

CITY OF SANTA BARBARA
SANTA BARBARA MUNICIPAL CODE

TITLE 9
Public Peace and Safety

Chapter 9.100 BURGLARY AND ROBBERY ALARM SYSTEMS

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9.100.010 Purpose and Scope.

- A. **PURPOSE.** The purpose of this Chapter is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.
- B. **APPLICATION.** This Chapter governs Alarm Systems intended to summon law enforcement response; it requires registration, establishes fees, provides for penalties for violations of the Chapter, and it establishes a system of administration for responding to Alarm Systems. (Ord. 5329, 2004.)

9.100.020 Definitions.

All words and phrases used in this Chapter which are defined in the California Private Investigator and Adjuster Act (the "Act," state California Business and Professions Code Section 7500 et seq.) shall have the same meaning as in said Act, and certain additional words and phrases used in this Chapter are defined as follows:

- A. **ALARM DISPATCH REQUEST.** A notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm site.
- B. **ALARM INSTALLATION COMPANY.** A Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.
- C. **ALARM REGISTRATION.** Authorization granted by the Police Department to an Alarm User to operate an Alarm System.
- D. **ALARM SCHOOL.** A class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.
- E. **ALARM SITE.** A single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.
- F. **ALARM SYSTEM.** Any device or series of devices, including but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response. Alarm System does not include an alarm installed in a vehicle or on someone's person.
- G. **ALARM USER.** Any person who has contracted for monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who owns or operates an Alarm System which is not monitored, maintained, or repaired under contract.
- H. **AUDIBLE ALARM.** A device designed for the detection of unauthorized entry on premises which generates a silent or audible sound on the premises when it is activated.
- I. **BOARD.** The Board of Fire and Police Commissioners of the City of Santa Barbara.
- J. **CANCELLATION.** The process where response is terminated when a Monitoring Company for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.
- K. **FALSE ALARM.** An alarm signal, either silent or audible, necessitating response by the Police Department where an emergency situation for which the alarm system was designed or used does not exist. Activation of an audible alarm system for five (5) seconds or less shall not be deemed a false alarm. Activation of an alarm system due to abnormal conditions (windstorms, downed trees, power outages caused by grid failure, and other natural disasters) beyond the control of the Alarm User shall not be deemed a false alarm.

- L. **MONITORING.** The process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department for the purpose of summoning law enforcement to the Alarm Site.
- M. **MONITORING COMPANY.** A Person in the business of providing Monitoring services. 221-1 rev. 12/31/04
- N. **PANIC ALARM.** An audible or silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement and/or medical response.
- O. **PERSON.** An individual, corporation, partnership, association, organization or similar entity.
- P. **RESPONDER.** An individual capable of reaching the Alarm Site and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.
- Q. **TAKEOVER.** The transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.030 Alarm Installation Company Operators.

It shall be unlawful for any person required to have a valid state license as an alarm system operator issued by the Bureau of Security and Investigative Services per the Business and Professions Alarm Company Act to engage in the business of alarm company operator within the City without first filing a copy of the state license with the City of Santa Barbara and obtaining a Business License from the City. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.040 Alarm Installation Agents.

It shall be unlawful for any person required to have a state issued identification card as an alarm agent issued by the Bureau of Security and Investigative Services per the Business and Professions Alarm Company Act to act as an alarm agent within the City without first registering his or her name and filing a copy of the state identification card with the Police Department. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.050 Alarm Registration Required.

- A. **REGISTRATION REQUIRED.** It shall be unlawful for any person to use, install or cause to be installed an Alarm System on any premises within the City without having first registered said Alarm System with the Police Department.
- B. **SEPARATE SYSTEMS.** A separate Alarm Registration is required for each Alarm Site.
- C. **TRANSFERABILITY.** An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Police Department of any change that alters any of the information listed on the Alarm Registration application within ten (10) business days of such change.
- D. **PAYMENT OF PENALTIES AND FEES.** All penalties and fees owed by an applicant to the City must be paid in full before an annual Alarm Registration may be issued or renewed. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.060 Alarm Registration Application.

An application for an Alarm System permit shall be submitted to the Chief of Police and shall set forth the following information:

- A. The name, complete address, and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed;
- B. The classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- C. For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. Burglary, Holdup, Duress, Panic Alarms, or other) and for each classification whether such alarm is audible or silent;
- D. Any dangerous or special conditions present at the Alarm Site;
- E. The type of business conducted at a commercial Alarm Site;.
- F. The address at which the Alarm System is to be installed and used and hereinafter referred to as the Alarm Site.
- G. If the applicant is a corporation, the names and addresses of its principal officers.
- H. If the applicant is a partnership, association, or other business entity, the names and addresses of the partners or persons comprising the same.
- I. The names, addresses and telephone numbers of three (3) or more persons who will be available to secure the premises during any hour of the day or night.
- J. If the application is for a commercial Alarm System, an on-site phone number must be provided at which an employee of the business can be reached before and after closing hours. (Ord. 5329, 2004; Ord. 4908, 1995; Ord. 4420, 1986.)

9.100.070 Alarm Registration Duration and Renewal.

Each Alarm Registration shall be valid for a period of only one year and must be renewed annually by submitting an updated application and a registration renewal fee to the City of Santa Barbara. The Alarm User will be notified in writing by the City of the need to renew each registration not less than thirty (30) days prior to the expiration of each registration. It shall be the responsibility of the Alarm User to submit an application and the appropriate fees prior to the registration expiration date. A late fee may be assessed if the renewal application fee is not paid within thirty (30) days of the date of the registration expiration. (Ord. 5329, 2004.) 221-2 rev. 12/31/04

9.100.080 Registration Fees.

- A. **FEE RESOLUTION.** The amount of the fee for an initial Alarm Registration or an Alarm Registration renewal shall be established in an Alarm System Fee Resolution adopted by the City Council. No partial refund of a registration or registration renewal fee will be made if an Alarm System is deactivated.
- B. **INITIAL FEE PAYMENT.** The initial Alarm Registration fee for newly installed Alarm Systems must be submitted to the City within ten (10) days after the Alarm System installation or Alarm System Takeover.
- C. **RENEWAL FEES.** The Alarm Registration renewal fees must be submitted to the City within thirty (30) days of the date of renewal; failure to pay the Alarm Registration renewal fees will result in late fees, in an amount established by the City Council under Fee Resolution. Failure to register an Alarm System prior to the end of the Registration period will result in non-registered False Alarm fees for any False Alarms within this time. False Alarms emitted during an expired Registration period shall not be excused.
- D. **PANIC ALARM REGISTRATION.** Registration for Panic Alarms will be free of charge but still subject to fines as they relate to False Alarms. (Ord. 5329, 2004.)

9.100.090 Duties of the Alarm User.

- A. **ALARM USER RESPONSIBILITIES.** An Alarm User shall be responsible for the following:
 - 1. To maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms; and
 - 2. To make every reasonable effort to have a Responder to the Alarm System's location when requested by the Police Department in order to do the following:
 - a. Deactivate an Alarm System;
 - b. Provide access to the Alarm Site; or
 - c. Provide alternative security for the Alarm Site.
- B. **INSPECTION REQUIREMENT.** An Alarm User shall have a licensed Alarm Installation Company inspect the Alarm System after two (2) False Alarms in a one (1) year period. After four (4) False Alarms within a one (1) year period, the Alarm User must have a licensed Alarm Installation Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate.
- C. **LIMIT ON AUDIBLE ALARMS.** An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.
- D. **PERMISSIBLE ALARM SOUNDS.** No alarm shall be installed or used which emits a sound which is similar to that of an emergency vehicle siren or a civil defense warning system. (Ord. 5329, 2004.)

9.100.100 Duties of the Alarm Installation Company and Monitoring Company.

- A. The Alarm Installation Company shall be responsible for the following:
 - 1. To provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems;
 - 2. On a quarterly basis, provide a list of all Alarm Users to the Police Department.
- B. A Monitoring Company shall be responsible for the following:
 - 1. To report alarm signals by using telephone numbers designated by the Police Department;
 - 2. To communicate any available information about the location on all alarm signals related to the Alarm Dispatch request;
 - 3. After an Alarm Dispatch Request, to promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site.
- C. An Alarm Installation Company or a Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm User of their duty to register their alarm system with the Police Department. (Ord. 5329, 2004.)

9.100.110 Alarm School.

Alarm Users who have three or more false alarms within a 12-month Registration period will be eligible to attend Alarm School at which time a waiver will be given to the Alarm User excusing one False Alarm. The purpose of said class is to inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms. Alarm Users with three or more false alarms can attend one of two sessions per year to waive one False Alarm. (Ord. 5329, 2004.) 221-3 rev. 12/31/04

9.100.120 Warning Letters and Penalties.

- A. **WARNING LETTERS.** If an alarm system emits a false alarm, a warning letter directed to the Alarm User will be issued by the Police Department.
- B. **CIVIL PENALTIES FOR FALSE ALARMS.** Each registered Alarm User shall pay civil penalties for each False Alarm beginning with the third False Alarm in a 12-month registration period. The penalty will be based on a penalty schedule approved by resolution of the City Council adopted concurrently with the enactment of this Chapter.
- C. **NON-REGISTERED ALARM USERS.** Each non-registered Alarm User shall be directed to register their Alarm System with the Police Department. The registration fee shall be based on a schedule approved by resolution of the City Council adopted concurrently with the enactment of this Chapter.
- D. **NON-REGISTERED FALSE ALARM PENALTIES.** Each non-registered Alarm User shall pay a civil penalty for each False Alarm beginning with the first False Alarm. The penalties will be based on a fee schedule approved by City Council resolution.
- E. **CANCELLATION OF AN ALARM.** If Cancellation occurs prior to law enforcement arriving at the scene, it shall not be considered a False Alarm for the purpose of the imposition of penalties, and no penalties shall be assessed.
- F. **WRITTEN NOTIFICATION OF FALSE ALARMS.** The Chief of Police shall notify the Alarm User in writing after each False Alarm. The notification shall include the following: 1. if applicable, the amount of the penalty for the False Alarm, 2. when applicable, a notice that the Alarm User can attend Alarm School to waive a penalty, and 3. a description of the appeals procedure available to the Alarm User pursuant to Section 9.100.130. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.130 Right of Appeal.

- A. **RIGHT TO APPEAL; NOTICE OF APPEAL.** The action of the Police Chief notifying an Alarm User of a civil penalty and imposing the penalty may be appealed to the Board by filing written notice of appeal with the City Clerk within fifteen (15) days after the date appearing on the Warning Letter issued pursuant to Section 9.100.120.
- B. **HEARING AND DETERMINATION.** The Board shall hear and determine such an appeal at its next regular meeting following filing of the appeal. Written notice of the time and place of hearing shall be served on the Alarm User not less than seven (7) days prior to the date of the scheduled Board appeal hearing. Upon conducting a hearing regarding the appeal, the Board may uphold, reverse, or modify the Police Chief's decision. The procedures for the conduct of an appeal hearing held by the Board pursuant to this Section shall be those procedures established in Santa Barbara Municipal Code Section 1.25.100. An affirmative vote of a majority of the membership of the Board shall be required to reverse or modify any decision ordered by the Police Chief. The decision of the Board shall constitute a final administrative decision regarding the appeal and the imposition of the civil penalty.
- C. **BILLING FOR PENALTIES.** Not less than once a year, the Chief of Police shall certify to the Finance Director of the City the following information: 1. the names of those Alarm System users for which civil penalties have been imposed, 2. the address of Alarm Systems for which false alarms have emanated and for which penalties have been imposed, and 3. the amount of the penalties then due the City from such Alarm System users, which penalties have either not been appealed to the Board pursuant to this section or for which the Board, after conducting the required appeal hearing, has upheld the imposition of penalties under this Chapter. Thereafter, the Finance Director shall bill the Alarm Users for all penalty amounts duly imposed pursuant to this Chapter.

- D. **COLLECTION OF UNPAID PENALTIES.** Those penalties which remain unpaid after billing pursuant to subsection (C) above may be collected as a lien against the real property upon which the Alarm System is located, provided the pre-conditions and the due process procedures provided for such manner of collections as established in subsections (B) and (C) of Santa Barbara Municipal Code Section 1.25.130 are duly followed. For the purposes of this Section, the term "Director" as used in Section 1.25.130 shall be deemed to be the Chief of Police.
- E. **RIGHT OF JUDICIAL REVIEW.** An Alarm User or affected real property owner shall have the rights described in Santa Barbara Municipal Code Section 1.25.120 to obtain judicial review of any action of the Chief of Police or of the Board taken pursuant to this Chapter, including but not limited to, actions taken to impose civil penalties. (Ord. 5329, 2004; Ord. 4420, 1986.)

9.100.140 Confidentiality.

In the interest of public safety, all information contained in and gathered through Alarm Registration applications, applications for appeals, and Alarm User lists shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information to the full extent allowed by law. (Ord. 5329, 2004.)