



# Bakersfield False Alarm Reduction Program Ordinance

## Chapter 5.08 ALARM REGULATIONS

### 5.08.010 Definitions.

For the purpose of this chapter, unless the context indicates otherwise, certain words and phrases used in this chapter are defined as follows:

- A. "Alarm dispatch request." means a notification to the police department that an alarm system, either manual or automatic, has been activated at a particular premises.
- B. "Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in a premises. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind.
- C. "Alarm response manager" means the individual designated by the alarm monitoring company who will manage alarm system related issues and act as the point of contact for the chief of police. The appointed individual must be knowledgeable of the general provisions of the ordinance, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the chief of police.
- D. "Alarm system" means any mechanical or electrical device which is designed or used for the detection of any unauthorized entry into a building, structure or facility, or upon land or for alerting others of the commission of an unlawful act within a building, structure or facility, or upon land; and which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, automatic telephone dialing devices, telephone lines or other lines used solely to report emergency circumstances from a mechanical or electrical device directly from the premises to the police dispatch or alarm monitoring company, audible alarms and proprietor alarms.
- E. "Alarm system monitoring company" means any person, either located within or outside the city, that engages in the business, practice, or profession of monitoring alarm systems within the city, and which reports any activation of such alarm systems to the city, directly or indirectly, its departments, divisions, officials, agents, or employees including, but not limited to, the police department and/or police dispatch.
- F. "Alarm user" means a person having or maintaining an alarm system on real property owned or controlled by such user. "Alarm user" does not include an alarm business or alarm system monitoring company.
- G. "Alarm user permit" means the annual permit required under Section 5.08.030 of this code.
- H. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.
- I. "Automatic telephone dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or digital signal an emergency message indicating a need for emergency response.
- J. "Chief of police" means the chief of the Bakersfield police department or designee.

K. "City" means city of Bakersfield.

L. "Duress alarm" means a silent alarm system signal generated by the entry of a designated code into the alarm system to signal that the alarm user is being forced to turn off the system and requires police response.

M. "False alarm" means an alarm system that emits a light or sound or transmits a signal or message resulting in a response by the police department when the situation does not require such response. False alarms caused as a result of power failure, power surges, or acts of nature which are not the fault of the alarm user or alarm business shall not be considered to be a false alarm.

N. "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

O. "One plus duress alarm" means the manual activation of a silent alarm signal by entering a code at the mechanism from which the alarm system is turned on (armed) and off (disarmed) regularly activated by adding one to the last digit of the normal arm/disarm code.

P. "Panic alarm" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response.

Q. "Person" means any individual, sole proprietorship, partnership, company, corporation, limited liability company, business or other form of association or entity.

R. "Premises" means any residential, commercial or industrial land and/or buildings located within the city (excluding land or buildings owned, rented or leased by the federal, state or local government) except school districts.

S. "Proprietor alarm" means an alarm system which is not serviced by an alarm monitoring company or alarm installation company.

T. "Responder" means an individual capable of reaching and having access to the premises, the code to the alarm system, and the authority to approve repairs to the alarm system. (Ord. 4649 § 1, 2011)

**5.08.020 Power of chief of police to regulate.**

A. The chief of police is empowered and authorized to regulate the use of alarm systems and administer the regulations and provisions of this chapter. The chief may, in his or her discretion, suspend police response to a nuisance alarm as defined in Section 5.08.130 or to an alarm system or alarm user for excessive false alarms, except that the chief of police may continue to respond to duress alarms, holdup alarms or panic alarms.

B. The chief of police shall:

1. Designate the manner, form and telephone numbers for the communication of alarm dispatch requests.
2. Establish a procedure to accept cancellation of alarm dispatch requests.
3. Establish a system of recording data and maintaining records necessary to implement this chapter.
4. Establish a procedure for notifying alarm users of false alarms, including information regarding the date and time of police response to the false alarm, the amount of the fee for a false alarm and that response will be suspended to a nuisance alarm or for excessive false alarms.

C. The chief of police may request that an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system appear at an appointed time and place to meet with a representative of the city to review the circumstances of each false alarm.

D. The chief of police is authorized to promulgate regulations and procedures to require the removal, replacement or modification of certain types of alarm system devices, including, but not limited to, any duress, panic, or holdup alarm button. (Ord. 4649 § 1, 2011)

#### **5.08.030 City permit required.**

It is unlawful for any person to install, connect, alter, operate, use or maintain, or to cause to be installed, connected, altered, operated, used or maintained, any alarm system within the city without first having obtained an alarm system permit in accordance with the provisions of this chapter. (Ord. 4649 § 1, 2011)

#### **5.08.040 Application for alarm system permit.**

A. Application for an alarm system permit shall be filed with either the finance department of the city or through the police department. The application shall contain all information the chief of police reasonably deems necessary for the evaluation and proper processing of the permit application. The permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect.

B. Upon receipt of a completed alarm permit application and the alarm permit fee, the chief of police shall issue an alarm permit unless the applicant has failed to pay an assessed fine or had an alarm permit or police response for the premises suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

C. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.

D. No permit shall be issued without the approval of the chief of police or representative.

E. Any person who operates or maintains more than one alarm system at any particular location may apply for a single permit for that location or may apply for separate permits for each alarm system operated or maintained. If a person chooses to secure a separate permit for each alarm system, a separate application and permit fee shall be submitted for each permit requested. (Ord. 4649 § 1, 2011)

#### **5.08.050 Duties of the alarm user.**

A. No alarm user shall operate, or cause to be operated, an alarm system without a valid alarm permit. A separate alarm permit is required for each premises which operates or causes to operate an alarm system. Every alarm user shall file an application as provided in Section 5.08.040.

B. An alarm user shall:

1. Obtain an alarm permit for the alarm system.
2. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms.
3. Make every reasonable effort to have a responder to the alarm system's location within twenty minutes when requested by the police department in order to:
  - a. Deactivate an alarm system;
  - b. Provide access to the premises; and/or
  - c. Provide alternative security for the premises.
4. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
5. Adjust the mechanism or cause the mechanism to be adjusted so that an audible alarm on the exterior of a premise will sound for no longer than fifteen minutes after being activated.
6. Have a licensed alarm installation company inspect the alarm system after two false alarms in a one-year period. The chief of police may waive a required inspection if it determines that a false alarm could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false alarm resistant and provide additional user training as

appropriate.

7. Not use an automatic telephone dialing device.
8. Maintain at each premises, a set of written operating instructions for each alarm system.
9. Agree with their alarm installation company and/or monitoring company to go through an acclimation period for the first seven days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to respond to any alarm signal from the premises or make any alarm dispatch request of the police department, even if the alarm signal is the result of an actual alarm event. The chief of police may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

C. This section applies to all individuals and firms, who have installed and/or monitor their own alarm system. (Ord. 4649 § 1, 2011)

**5.08.060 Duties of alarm installation company and monitoring company.**

- A. Each alarm installation company and alarm monitoring company operating or an agent of any such company operating or monitoring, or otherwise doing business in the city shall obtain and maintain all necessary business licenses and permits as required by the city and the state of California prior to commencing business within the city.
- B. Alarm installation companies shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and how to avoid false alarms.
- C. Alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. The alarm installation company shall remove the one plus duress alarm feature from alarm systems whenever an alarm technician is at the premises or otherwise accessing the panel for reprogramming purposes.
- D. Alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.
- E. Alarm installation companies shall use alarm control panels on all new installations and panel replacements or upgrades that meet the industry standards determined by the chief of police.
- F. Alarm installation or monitoring companies shall not use automatic telephone dialing devices.
- G. After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user the customer false alarm prevention checklist or an equivalent checklist approved by the chief of police.
- H. An alarm monitoring company shall:
  1. Not make an alarm dispatch request of the police department in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven days following an alarm system installation. The chief of police may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption;
  2. Report alarm signals by using telephone numbers designated by the chief of police;
  3. Verify every alarm signal, except a distress or holdup alarm activation, with two telephone calls to two different numbers (one typically a cell phone) before initiating an alarm dispatch request in an effort to determine the cause of the alarm and whether or not a dispatch is required;
  4. Communicate alarm dispatch requests to the police department in a manner and form determined by the chief of police;
  5. Communicate cancellations to the police department in a manner and form determined by the chief of police;
  6. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;

7. Communicate any available information about the location on all alarm signals related to the alarm dispatch request;

8. Communicate nature of alarm;

9. Provide an alarm user permit number when requesting police dispatch;

10. After an alarm dispatch request, promptly advise the police department if the monitoring company knows that the alarm user or the responder is on the way to the premises;

11. Attempt to contact the alarm user or responder within twenty-four hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

12. Upon the effective date of the ordinance codified in this section, maintain for a period of at least one year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone activated, the time of alarm dispatch request and evidence of an attempt to verify. The chief of police may request copies of such records for individually named alarm users. If the request is made within sixty days of an alarm dispatch request, the monitoring company shall furnish requested records within three business days of receiving the request. If the records are requested between sixty days to one year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty days of receiving the request.

- I. An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the chief of police of such purchase and provide details as may be reasonably requested by the chief of police.
- J. Each alarm installation company and alarm monitoring company must designate one individual as the alarm response manager. The name, phone number, and email address of the designated alarm response manager must be provided to the chief of police.
- K. An alarm installation company and/or monitoring company shall provide the chief of police with a customer list in a format acceptable to the chief of police, upon request, to assist with creating the police department's tracking data, so far as allowed with respect to state or local law that protects this customer information as confidential.
- L. Alarm installation and/or monitoring companies shall assist alarm users in obtaining the alarm permit and submit it to the chief of police within five days of the activation of an alarm system. (Ord. 4649 § 1, 2011)

#### **5.08.070 Fees for alarm system permit.**

The permit fee prescribed by resolution of the city council shall be payable upon the making of an application to install an alarm system or to renew an alarm permit. Upon any change of location of said alarm system, the fee prescribed by resolution shall again become due and payable. Any federal, state, county or city agency shall be exempt from the payment of the fee provided for in this section. (Ord. 4649 § 1, 2011)

#### **5.08.080 Expiration of alarm system permit.**

All alarm system permits shall expire one year after the date issued. Application for renewal shall be filed not sooner than sixty days nor later than thirty days before the expiration of the permit. Permits lawfully renewed prior to the effective date of this provision shall expire one year after the date of latest renewal. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to register or to renew a permit shall subject the alarm user of the unregistered alarm system to a late fee as established by resolution of the city council if the renewal is more than thirty days late. (Ord. 4693 § 1, 2012; Ord. 4649 § 1, 2011)

#### **5.08.090 Permits nontransferable.**

All permits issued under this chapter shall be nontransferable. (Ord. 4649 § 1, 2011)

#### **5.08.100 Automatic telephone dialing devices prohibited except under certain limited circumstances.**

It is unlawful for any person to use or cause to be used any electrical or mechanical device or attachment to a telephone that automatically reports a, taped or other recorded message of a police or fire emergency direct to the city

communication center, except for special conditions of certain handicapped individuals. Each such call shall be deemed a separate violation punishable as a misdemeanor. (Ord. 4649 § 1, 2011)

#### **5.08.110 Audible alarm requirements.**

- A. No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for air raid/disaster warnings.
- B. Every audible alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of the alarm user or alarm monitoring company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building.
- C. Every audible alarm system shall have a timing device which automatically shuts off the alarm within fifteen minutes after the alarm is activated. The alarm user or alarm monitoring company shall be responsible for deactivating an alarm within fifteen minutes after notification that such alarm is activated and ringing, or within fifteen minutes after reasonable efforts have been made to provide such notification. (Ord. 4649 § 1, 2011)

#### **5.08.120 False alarms.**

- A. The chief of police may assess a false alarm response fee to an alarm user for each police response to a false alarm. The amount of such fee shall be paid by the alarm user as set forth by resolution of the city council.
- B. A false alarm response fee shall not be assessed if the monitoring company or alarm user notifies police dispatch within five minutes of the alarm onset that a police response is not necessary and prior to the arrival of the police officer at the premises.
- C. The chief of police shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the false alarm fee assessment for the false alarm, the fact that response may be suspended for excessive false alarms, and a description of the appeals procedure available to the alarm user. The chief of police will notify the alarm user and the alarm installation company or monitoring company in writing ten days before the alarm response is to be suspended. (Ord. 4649 § 1, 2011)

#### **5.08.130 Nuisance alarms.**

- A. An alarm system shall be deemed a nuisance if such alarm system code.
- B. An alarm system shall be deemed a nuisance if such alarm system actuates five or more false alarms in a one-year period.
- C. An alarm system shall be deemed a nuisance if such alarm, after an audible alarm is activated, does not automatically shut off within fifteen minutes after activation.
- D. An alarm system may be deemed a nuisance alarm and a public nuisance if such an alarm system has been intentionally activated at least once to summon the police to an incident for which the alarm system was not intended. This may include, but not be limited to, a robbery alarm being intentionally activated for an incident which is not a robbery, or an alarm which is intentionally activated merely to see what police response would result.
- E. Any officer or police aide of the police department is authorized to enter on exterior private property areas, for the purpose of silencing a nuisance alarm. Forcible entry may be made into exterior alarm equipment boxes, and attics and crawlspace vents, in order to accomplish this purpose. (Ord. 4649 § 1, 2011)

#### **5.08.140 No response status.**

- A. If an alarm system has fallen into the category of a nuisance alarm as defined in Section 5.08.130, the chief of police may send a notice of no response to the owner or person responsible for the nuisance alarm. This notice shall indicate that the police department shall not respond to future activations of the nuisance alarm unless a violation of the law is personally reported to the department by a witness at the scene of the alarm.

B. The no response status shall remain in effect until such time that the owner or person responsible for the nuisance alarm has provided adequate evidence to the chief of police that the problems causing the alarm to become a nuisance have been satisfactorily corrected. (Ord. 4649 § 1, 2011)

#### **5.08.150 Revocation of alarm user permit.**

A. The following shall constitute grounds for revocation of an alarm user permit:

1. The violation of any of the provisions of this chapter;
2. The occurrence of excessive false alarms due to defects or deficiencies in an alarm system;
3. Any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record submitted or filed with the city; or
4. Failure by the alarm user to respond within twenty minutes to a request made by a police department representative to permit or provide access to the property where an alarm has been activated.

B. Prior to revoking an alarm user permit, the chief of police shall notify the alarm user in writing of the intended action not less than ten days prior to the effective date of such action. The notice shall specify the reasons therefor and the alarm user's right to appeal the revocation in accordance with Section 5.08.160 of this chapter.

C. The chief of police, may reinstate a revoked permit, at his or her discretion, if he or she finds such alarm user:

1. Pays a reinstatement fee as set forth in a resolution adopted by the city council; pays, or otherwise resolves, all outstanding fees, citations and fines; and provides satisfactory evidence to the chief of police that the alarm system has been inspected and repaired, if necessary, by the alarm installation company; and/or that additional training in the proper use of the alarm system was provided by the alarm installation company for all alarm users; or
2. Provides proof that an employee of the alarm installation company or monitoring company caused the false alarm giving rise to the revocation; or
3. Otherwise makes upgrades to the alarm system, provisions for video or personal verification of any alarm dispatch request or other agreements as deemed appropriate by the chief of police; or
4. Attends and passes an online alarm school program designated by the chief of police. (Ord. 4649 § 1, 2011)

#### **5.08.160 Appeals.**

A. Any applicant for an alarm system permit whose application is denied by the chief of police or any permittee whose permit is suspended pursuant to an order of suspension made by the chief of police or any person who is assessed a service fee for excessive false alarms or civil remedy pursuant to this chapter may appeal to the city manager or designee by filing with the city clerk a notice of appeal within fifteen days after such denial, order of suspension, notice of assessment of service fee for excessive false alarms, or civil remedy. The notice of appeal must set forth the basis of the appeal. An appellant must pay the sum of one hundred dollars to the city clerk as a filing fee at the time of filing said notice of appeal. The city clerk shall report the filing of such appeal to the chief of police. The chief of police shall, within thirty days, make a written report to the city clerk setting forth the basis of his or her action denying the application for a permit, issuing the order of suspension, assessment of a service fee for excessive false alarms, or civil remedy. The city clerk shall forward said written report to the city manager or designee. Following the receipt of the written report, the city manager or designee shall set the appeal for hearing, which shall be held as soon as reasonably possible.

B. Filing of a request for appeal shall not stay the action by the chief of police revoking an alarm permit or requiring payment of a fine, prior to the city manager's complete review. (Ord. 4694 § 1, 2012; Ord. 4649 § 1, 2011)

#### **5.08.170 Confidentiality.**

In the interest of public safety, all information pertaining to an alarm user contained in and gathered through the alarm permit applications of the alarm user shall be held in confidence, provided that the city may disclose any information required to be disclosed by state or federal law or by court order. (Ord. 4649 § 1, 2011)

### **5.08.180 Government immunity.**

An alarm permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user

acknowledges that police response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (Ord. 4649 § 1, 2011)

### **5.08.190 Violation of chapter.**

A. Failure to adhere to the duties of an alarm installation company and/or monitoring company or alarm user in this chapter shall be a civil offense and such violators may be subject to the civil remedies available to the city of Bakersfield, such as fines, restitution and abatement measures. Each responsible person found in violation of this section will be individually subject to the civil money penalty of one hundred five dollars per violation unless specifically provided otherwise. The city attorney and the Bakersfield police department may exercise any enforcement powers provided by law in executing this section.

B. Upon every false alarm, the city may assess a service fee in accordance with Chapter 3.70 of this code. Additionally, upon every false alarm and each subsequent false alarm within any twelve-month period, every alarm user will be individually subject to the civil money penalty of one hundred five dollars per second false alarm, which may be waived by the chief of police upon satisfactory completion of a designated alarm school as determined by the chief of police; one hundred five dollars per third false alarm; two hundred ten dollars per fourth false alarm; and three hundred fifteen dollars per fifth false alarm. The city attorney and the Bakersfield police department may exercise any enforcement powers provided by law in executing this section.

C. Any person violating any of the provisions of this chapter may also be cited for a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this chapter may, in the discretion of the city attorney, be charged and prosecuted as an infraction. Any infraction prosecuted under the provisions of this chapter shall be punishable by a fine not to exceed five hundred dollars.

D. The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve such person from paying the permit and service fees or civil remedies due and unpaid at the time of such conviction, nor shall payment of any permit fee, service fee or civil remedy prevent criminal prosecution for violation of any of the provisions of this chapter.

E. All remedies shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit, service fee, or civil remedy shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction to recover any delinquent amount owed. All fees shall be deemed delinquent thirty days after they are due and payable.

F. The sections, subsections, paragraphs, sentences, clauses and phrases of this chapter are intended to be severable. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this chapter. (Ord. 4695 § 1, 2012; Ord. 4649 § 1, 2011)