements of this chapter, and any liability for failing  
3 to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining  
4 automatic alarm systems.

5 **5.40.020 Definitions.**

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

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

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

20 C. "Alarm system monitoring company," means any individual, partnership, corporation, or other  
21 form of association that engages in the business of monitoring property, burglary, or robbery alarm  
22 systems and shall include self-monitored alarm businesses, as defined herein. For purposes of this  
23 chapter, alarm system monitoring companies include those dealers and installers who contract with  
24 a property owner, subscriber, or customer, to perform alarm system monitoring services and then  
25 subcontract with another alarm system monitoring company to provide the actual monitoring  
26 service.

27 D. "Alarm system user" or "alarm user" means the person having or maintaining a property,  
28 burglary, robbery, or panic alarm. It means only the subscriber when the system is connected to an  
alarm system monitoring company.

- 1 E. "Alarm user class" means a class provided by the alarm system industry for the purpose of  
2 educating alarm users about false alarms.
- 3 F. Burglary alarm. See "Property alarm" below.
- 4 G. "Chief of Police" or "Chief" means the Chief of Police of The City of Chico and his or her  
5 designee.
- 6 H. "Department" means the Department of Finance and Administrative Services of the City of  
7 Chico.
- 8 I. "Director" means the Director of Finance and Administrative Services of the City or any officer,  
9 agent or employee of the City designated to act on the Director's behalf.
- 10 J. "Dispatch" means a discretionary decision whether to direct police units to a location where  
11 there has been a report made, by whatever means, that police assistance or investigation is needed.  
12 There is no duty to Dispatch under any circumstances whatever, whether automatic alarms are  
13 involved or not, and all Dispatch decisions are made subject to competing priorities and available  
14 police response resources.
- 15 K. "False Alarm" means the notification to the Chico Police Department or concerning the  
16 activation of an alarm system or alarm device when:
- 17 1. There is no evidence of a crime or other activity that warrants the assistance of the Chico  
18 Police Department on the premises, as indicated by the investigation of a police officer on the  
19 scene or by the lack of a police report filed by the property owner, and no individual who was  
20 on or near the premises or who had viewed a video communication from the premises, called  
21 for the dispatch or confirmed a need for police response; or
  - 22 2. The Dispatch of police was cancelled by the alarm system monitoring company, whether the  
23 alarm was cancelled before or after the arrival of police at the premises.
- 24 L. "Monitoring" means the process by which an alarm system monitoring company receives  
25 signals from an alarm system or alarm device.
- 26 M. Panic alarm. See "Robbery alarm" below.
- 27 N. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated  
28 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.

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

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

- 11 1. The system is installed on real property (the "protected premises");
- 12 2. It is designed to be activated by an individual for the purpose of summoning assistance to the  
13 premises;
- 14 3. It transmits a telephone message or emits an audible, visible, or electronic signal that can be  
15 heard, seen or received by persons outside the protected premises; and
- 16 4. It is intended to summon police assistance to the premises.

17 Q. "Self-monitored alarm business" means any person required to obtain a Chico business license  
18 which elects to internally monitor its own alarm systems or alarm devices and monitors three or  
19 more alarm systems or business locations located within the City limits.

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

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

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

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

3 **5.40.030 Direct connections to municipal systems prohibited.**

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

6 **5.40.040 Reporting not prohibited.**

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

9 **5.40.050 Audible alarm standards.**

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

13 Owners of existing automatic property or burglary alarms which, when activated, sound  
14 continuously until turned off and send audible sounds off the premises are encouraged to limit the  
15 duration of the sound to ten (10) minutes or less by such methods as installing an automatic shutoff  
16 mechanism, connecting to a monitoring system, or converting to more modern equipment.

17 Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona  
18 fide emergency when the sound may assist in saving life or avoiding injury.

19 **5.40.060 Notice—Alarm turnoff.**

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

24 **5.40.070 Ten-minute limit on audible alarms.**

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

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

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

3 **5.40.080 Unlawful activation or report of alarm.**

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

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

11 **5.40.090 Alarm System Monitoring Companies—License required—Fee—Identification.**

12 A. It is unlawful for any person to engage in business in the City of Chico as an alarm system  
13 monitoring company without first having obtained an annual license to do so. An annual license is  
14 required regardless of whether alarms are monitored from a location inside or outside Chico.

15 B. The fee for such annual license is based the following aggregate amount:

16 0 to 100 Chico monitored alarm systems = \$100.00 per annum;

17 101 to 200 Chico monitored alarm systems = \$200.00 per annum;

18 201 to 500 Chico monitored alarm systems = \$400.00 per annum; or

19 Over 500 Chico monitored alarm systems = \$500.00 per annum

20 C. The Department will issue a permit number to each alarm system monitoring company licensed  
21 under this chapter and such number shall be provided on the company's business license. The  
22 Chico Police Department shall reference this number as their Unique Identifying Number (UIN).

23 All persons licensed pursuant to this chapter shall supply the Chico Police Department personnel  
24 with their permit number/UIN at the time an alarm is called in to the Chico Police Department.

25 D. The license required pursuant to this chapter is separate from and in addition to any license  
26 required by any other chapter of the Chico Municipal Code.

27 **5.40.100 Annual license and due date.**

28 A. The annual license renewal fee shall be payable by an alarm system monitoring company on a  
calendar year basis. Licenses expire on December 31 in the calendar year in which they were

1 issued and must be renewed and payment due by January 31 of the next year in order to avoid  
2 penalty.

3 B. Application for, and renewal of, the annual license shall be on forms specified by the Director  
4 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license  
5 shall contain a list of all addresses at which monitored alarm systems are installed, the name of the  
6 corresponding subscriber, customer number, if applicable, and the number of alarm systems at  
7 such address.

8 **5.40.110 Calculation of fees.**

9 A. For new alarm system monitoring companies, the fee contained in CMC Section 5.40.090  
10 subsection B shall be computed on the number of alarm systems monitored at the time of initial  
11 application.

12 B. The license fee component contained in CMC Section 5.40.020 subsection B shall be adjusted  
13 quarterly for the number of alarm systems monitored each quarter.

14 C. Each alarm system monitoring company shall file a quarterly report regardless of whether there  
15 have been any subscription changes or if any additional fees are due.

16 **5.40.120 Exemption.**

17 The Federal Government, its departments and institutions, the State of California, its departments  
18 or institutions, who respond to its own alarm systems with commissioned officers employed  
19 directly by such entities, shall be exempt from the alarm system monitoring business license fees  
20 established by CMC Section 5.40.090.

21 **5.40.130 License fee proration.**

22 In calculating the license fee component contained in CMC Section 5.40.090 subsection B, only  
23 the initial license fee will be prorated on a quarterly basis for applications made after the first  
24 quarter.

25 **5.40.140 Duty of licensee.**

26 A. It shall be the duty of all licensees granted licenses under this chapter to comply with all  
27 applicable regulations in this chapter or elsewhere. The failure of any licensee to do so shall be a  
28 violation of this chapter and grounds to suspend or revoke the license.



1 B. No licensee granted a license under this chapter shall allow any person who has had their alarm  
2 monitoring license revoked or suspended by the City of Chico to have a financial or ownership  
3 interest in its business, or to be in its employ, within one year from the date of such revocation or  
4 suspension.

5 **5.40.150 Licenses not transferable.**

6 No license issued pursuant to this chapter shall be transferable unless in accordance with CMC  
7 Chapter 5.40. A person not previously licensed that assumes responsibility for monitoring alarms  
8 for which another person has paid the annual license fee shall obtain a new license for the  
9 remainder of the year by paying the license fee component contained in CMC Section 5.40.090  
10 subsection B.

11 **5.40.160 Duty to inform subscribers of ordinance and billing policies.**

12 All persons licensed pursuant to this chapter shall supply each of their system subscribers with  
13 copies of this chapter. Licensees who choose to bill their subscribers for any license fee imposed  
14 by this chapter shall give to each of their subscribers a copy of the licensee's policies and practices  
15 with respect to such billing.

16 **5.40.170 Suspension or revocation of license.**

17 The Director shall have the power and authority to suspend or revoke any license issued under the  
18 provisions of this chapter as set forth in CMC Chapter 5.40. No suspended or revoked license may  
19 be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The  
20 Director shall notify the Chico Police Department of any revocation or suspension, and in the  
21 discretion of the Police Department, no response may be made to any alarms monitored by the  
22 alarm system monitoring company until the license is reinstated. An alarm system monitoring  
23 company whose license has been revoked or suspended shall notify each of its subscribers of the  
24 revocation or suspension. The notice shall be in writing and shall be mailed to all subscribers no  
25 later than the tenth calendar day following such suspension or revocation.

26 **5.40.180 Penalty and interest for failure to pay.**

27 A. If a license application, renewal, quarterly report, or payment of any fee due under this chapter  
28 is received between one (1) and thirty (30) days after the date the fee becomes due, there shall be  
added to the amount due a penalty of ten percent (10%) of the fees owing or Twenty Dollars (\$20),



1 whichever is greater. If the payment is received more than thirty (30) days after the date it becomes  
2 due, there will be added to the amount due a penalty of twenty percent (20%) of the fees owing or  
3 Thirty Dollars (\$30), whichever is greater.

4 B. The licensee shall be notified by mail, or electronically as has been previously agreed upon  
5 between the Department and the alarm system monitoring company, of the amount of any  
6 penalties so added, and the same shall become due and shall be paid within ten (10) days from the  
7 date of such notice.

8 C. Any fee required by this chapter that is not paid within ninety (90) days after the due date shall  
9 be subject to interest. Nothing in this subsection shall be construed to deem any fees required  
10 under this chapter to be a tax.

11 **5.40.190 Alarm system monitoring companies—Verification process.**

12 Every alarm system monitoring company engaged in business activities in Chico shall:

13 A. Obtain a City of Chico alarm system monitoring company license from the Department as  
14 provided in this chapter.

15 B. Provide the Chief of Police such information about the nature of its property alarms, burglary  
16 alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing  
17 false alarms; and its method of disconnecting audible alarms, each as the Chief may require by  
18 rule.

19 C. Maintain a current list of all subscribers' names and the associated protected premises it serves,  
20 which list shall be given to the Director on a quarterly basis;

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

24 **5.40.200 Determination—Rebuttable presumption.**

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

28 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

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

3 **5.40.210 Frequent false alarms—Process for disregarding automatic alarms—Verification.**

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

- 6 1. The call comes from or is prompted by an automatic property alarm or automatic burglary  
7 alarm that has a record of sending four (4) false alarms within a period of twelve (12) months;  
8 and
- 9 2. The call is the only basis for making such a Dispatch.

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

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

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

- 21 1. Four (4) false alarms within a period of twelve (12) months;
- 22 2. The remedy authorized in subsection A may be taken;
- 23 3. The alarm system monitoring company may request a hearing before the Chief or his  
24 designee and explain why the Chief should not take the proposed action; if no hearing is  
25 requested, the Chico Police Department will after ten (10) days disregard automatic signals  
26 from the premises without Verification or other independent information showing a need for  
27 such Dispatch; and
- 28 4. A requirement of an in-person communication or Verification may remain in effect for a  
period of three hundred sixty-five (365) days.

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

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

9 **5.40.220 Penalty for false alarms.**

10 A. The sending of an alarm by an alarm system monitoring company, which results in the  
11 Dispatch of the police and subsequent arrival by the police at the alarm site shall be subject to a  
12 false alarm fee whenever there is no evidence of a crime or other activity that would warrant a call  
13 for police assistance or investigation at the premises; provided however, that no false alarm fee  
14 shall be assessed if Verification occurs. False alarm fees shall be imposed as follows:

- 15 1. For the first false alarm - \$100;
- 16 2. For the second false alarm - \$200.
- 17 3. For the third false alarm - \$300.
- 18 4. For the fourth false alarm and each subsequent false alarm - \$400.00, subject to CMC  
19 Section 5.40.210

20 B. In the event that police were Dispatched to the premises and such Dispatch was subsequently  
21 cancelled prior to the police officer(s) arrival at the alarm site, the alarm system monitoring  
22 company shall be subject to a false alarm fee of \$30.

23 **5.40.230 Notice and hearing on penalty for false alarms.**

24 A. The Department shall mail by first class mail, or transmit electronically if previously agreed  
25 between the Department and the alarm system monitoring company, a written notice of the false  
26 alarm fee to the alarm system monitoring company. The notice shall state the date and time of the  
27 false alarm, and that the alarm system monitoring company is entitled to a hearing to respond to  
28 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

1 Department mails or transmits the notice, unless: (1) an appeal is filed pursuant to subsection B of  
2 this section, in which case the fees appealed from are due and payable within ten (10) days after  
3 the date of the written ruling.

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

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

12 **5.40.240 Criminal Conduct.**

13 Unlawful conduct under this chapter, or the violation of or failure to comply with any provision of  
14 this chapter, or any rule or regulation, or final order of the Director made pursuant to this chapter  
15 shall be a crime subject to the provisions of the Criminal Code. Any such crime under this chapter  
16 is punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a  
17 term of not more than six (6) months, or both.

18 **5.40.250 Civil Violations.**

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

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

25 C. There shall be a maximum penalty and default amount of Two Hundred Fifty Dollars (\$250)  
26 plus statutory assessments for a failure to pay a penalty imposed pursuant to subsection A or B.

27 **Section 2.** The City Council finds and determines that the enactment of this Ordinance is not  
28 a project under the California Environmental Quality Act (CEQA) (Cal Pub. Resource Code §§

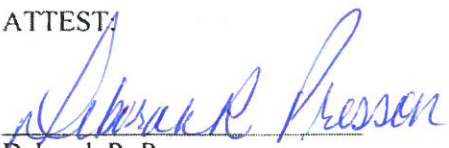
1 21000 et seq.) in that the activities described in the Ordinance are a continuing administrative  
2 activity of the City involving general policy and procedure making and organizational or  
3 administrative activities of governments that will not result in direct or indirect physical  
4 changes in the environment. (State CEQA Guidelines, Cal. Code of Regs., Title 14, § 15378.)  
5 Therefore, no environmental assessment is required or necessary.

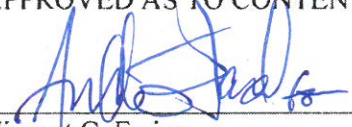
6  
7 **Section 3.** If any part of this Ordinance, or its application to any individual, entity, or  
8 circumstance, is held to be invalid, the remainder of the Ordinance, including the application or  
9 provision to other persons or circumstances, shall be not be affected and shall continue in full  
10 force and effect. To this end, the provisions of this Ordinance are severable.

11 **Section 4.** The City Clerk shall attest to the passage and adoption of this Ordinance, and  
12 shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30)  
13 calendar days after its adoption.

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16 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico  
17 at its meeting held on October 21, , 2014, by the following vote.

- 18 AYES: Goloff, Morgan, Ritter, Schwab, Stone, Sorensen  
19 NOES: None  
20 ABSENT: None  
21 ABSTAINED: None  
22 DISQUALIFIED: None

23 ATTEST:  
24   
25 \_\_\_\_\_  
26 Deborah R. Presson  
27 City Clerk

APPROVED AS TO CONTENT AND FORM:  
  
\_\_\_\_\_  
Vincent C. Ewing  
City Attorney