

ORDINANCE NO. 2460

**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 property and/or 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 property and/or burglary alarms 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 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 property and 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 chapter. This chapter imposes or creates no duties on the part of the City of Chico 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.

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1 **5.40.020 Definitions.**

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

4 A. "Alarm Site" means the location at which a Subscriber's Alarm System is installed.

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

12 C. "Alarm System Monitoring Company," means any individual, partnership, corporation or other
13 form of association that engages in business or accepts employment to monitor any Property,
14 Burglary, and/or Robbery Alarms located in the City of Chico. For purposes of this chapter, Alarm
15 System Monitoring Companies include those dealers and installers who contract with a property
16 owner, Subscriber, or customer to perform alarm system monitoring services and then subcontract
17 with another Alarm System Monitoring Company to provide the actual monitoring service.

17 D. "Alarm System User" or "Alarm User" means the Person having or maintaining a Property,
18 Burglary, Robbery, or Panic Alarm. It means only the Subscriber when the system is connected to
19 an Alarm System Monitoring Company. It means only the Self-monitored Alarm User when the
20 system is not connected to an Alarm System Monitoring Company.

19 E. Burglary Alarm. See "Property Alarm" below.

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

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

24 H. "Director" means the Director of Finance and Administrative Services of the City of Chico or
25 any officer, agent or employee of the City of Chico designated to act on the Director's behalf.

26 I. "Dispatch" means a discretionary decision whether to direct police units to a location where
27 there has been a report made, by whatever means that police assistance or investigation is needed.
28 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.

1 J. "Enhanced Call Verification" means telephone verification which requires as a minimum that a
2 second telephone call be made from the Alarm System Monitoring Company to a different
3 telephone number provided by the Alarm System User, if the first attempt fails to reach the Alarm
4 System User who can properly identify themselves, to attempt to determine whether an alarm
5 signal is valid before requesting City of Chico Police Dispatch.

6 K. "False Alarm" means the notification to the Chico Police Department or concerning the
7 activation of an Alarm System or Alarm Device when:

- 8 1. There is no evidence of a crime or other activity that warrants the assistance of the Chico
9 Police Department on the premises, as indicated by the investigation of a police officer on
10 the scene or by the lack of a police report filed by the property owner, and no individual
11 who was on or near the premises or who had viewed a video communication from the
12 premises, called for the dispatch or confirmed a need for police response; or
- 13 2. The Dispatch of police was cancelled by the Alarm System Monitoring Company after
14 the arrival of police at the premises.

15 L. "Monitoring" means the process by which an Alarm System Monitoring Company or Self-
16 monitored Alarm System User receives signals from an Alarm System or Alarm Device.

17 M. Panic Alarm. See "Robbery Alarm" below.

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

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

27 P. "Robbery Alarm" or "Panic Alarm" means any system, device, or mechanism, activated by an
28 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

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

2 Q. "Self-monitored Alarm System User" means any Person who does not engage in business or
3 accepts employment to monitor Property, Burglary, and/or Robbery Alarms, but elects to
4 internally monitor its own Property, Burglary, and/or Robbery Alarms located within the City of
5 Chico.

6 R. "Subscriber" means a Person having or maintaining an Alarm System or Alarm Device where
7 such system is connected to or in communication with an Alarm System Monitoring Company.

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

11 1. An independent confirmation that a signal reflects a need for police assistance or
12 investigation either by the Alarm System User, an individual at or near the premises, an
13 individual viewing video surveillance of the premises, or an alternate response agency
14 made before Dispatching police: or

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

17 **5.40.030 Direct connections to municipal systems prohibited.**

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

20 **5.40.040 Reporting not prohibited.**

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

23 **5.40.050 Audible alarm standards.**

24 No Property or Burglary Alarm which, when activated, causes an audible sound to be heard off the
25 premises continuously for more than ten (10) minutes shall be installed on privately owned
26 premises in the City of Chico.

27 Owners of existing Property or Burglary Alarms which, when activated, sound continuously until
28 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.

1 **5.40.060 Notice - Alarm turnoff.**

2 Anyone who shall have or maintain on any premises an audible-type Property, Burglary and/or
3 Robbery Alarm shall maintain posted at the main entrance to such premises a prominent notice of
4 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 **5.40.070 Ten-minute limit on audible alarms.**

6 The sounding of an audible Property or Burglary alarm in a manner that the sound can be heard
7 continuously off the premises for more than ten (10) minutes is a civil infraction. It shall be
8 charged to the Alarm User.

9 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.

10 It is a mitigating circumstance that the Alarm System or Alarm Device was activated by an
11 unauthorized entry or by criminal activity.

12 **5.40.080 Unlawful activation or report of alarm.**

13 No person shall activate any Robbery, Panic, Property, or Burglary Alarm for the purpose of
14 summoning police except in the event of an unauthorized entry, robbery or other crime being
15 committed or attempted on the premises, or the user needs immediate assistance in order to avoid
injury or serious bodily harm.

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

19 **5.40.090 Licensing.**

20 A. Every Alarm System Monitoring Company doing business within the City of Chico shall obtain
21 and maintain a City of Chico business license in accordance with the Chico Municipal Code.

22 B. No Self-monitored Alarm System User is required to obtain a City of Chico business license.

23 **5.40.100 Verification process.**

24 A. Every Alarm System Monitoring Company shall:

25 1. Prior to contacting Chico police dispatchers to respond to an Alarm System, attempt to
26 verify the activation of the Alarm System, through any of the following: Enhanced Call
27 Verification, an independent onsite confirmation that a signal reflects a need for police
28 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;

1 2. Provide the Chief of Police such information about the nature of its Property, Burglary,
2 Robbery, and Panic Alarms; its method of Monitoring; its program for preventing False
3 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;

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

7 4. When the Chief reports that there appears to have been a False Alarm at a Subscriber's
8 premises, work cooperatively with the Subscriber and the Chief in order to determine the
cause thereof and prevent recurrences.

9 **B. Every Self-monitored Alarm System User shall:**

10 1. Provide the Chief of Police such information about the nature of its Property, Burglary,
11 Robbery, and Panic Alarms; its method of Monitoring; its program for preventing False
12 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;

13 2. Provide the Director with a current list of all the protected premises it self-monitors
14 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

15 3. When the Chief reports that there appears to have been a False Alarm at a Self-
16 monitored Alarm System User's premises, work cooperatively with the Chief in order to
17 determine the cause thereof and prevent recurrences.

18 **5.40.110 Determination - Rebuttable presumption.**

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

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

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

25 **5.40.120 Frequent False Alarms-Process for disregarding automatic alarms - Verification.**

26 A. In exercising his or her discretion to make a Dispatch in response to a Property or Burglary
27 Alarm, the Chief of Police may disregard a call for Dispatch when:

28 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

1 Alarm System User who has an outstanding False Alarm fee balance of sixty (60) or more
2 days from the date that the Department mails or transmits the notice described in CMC
3 Section 5.40.140(A); and

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

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

8 B. To discourage False Alarms, the Chief may adopt a process of sending a letter by regular mail
9 informing the Alarm System User of record of the False Alarm history, the need to take corrective
10 action, and the prospect that four (4) False Alarms within a period of twelve (12) months shall
11 result in the automatic signals being disregarded and a Verification being required or other
12 independent information showing a need for such a Dispatch before a Dispatch will be made to the
13 premises.

14 C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a
15 notice to the Alarm System User that:

16 1. Four (4) False Alarms occurred within a period of twelve (12) months or a False Alarm
17 fee is outstanding for a period of sixty (60) or more days;

18 2. The remedy authorized in subsection A may be taken;

19 3. The Alarm System User may request a hearing before the Chief or his designee and
20 explain why the Chief should not take the proposed action; if no hearing is requested, the
21 Chico Police Department will after ten (10) business days disregard automatic signals from
22 the premises without Verification or other independent information showing a need for
23 such Dispatch; and

24 4. A requirement of an in-person communication or Verification may remain in effect for a
25 period of three hundred sixty-five (365) days.

26 D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) business days.
27 Both the Alarm User and a representative from the Alarm System Monitoring Company are
28 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.

1 **5.40.130 Penalty for False Alarms.**

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

- 5 1. For the first False Alarm - \$50;
6 2. For the second False Alarm - \$100.
7 3. For the third False Alarm and each subsequent False Alarm - \$200, subject to CMC
Section 5.40.120.

8 **5.40.140 Notice and hearing on penalty for False Alarms.**

9 A. The Department shall mail by first class mail a written notice of the False Alarm fee to the
10 Alarm System User. The notice shall state the date and time of the False Alarm, and that the Alarm
11 System User is entitled to a hearing to respond to the notice and introduce any evidence to refute
12 or mitigate the determination that the False Alarm occurred. All False Alarm fees are due and
13 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.

14 B. An Alarm System User wanting to contest a False Alarm fee shall file a written appeal with the
15 Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director
16 or the Director's designee, not more than twenty (20) days from the date the appeal is filed. Within
17 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.

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

20 **5.40.150 Civil Violations.**

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

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

26 C. There shall be a maximum penalty and default amount of Two Hundred Fifty Dollars (\$250)
27 plus statutory assessments for a failure to pay a penalty imposed pursuant to subsection A or B.
28

1 **Section 2.** The City Council finds and determines that the enactment of this Ordinance is not
2 a project under the California Environmental Quality Act (CEQA) (Cal Pub. Resource Code §§
3 21000 et seq.) in that the activities described in the Ordinance are a continuing administrative
4 activity of the City involving general policy and procedure making and organizational or
5 administrative activities of governments that will not result in direct or indirect physical
6 changes in the environment. (State CEQA Guidelines, Cal. Code of Regs., Title 14, § 15378.)
7 Therefore, no environmental assessment is required or necessary.

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

12 **Section 4.** The City Clerk shall attest to the passage and adoption of this Ordinance, and
13 shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30)
14 calendar days after its adoption.
15

16 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico
17 at its meeting held on April 21, 2015, by the following vote.

18 AYES: Coolidge, Fillmer, Ritter, Schwab, Stone, Morgan, Sorensen

19 NOES: None

20 ABSENT: None

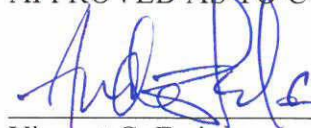
21 ABSTAINED: None

22 DISQUALIFIED:

23 ATTEST:

24 
25
26 Deborah R. Presson
27 City Clerk

APPROVED AS TO CONTENT AND FORM:

28 
29
30 Vincent C. Ewing
31 City Attorney