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ORDINANCE NO. 6978

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 5 OF THE RIVERSIDE MUNICIPAL CODE BY AMENDING CHAPTER 5.58 RELATING TO SECURITY ALARM SYSTEMS.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1: Title 5, Chapter 5.58, is hereby amended in its entirety to read as follows:

CHAPTER 5.58

SECURITY ALARM SYSTEMS

Sections:

- 5.58.010 Purpose.**
- 5.58.020 Definitions.**
- 5.58.030 Non-applicability.**
- 5.58.040 Government Immunity.**
- 5.58.050 Duties of Alarm Business, Alarm Agent, and Alarm Monitoring Company.**
- 5.58.060 Alarm Business Registration.**
- 5.58.070 Alarm Agent Registration Required.**
- 5.58.080 Notification of Change.**
- 5.58.090 Alarm User's Permit.**
- 5.58.100 Correction of Information.**
- 5.58.110 Contesting False Alarm Response Reports.**
- 5.58.120 Nuisance Alarm Signal.**
- 5.58.130 Monitoring Services.**
- 5.58.140 Alarm Agents-Registration in Possession.**
- 5.58.150 Telephone Device Prohibited.**
- 5.58.160 Use of Panic Button.**
- 5.58.170 Nuisance Alarms.**
- 5.58.180 False Alarm Response Penalties.**
- 5.58.190 Penalties Assessed.**
- 5.58.200 Appeals.**
- 5.58.210 Revocation of Alarm User's Permit.**
- 5.58.220 Additional Revocations.**
- 5.58.230 Effective Period of Revoked Permits.**
- 5.58.240 Reissued Alarm User's Permit Penalty.**
- 5.58.250 Enforcement.**
- 5.58.260 Operative Dates.**

1 Section 5.58.010 Purpose.

2 The purpose of this chapter is to establish standards and controls to reduce the incidents
3 of false intrusion and robbery alarm calls responded to by the Police Department. The
4 most effective alarm management is through user and alarm industry accountability.

5 Section 5.58.020 Definitions.

6 For the purpose of this chapter, the following definitions shall apply:

7 "Alarm Agent" means any Person who is self-employed or employed either directly or
8 indirectly by an Alarm Business whose duties include any of the following: selling,
9 maintaining, leasing, servicing, repairing, altering, replacing, moving or installing an
10 Alarm System in or on any building, place or premises.

11 "Alarm Business" means any Person conducting or engaged in the business of selling,
12 leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or
13 monitoring an Alarm System in or on any building, place or premises.

14 "Alarm Monitoring Company" means a Person in the business of providing monitoring
15 services.

16 "Alarm System" means any device designed for the detection of an unauthorized entry on
17 premises or for alerting others of the commission of an unlawful act or both, and when
18 activated, emits a sound or transmits a signal to indicate that an emergency situation
19 exists.

20 "Alarm User" means any Person responsible for operating an Alarm System at any
21 premises in the city.

22 "Audible Alarm" means a device designed to emit an audible sound to alert others of an
23 unauthorized entry onto a premises, an unauthorized entry into a structure or the
24 commission of a burglary or robbery.

25 "Calendar Year" means January 1st through December 31st.

26 "City" means the City of Riverside.

27 "False Alarm" means the activation of an alarm resulting from human error, a system
28 malfunction, improper installation of the Alarm System, or design deficiencies causing an
Alarm Business or reporting party to summon the police when no evidence of a criminal
offense or attempted criminal offense is found.

"Exceptioned Alarm" means the activation of an alarm resulting from earthquakes, high
intensity winds, unusual acts of nature, general power outages.

"Non-compliance Status" means failure to achieve compliance with select elements of
this ordinance resulting in penalty assessments.

"Non-priority" means that police response to the activation of an alarm will not be given
precedence over other calls and will be predicated upon availability of police units and
other service needs.

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"Person" means any individual, partnership, corporation or other business entity.

"Police Chief" means the Chief of Police of the City or the designee of the Police Chief.

"Police Department" means any employee of the Police Department.

Section 5.58.030 Non-applicability.

The provisions of this chapter are not applicable to hand held/portable personal safety devices, medical alert devices, or audible alarms affixed to automobiles, unless the vehicle alarm is connected to a central monitoring system.

Section 5.58.040 Government Immunity.

Issuance of an Alarm User's Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any alarm liability and consequential damage resulting from the failure to respond to an alarm is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm User's Permit, the Alarm User acknowledges that law enforcement 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.

Section 5.58.050 Duties of Alarm Business, Alarm Agent, and Alarm Monitoring Company.

The duties shall be as follows:

- A. To install an Alarm or Alarm System compatible with the environment within the perimeters of the alarm activating devices and be available to maintain the Alarm System in good working order, and to take reasonable measures to prevent the occurrence of False Alarms.
- B. To provide each purchaser and Alarm User with a "summarized" copy of this ordinance within sixty (60) calendar days of the adoption of this ordinance. The summarized copy to be written by the City.
- C. To provide new customers with a summarized copy of this ordinance and the City's Alarm User's Permit Application.
- D. To provide accurate and complete written and oral instruction to the Alarm User in the proper use and operation of said Alarm System. Specific emphasis shall be placed on the avoidance of False Alarms. All businesses which sell Alarm Systems, but which are not an Alarm Business as defined in this Article, are similarly responsible for providing written and oral instruction to the buyer of the Alarm System in the proper use of said system.

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E. Upon the effective date of this ordinance, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch request. Records must include the name, address and telephone number of the alarm user, the alarm permit number, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The Police Department may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

F. To provide client information to the Police Department in electronic format in the number and type of fields as required by the Riverside Police Department for all known locations where alarms are installed or monitored within the City of Riverside. Electronic templates must be obtained from the Riverside Police Department.

Electronic client information shall be supplied to the Riverside Police Department within thirty (30) calendar days of being requested. Electronic client information shall cover active alarm installations and/or active monitoring accounts. Information for subsequent electronic alarm installations or new monitoring accounts shall be provided on a monthly basis to the Riverside Police Department.

Any Alarm User found to be operating an Alarm System without an Alarm User's Permit and not appearing in the client information received from the Alarm Business is not in compliance with this ordinance for supplying Alarm User's Permit information to the Riverside Police Department as required by Section 5.58.050 of this chapter. The Riverside Police Department will request the required information directly from the Alarm User. The Alarm User will continue in a Non-permitted status, which is subject to additional false alarm response penalties, until such time that an Alarm User's Permit is issued.

G. Verification of an alarm is to make a minimum of two attempts to contact the Alarm User by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. The two attempts must be made to different phone numbers where a responsible party can typically be reached.

H. At the time of installation or service of any monitored Alarm System confirm that the Alarm User has readily available the 24-hour phone number for the central monitoring station.

1 I. An Alarm Business performing or contracting monitoring services shall have
2 written procedures to ensure efforts are made to verify every alarm signal, except
3 duress, or robbery alarm activation before requesting a police response to an
4 alarm signal.

5 J. Non-compliance by the Alarm Business will result in a Non-compliance Status
6 and penalties as established by resolution of the City Council of City.

7 **Section 5.58.060 Alarm Business Registration.**

8 It is unlawful for any Person to own, manage, conduct or carry on the business of selling,
9 leasing, installing, servicing, maintaining, repairing, replacing, moving, removing and
10 monitoring an Alarm System in or on any building, place or premises within the City
11 without first having registered with the Police Department; provided, however, such
12 registration shall not be required for any business which only sells or leases said Alarm
13 Systems from a fixed location unless such business services, installs, monitors or
14 responds to Alarm Systems at the protected premises. Registration shall be accomplished
15 by furnishing such information as may be required by the Police Department, including
16 but not limited to the full name of the business, the number of the license issued by the
17 State Director of Consumer Affairs for the Alarm Business, City of Riverside Business
18 Tax Certificate, and the name and business address of the manager of operations for the
19 area which includes the City. If any Alarm Business fails to register within thirty (30)
20 calendar days, it will be placed in a Non-compliance Status, the Police Department will
21 notify that business' customers in writing of the company's Non-compliance Status and
22 provide a copy of the Security Alarm Ordinance Summary. Non-compliance by the
23 Alarm Business shall result in penalties as established by resolution of the City Council
24 of City.

25 **Section 5.58.070 Alarm Agent Registration Required.**

26 It is unlawful for any Person, including the owner of an Alarm Business, to engage
27 directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing,
28 moving or installing of an Alarm System in or on any building, place or premises within
the City without first having registered and filed with the Police Department a copy of the
Alarm Agent registration card issued to such Person by the State Director of Consumer
Affairs pursuant to the provisions of Section 7598.14 of the California Business and
Professions Code; provided, however, nothing in this section shall require a Person to so
register in order to install, service, repair, alter, replace or move an Alarm System on the
premises owned or occupied by that Person; and further provided, nothing in this chapter
shall require a Person to so register who is merely a salesperson for any business not
required to register as an Alarm Business under the provisions of Section 5.58.060, if
such salesperson does not engage in any other activities related to Alarm Systems apart
from selling. Within thirty (30) calendar days of any Alarm Agent being placed in a
Non-compliant Status, the Police Department will notify that agent 's customers in
writing of the agent's Non-compliance Status and provide a copy of the Security Alarm
Ordinance Summary. Non-compliance by the Alarm Agent shall result in penalties as
established by resolution of the City Council of City.

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Section 5.58.080 Notification of Change.

Any Alarm Business registered with the Police Department shall immediately report to the Police Department any change of name, address, ownership of the business, or the address of the manager of operations for the area which includes the City. Any Person registered with the Police Department as an Alarm Agent shall immediately report to the Police Department any change of address.

Section 5.58.090 Alarm User's Permit.

No Person shall install or cause to be installed, use, maintain or possess an Alarm System on premises owned or in the possession or control of such Person within the City without first having obtained an Alarm User's Permit from the Police Department of the City in accordance with this section. The application for an Alarm User's Permit shall be submitted on a form as prescribed by the Police Department and shall include the address of the premises wherein the Alarm System is to be located; the name, address and telephone number of the applicant; the name, address and telephone number of additional persons who may be contacted in case of an emergency; and the name, address and telephone number of the Alarm Business who will render service. If requested by the Police Department, the person(s) listed shall be required to be present at the alarm location within forty-five minutes after being advised that the Police Department has received any signal or message of an alarm activation. The application shall be accompanied by a non-refundable fee in such amount as may be established by resolution of the City Council of City.

A separate Alarm User's Permit shall be required for each premises or address on which an Alarm System is used or installed. Alarm User's Permits shall not be transferable. A new Alarm User's Permit shall be issued when a business/residence changes its name, ownership, or location.

No Alarm User's Permit shall be issued until all Alarm User's Permit fees and False Alarm response penalty assessments due and owing are paid.

Section 5.58.100 Correction of Information.

Whenever any change occurs relating to the written information required by Section 5.58.090 of this chapter, the permittee shall give written notice of such change to the Police Department within five (5) calendar days.

Section 5.58.110 Contesting False Alarm Response Reports.

Following police response to the activation of an alarm which investigation by the Police Department determines to be false and upon notification of said fact by the Police Department, the Alarm User shall notify the Police Department and file a Police report with the Police Department within seventy-two (72) hours if they have reason to believe the False Alarm Response Report was issued in error. Such report shall contain all

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information pertaining to the crime that occurred. If a crime did not occur, the Alarm User may submit a written letter providing the details of the alarm activation to the Riverside Police Department. The Police Department shall not consider any valid or excepted alarms in the computation of nuisance alarms as described in Section 5.58.170.

Section 5.58.120 Nuisance Alarm Signal.

Audible Alarms which have emitted an alarm signal in excess of thirty (30) minutes, are declared nuisances, and the Police Department may cause such alarm to be disconnected by a registered Alarm Agent, with the cost thereof to be a charge payable by the Alarm User.

Section 5.58.130 Monitoring Services.

Every Alarm Business which monitors an Alarm System located within the City shall maintain on file a current listing of all such Alarm Systems including the Alarm User's Permit number and the name, address and telephone number of the individual or individuals from whom entry to premises may be obtained. Said information shall be available to the Police Department upon request of any authorized representative thereof. The Alarm User's Permit number assigned to an Alarm System by the Police Department shall be given to the police/fire dispatcher at the time an alarm is reported to the police/fire communications center by an alarm company, a central monitoring station, a telephone answering service or any other business that monitors and reports alarms.

Section 5.58.140 Alarm Agents-Registration in Possession.

Every Person engaged in installing, repairing, servicing, altering, replacing, moving or removing an Alarm System as defined in this chapter on any premises within the City, other than those owned or occupied by said Person, shall carry a valid State Alarm Agent registration card at all times while so engaged and shall display such card to any police officer upon request.

Section 5.58.150 Telephone Device Prohibited.

No Person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line to the Riverside Police Department and then reproduces any pre-recorded message to report any burglary or other emergency.

Section 5.58.160 Use of Panic Button.

A burglary or robbery panic button shall only be used when there is a threat to life or property. It shall be unlawful to use such panic button to merely summon the police.

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Section 5.58.170 Nuisance Alarms.

The Police Department may declare an Alarm System at a specific location to be a nuisance if such Alarm System activates excessive False Alarms. The City Council hereby finds and determines that three False Alarms within a calendar year is excessive and thereby constitutes a public nuisance. The Police Department shall not consider any False Alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, unusual acts of nature, or general power outages. Nuisance alarms shall be considered that are the result of the negligence of the Alarm User, the agents or employees of the Alarm User or a defect in the Alarm System.

Section 5.58.180 False Alarm Response Penalties.

- A. A False Alarm response penalty shall be paid to the City Manager-Finance Division upon the occurrence of three False Alarms received from any one source or from any one Alarm System within a calendar year. Non-permitted locations shall pay a False Alarm penalty to the City Manager-Finance Division upon the second (2nd) occurrence of a False Alarm response. The False Alarm response penalties shall be in such amounts as established by resolution of the City Council of City. A higher False Alarm response penalty may be established for each additional False Alarm within a calendar year and for alarms in a non-permitted status.
- B. Penalties established and/or levied by this section shall be paid to the City Manager-Finance Division within thirty (30) calendar days from the date of the invoice rendered for said penalties by the holder of the Alarm User's Permit or the owner of the premises upon which the subject Alarm System is located if no Alarm User's Permit has been issued for such Alarm System.

Section 5.58.190 Penalties Assessed.

- A. No penalty shall be assessed for the first two (2) False Alarms from an Alarm System during a calendar year. Thereafter, the Alarm User shall pay a penalty as established by resolution of the City Council of City for each subsequent False Alarm from the same Alarm System during a calendar year.
- B. Any person operating a non-permitted alarm system will first receive a written warning of the violation. Thereafter, any Person operating a non-permitted Alarm System will be subject to a non-permitted status penalty as established by resolution of the City Council of City. A non-permitted Alarm System includes an Alarm System for which an Alarm User's Permit has not been obtained or for which an Alarm User's Permit has been revoked.
- C. If cancellation occurs prior to the police officer arriving at the scene, the Police Department may determine that the cancellation will not be counted as a False Alarm for the purpose of assessing penalties.

- 1 D. The alarm installation company will be subject to a penalty as established by
2 resolution of the City Council of City if the officer responding to the False Alarm
3 determines that an on-site employee of the alarm installation company directly
4 caused the False Alarm. In this situation, the False Alarm will not be counted
5 against the Alarm User.
- 6 E. The Alarm Monitoring Company will be subject to a penalty established by
7 resolution of the City Council of City for each failure to verify Alarm System
8 signals as specified in Section 5.58.050 paragraph "G" page 4 of this ordinance.
- 9 F. The provisions of paragraphs A and B herein shall not apply to facilities occupied
10 or operated by the state, county, school districts, or other local public agency.

11 Section 5.58.200 Appeals.

12 If the Police Department assesses a penalty, the Police Department shall send written
13 notice of the action and a statement of the right to an appeal to the affected Person or
14 Alarm User. Appeals shall be heard by the City Manager or his designee. The decision
15 of the City Manager or designee shall be final.

16 Section 5.58.210 Revocation of Alarm User's Permit.

- 17 A. After the fifth False Alarm within a calendar year, the Police Department may
18 serve the permittee with a notice of intention to revoke the Alarm User's Permit
19 unless all fines due are submitted to the City of Riverside, City Manager-Finance
20 Division pursuant to Section 5.58.190 and written proof from a licensed Alarm
21 Business that the said Alarm System has been completely evaluated and the
22 causes of the False Alarms located and corrected is provided to the Police
23 Department. The notice of intention to revoke shall state the reason or reasons for
24 such revocation and shall set forth the procedure to appeal the proposed
25 revocation. Service of the notice of intention to revoke shall be deemed made
26 immediately upon personal service on the permittee or seventy-two (72) hours
27 after the notice has been deposited with postage prepaid in the United States mail
28 sent to the last known address of the permittee.
- B. The revocation shall be effective the sixteenth (16th) calendar day after the service
of the notice of intention to revoke unless an appeal is timely filed. The notice of
intention to revoke may be appealed to the City Manager or designee provided
that a notice of appeal has been filed with the City Manager's office no later than
the fifteenth (15th) calendar day after service on the permittee of the notice of
intent to revoke. The City Manager or designee shall set the matter for a hearing,
which hearing shall be within thirty (30) calendar days after receipt of the notice
of appeal or such longer period as may be agreed to by the permittee. The City
Manager or designee shall render a written decision on the appeal within ten (10)
calendar days following the close of the hearing. Notice of the decision of the
City Manager or designee shall be deemed served upon personal service on the

1 permittee or seventy-two (72) hours after notice has been deposited with postage
2 prepaid in the United States mail sent to the last known address of permittee. The
3 decision of the City Manager or designee to affirm the intent to revoke is final,
4 such revocation shall be effective the eleventh (11th) calendar day after the service
5 of the decision upon permittee.

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- 7 C. Responses to the Alarm System subject to the revocation proceedings as
8 hereinabove set forth shall be made by the Police Department in accordance with
9 its usual procedures until such time as the revocation of the Alarm User's Permit
10 is effective. Immediately after the notice of intention to revoke issued by the
11 Police Department, or the decision of the City Manager or designee affirming the
12 intention to revoke following an appeal, is effective and the Alarm User's Permit
13 is revoked, the Alarm System shall receive Non-priority response from the Police
14 Department. False Alarm response penalties will be assessed as non-permitted
15 alarms in accordance with Section 5.58.190.

16 Section 5.58.220 Additional Revocations.

17 An Alarm User's Permit may be suspended or revoked by the Police Department for any
18 of the additional reasons:

- 19
- 20 A. Failure to observe any of the administrative requirements or other regulatory
21 provisions of this chapter.
- 22 B. If knowingly false representations were made upon any applications or notice of
23 change required by the provisions of this chapter.
- 24 C. If the permittee has failed to pay any fees and/or penalties required by the
25 Riverside Municipal Code.

26 Section 5.58.230 Effective Period of Revoked Permits.

27 After the revocation, no new Alarm User's Permit may be issued to the alarm user or the
28 property owner until all fees and penalties due are submitted to the City Manager-Finance
Division pursuant to Section 5.58.190 and written proof from a licensed Alarm Business
that the said Alarm System has been completely evaluated and the causes of the False
Alarms located and corrected is provided to the Police Department. Approval of the
verification shall be the responsibility of the Police Chief or his/her designee.

Section 5.58.240 Reissued Alarm User's Permit Penalty.

A penalty shall be levied upon the reissuing of an Alarm User's Permit after the Alarm
User's Permit has been revoked. The Alarm User shall be subject to a penalty as
established by resolution of the City Council of City for the reissued Alarm User's
Permit.

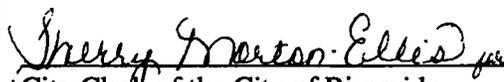
1 Section 2: The City Clerk shall certify to the adoption of this ordinance and cause
2 publication once in a newspaper of general circulation in accordance with Section 414 of the
3 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
4 date of its adoptions.

5 ADOPTED by the City Council and signed by the Mayor this 26th day of
6 February, 2008.



Mayor of the City of Riverside

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8 ATTEST:

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City Clerk of the City of Riverside

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12 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
13 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
14 19th day of February, 2008, and that hereafter the said ordinance was duly and regularly adopted
15 at a meeting of the City Council on the 26th day of February, 2008, by the following vote, to wit:

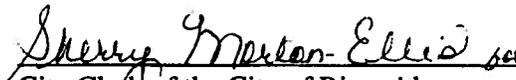
16 Ayes: Councilmembers Gardner, Melendrez, Bailey, Schiavone, Hart, and Adams

17 Noes: Councilmember Mac Arthur

18 Abstain: None

19 Absent: None

20 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
21 the City of Riverside, California, this 28th day of February, 2008.

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City Clerk of the City of Riverside

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25 CA#03-0469
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