

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING CHAPTER 8.40 (“FALSE ALARM
REGULATION”) OF “THE CODE OF THE CITY OF SANTA
CLARA, CALIFORNIA”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the Santa Clara Police Department Permits Unit processes permits for commercial and residential alarm systems;

WHEREAS, the City’s false alarm regulations exist to ensure accurate, up-to-date information for Fire and/or Police personnel responding to an alarmed location, and enable emergency personnel to contact responsible parties and/or alarm repair company representatives should the alarm need to be reset, has a recurring problem, or the site needs to be secured;

WHEREAS, the Police Department’s current alarm permit software is outdated and does not integrate with the Department’s new Computer Aided Dispatch system, which has led to enormous inefficiencies;

WHEREAS, over the time period January through October 2018, the Police Department received over two thousand alarm dispatch requests that were determined to be false alarm notifications (user error, mechanical issue with the alarm system, etc.), which is a significant drain on departmental resources, and is addressed by fees assessed via the Municipal Fee Schedule;

WHEREAS, the City has entered into an agreement with Superior LLC to provide a new software solution for alarm permit management and fee collection, which will greatly increase internal efficiencies, provide enhanced customer service to the community, and is compatible with the department’s new Computer Aided Dispatch system; and,

WHEREAS, in order to effectuate the new software solution through its agreement with Superior LLC, and in the best interests of the City of Santa Clara, the City must amend its existing false alarm ordinance to modify definitions, monitoring procedures, appeals, and suspension of emergency alarm response.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 8.40 (entitled “False Alarm Regulation”) of Title 8 (entitled “Health and Safety”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

**“Chapter 8.40
FALSE ALARM REGULATION**

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8.40.200	Denial, suspension, revocation, nonrenewal, or denial of reinstatement, of alarm permit and/or emergency alarm response.
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8.40.220	Reinstatement of alarm permit and response.

8.40.230 Reserved.
8.40.240 Emergency no response.

8.40.010 Purpose and scope.

(a) The purpose of this chapter is to encourage alarm users and alarm companies to maintain the operational reliability and proper use of alarm systems and to reduce or eliminate false alarm dispatch requests.

(b) This chapter governs systems intended to summon police response, requires alarm permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension, denial or revocation of alarm permits.

(c) Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response, in accordance with California law.

(d) Motor vehicles and recreational vehicles are not subject to this false alarm chapter.

8.40.020 Definitions.

The words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

(a) "A" definitions:

(1) "Alarm administrator" means a person or persons designated by the Chief of Police to administer, control and review alarm applications, alarm permits and alarm dispatch requests.

(2) "Alarm company" means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.

(3) "Alarm dispatch request" means a notification to the police by the alarm

company that an alarm, either manual or automatic, has been activated at a particular alarm site.

(4) "Alarm site" means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

(5) "Alarm system" means a device or series of devices, including, but not limited to, systems interconnected with radio frequency signals, which are designed to discourage crime, by emitting or transmitting a remote or local, audible, visual or electronic signal indicating an alarm condition. Alarm system does not include:

(A) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or

(B) An alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the alarm site and is not connected to or monitored by an alarm company.

(6) "Alarm user" means any person, firm partnership, corporation or other entity that uses an alarm system at its alarm site.

(7) "Alarm User Awareness Class" means 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.

(b) Reserved for future use.

(c) "C" definitions:

(1) "Cancellation" means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing

situation at the alarm site requiring emergency services response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, no penalty will be assessed.

(2) "Chief of Police" means the elected Chief of Police of the City or an authorized representative of the Chief of Police.

(3) "City" means the City of Santa Clara, California.

(4) "Conversion" means the transaction or process by which one alarm company begins monitoring an alarm system previously monitored by another alarm business.

(5) "Corrective action" means an appropriate act or acts taken by the alarm user or alarm company that substantially reduces the likelihood of false alarms.

(d) "D" definitions:

(1) "Duress alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

(e) "E" definitions:

(1) "Enhanced Call Confirmation" (ECC) means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

(f) "F" definitions:

(1) "False alarm dispatch" means an alarm dispatch request to the Police Department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed an investigation of the alarm site. An alarm dispatch request which is canceled by the alarm company or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch.

(g) Reserved for future use.

(h) "H" definitions:

(1) "Hearing officer" means the City Manager or designee, as set forth in Chapter 2.115 SCCC.

(2) "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(i) Reserved for future use.

(j) Reserved for future use.

(k) "K" definitions:

(1) "Keypad" means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

(l) Reserved for future use.

(m) "M" definitions:

(1) "Monitoring" means the process by which an alarm company receives signals from alarm systems and relays an alarm dispatch request to the City for the purpose of summoning police response to the alarm site.

(n) "N" definitions:

(1) "No response" means an affirmative action taken by the Chief of Police to suspend response to any further alarms at the alarm site until proof of appropriate corrective action has been taken to substantially reduce the likelihood of additional false alarms dispatches.

(o) "O" definitions:

(1) "One plus duress alarm" means the manual activation of a silent alarm signal by entering on a keypad a code that adds a one-number digit increase to the last digit of the normal arm/disarm code (example: normal code = 1234; one plus duress code = 1235).

(p) "P" definitions:

(1) "Permit" means a permit issued to an alarm user by the City allowing the operation of an alarm system within the City.

(2) "Person" means an individual, corporation, partnership, association, organization or similar entity.

(q) Reserved for future use.

(r) Reserved for future use.

(s) Reserved for future use.

(t) Reserved for future use.

(u) Reserved for future use.

(v) Reserved for future use.

(w) Reserved for future use.

(x) Reserved for future use.

(y) Reserved for future use.

(z) Reserved for future use.

8.40.030 Alarm permit required.

(a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit issued by the alarm administrator. A separate alarm permit is required for each alarm site.

An annual permit and renewal fee are required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch. An alarm permit shall expire one (1) year from the date of issuance and must be renewed annually by submitting an updated application prior to the alarm permit expiration date. The alarm user shall be notified of the requirement to renew the permit, and the process therefor, prior to the expiration date of the permit. Failure to renew will be classified as a use of non-permitted alarm system and citations and penalties may be assessed.

(b) If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

8.40.040 Permit application.

Each application for an alarm permit shall include, but not be limited to, the following information:

(a) The name, address, telephone number(s) and email address(es) of the alarm site and alarm user and any other person who will be, jointly with the alarm user, the alarm permit holder and bear responsibility for the proper maintenance and operation of the

alarm system and payment of fees or fines assessed, and any other action necessary for compliance with the terms of this chapter;

(b) Two alternative contacts including name, address, email address, and phone number;

(c) The classification of the alarm site as either residential or commercial;

(d) The purpose of the alarm system (i.e., burglary, holdup, duress, etc.) for each alarm system located at the alarm site; and

(e) The classification of the alarm site as being equipped or non-equipped for duress alarm.

8.40.050 Permit fees.

The alarm permit fees for residential or a commercial alarm sites are determined by resolution of the City Council. No refund of any alarm permit fee will be made.

8.40.060 Reserved.

8.40.070 Application review and permit issuance.

(a) Within ten (10) days of receipt of the completed application, the alarm administrator shall grant or deny the application and notify the applicant.

(b) If the application is denied, the alarm administrator shall attach to the application a statement of the reasons for denial.

8.40.080 Transferability.

An alarm permit cannot be transferred to another person or alarm site. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within ten (10) days of obtaining possession of the property.

8.40.090 Confidentiality.

Confidential information contained in alarm permit application shall be held in confidence by all employees or representatives of the City with access to such information, unless subject to disclosure pursuant to applicable law.

8.40.100 Alarm systems in apartment complexes – Contracted for by individual tenant.

(a) If an alarm system installed by an individual tenant in an apartment complex unit is monitored, the tenant must provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the alarm company which is providing the monitoring service.

(b) A tenant of an apartment complex shall also obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's residential unit. The fee for this alarm permit or the renewal of this alarm permit shall be the same as the fee for a residential alarm site.

(c) For purposes of enforcing this chapter against an individual residential unit, the tenant is responsible for false alarm dispatches emitted from the alarm system in the tenant's residential unit.

8.40.110 Alarm systems in apartment complexes – Furnished by the apartment complex as an amenity.

(a) If the owner or property manager of an apartment complex provides alarm systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall either obtain or renew an alarm permit from the alarm administrator on behalf of each resident in each such unit, or direct the resident in writing

to obtain an alarm permit in accordance with the terms of this Chapter. The individual or entity in whose name the alarm permit is issued and held is responsible for compliance with the terms of this Chapter, under 8.40.040.

(b) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage and equipment areas, and pay the associated fee.

8.40.120 Proper alarm systems operation and maintenance.

(a) An alarm user shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches;

(2) Maintain a list of two alternate contact persons and current telephone numbers with the alarm company;

(3) Make every reasonable effort to respond or cause a representative(s) to respond to the alarm system's location within one (1) hour when notified by the City to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and

(4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(b) An alarm user shall adjust the alarm system or cause the mechanisms of the alarm system to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609.

8.40.130 Monitoring procedures.

(a) An alarm company performing monitoring services shall:

(1) Attempt to confirm validity of the alarm signal, by calling the alarm site and/or alarm user by telephone, before requesting dispatch. Telephone confirmation shall require, as a minimum, that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016(or current version);

(2) Report alarm signals to City of Santa Clara communications by using telephone numbers designated by the alarm administrator;

(3) Communicate alarm dispatch requests to the City in a manner and form determined by the alarm administrator;

(4) Communicate verified cancellations of alarm dispatch requests to the City in a manner and form determined by the alarm administrator; and

(5) Ensure that all alarm users of alarm systems equipped with duress alarm are given adequate training as to the proper use of the duress alarm.

(b) The alarm administrator shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

(2) Develop a procedure to accept verified cancellation of alarm dispatch requests.

8.40.140 Duties of alarm company.

(a) After January 1, 2000, alarm companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Alarm companies may continue to report one plus duress alarms received from alarm systems programmed with this feature prior to 1999.

(b) After January 1, 2001, when performing a takeover or conversion, an alarm company must remove the one plus duress alarm capability from the alarm system being taken over or converted.

(c) After January 1, 2000, alarm companies shall not install a device(s) for activating a hold-up alarm which is a single action non-recessed button. (Ord. 1735 § 3, 6-1-99).

(d) Any person engaged in the alarm business in the City shall comply with the following:

(1) Obtain and maintain the required state, county and/or city license(s) including a business tax certificate set forth in SCCC 3.40.060.

(2) Provide name, address, and telephone numbers of the business tax certificate holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within 30 minutes.

(3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.

(4) Provide new and cancelled alarm sites in the format required by the City every thirty (30) days or upon request by the City.

(5) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person or entity shall notify the City of such purchase and provide details as may be requested by the City.

(e) Prior to activation of the alarm system, the alarm company must provide an alarm user awareness class with instructions explaining the proper operation of the alarm system to the alarm user, and 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.

(f) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the customer false alarm prevention checklist or an equivalent checklist approved by the City. The alarm company employee shall complete, sign and date the alarm prevention checklist and maintain a copy for a period of two (2) years.

(g) The alarm company shall instruct the alarm user to submit an alarm permit application to the alarm administrator for any alarm system installed after the adoption of the ordinance codified in this chapter.

(h) Maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individually name alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

8.40.150 Reserved.

8.40.160 Alarm dispatch request records.

(a) When responding to an alarm dispatch request, the officer and/or

communications should record such information as reasonably necessary to permit the alarm administrator to maintain records, including, but not limited to, the following information:

- (1) Identification of the alarm permit number for the alarm site;
- (2) Address of the alarm site;
- (3) Unit, area and/or sub-area of premises involved;
- (4) Dispatch received time;
- (5) Date and time of arrival at the alarm site;
- (6) Weather conditions effecting the alarm system activation;
- (7) Whether the alarm activation was due to a mechanical failure;
- (8) Name of alarm user's representative on premises, if any;
- (9) Identification of the responsible representative of the alarm company,

and/or;

- (10) Unable to locate the address.

(b) The responding police officer shall indicate on the dispatch record whether the dispatch was caused by a criminal offense, an attempted criminal offense, or was a false alarm dispatch.

(c) In the case of an assumed false alarm dispatch, the responding police officer shall leave notice at the alarm site that the Police Department has responded to a false alarm dispatch. The notice shall include the following information:

- (1) The date and time of police response to the false alarm dispatch;
- (2) The identification number of the responding police officer; and
- (3) A statement urging the alarm user to ensure that the alarm system is

properly operated, inspected, and serviced in order to avoid fees or fines.

(d) Alarm companies which perform monitoring services must maintain records in accordance with SCCC 8.40.140(h).

8.40.170 System performance reviews.

If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppression of false alarm dispatch(s), the alarm administrator may require an alarm system inspection by a properly licensed alarm company to insure the alarm meets industry standards. In addition, the alarm administrator may require a conference with an alarm user and the alarm company responsible for the repair of the alarm system to review the circumstances of each false alarm dispatch.

8.40.180 Fees and fines.

All fees and fines are set by resolution of the City Council and must be paid before a permit may be issued or renewed. An alarm user shall be subject to fines, depending on the number of false alarms within any twelve-month period. Any person operating a non-permitted alarm system will be subject to a fine for each false alarm in addition to any other fines and fees.

8.40.190 Appeals.

The Chief of Police shall determine whether a fine shall be assessed, and whether a permit shall be denied issuance, renewal, reinstatement, or shall be revoked or suspended. Such a decision by the Chief of Police may be appealed under the procedures set forth in Chapter 2.115 SCCC.

8.40.200 Denial, suspension, revocation, nonrenewal, or denial of reinstatement, of alarm permit and/or emergency alarm response.

The Chief of Police, or designee, is authorized to deny (pursuant to SCCC 8.40.070), suspend (for a period up to the term remaining on the permit), revoke, deny renewal of, or deny reinstatement of, a permit issued under this Chapter, or response by emergency services to an alarm, on the grounds set forth herein. In the event such authority is exercised, the applicant or permittee shall be notified in writing of the decision, which shall include a statement of the reasons therefor.

A suspension, revocation, or nonrenewal of alarm permit shall be effective upon expiration of the appeal period as set forth in SCCC Chapter 2.115. A permit denial or denial of reinstatement (see SCCC 8.40.220) shall be effective immediately for the purposes of appeal timelines under SCCC 2.115. Suspension of emergency alarm response shall be effective on the date stated in the written notice of same, which shall not be less than seven (7) calendar days after the date of mailing of the notice.

(a) A suspension of emergency alarm response may be implemented by the Chief of Police after written notice, to the alarm user and alarm company of the repeated instances of false alarms at the alarm site. A notice of permit suspension issued concurrently with the suspension of emergency alarm response may also include the amount of the fine for each false alarm, if applicable. Emergency alarm response may be suspended if an alarm system has generated in excess of eight (8) false alarms during any twelve (12) month period. A suspension of emergency response shall not restrict, or in any manner limit, the alarm user from requesting police response to a 911 emergency incident.

(b) The alarm administrator may deny issuance of, suspend or revoke, deny reinstatement or deny renewal of, an alarm permit if it is determined that any of the following have occurred:

(1) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for an alarm permit;

(2) The permit holder has failed to make payment of any service fee, permit fee, late fee or suspension fee assessed under this article within ninety (90) days of the assessment.

(3) An alarm system has generated in excess of eight (8) false alarms during any twelve (12) month period.

(4) An alarm permit for the alarm site was suspended or revoked, and the violation causing the suspension or revocation has not been corrected; or

(5) Failure to comply with any provision of this chapter.

(c) A person commits a violation of this chapter if he/she operates an alarm system during the period in which their alarm permit is suspended or revoked.

(d) If the alarm permit is reinstated pursuant to SCCC [8.40.220](#), the alarm administrator then may suspend or revoke the alarm permit if it is determined that three (3) or more false alarm dispatches have occurred in the remainder of the (12) twelve month year.

8.40.210 Reserved.

8.40.220 Reinstatement of alarm permit and response.

(a) A person whose alarm permit has been suspended, revoked and/or placed on suspension of emergency alarm response, may be reinstated and/or resume City emergency services alarm response upon the alarm holder submitting satisfactory proof of compliance with the following, as applicable:

(1) Submits an updated application and pays a permit fee as established by

resolution of the City Council.

(2) Pays, or otherwise resolves, all fees and fines; including a reinstatement fee.

(3) Submits a certification from an alarm company that complies with the requirements of this chapter, stating that the alarm system has been inspected and repaired (if necessary) by the alarm company.

(4) Proof the alarm user has been re-trained on the use of the alarm system and procedures for contacting the alarm company in the case of false activation.

(5) The alarm user successfully completes and passes an on-line alarm awareness class.

(b) The Police Department shall reinstate its response to an alarm site as soon as is practicable after receiving notice of reinstatement from the alarm administrator. The user and monitoring company shall take notice that the alarm site has been officially reinstated only after receiving notice from the alarm administrator of that fact. It shall be the responsibility of the alarm user to verify that permit status and future police response have been properly restored.

8.40.230 Reserved.

8.40.240 Emergency no response.

(a) The Chief of Police may issue an order suspending police response to an alarm or impose an emergency no response to the alarm site for a temporary time period not to exceed forty-eight (48) hours, if the Chief of Police determines that either:

(1) There have been an unreasonable number of false alarm dispatches at the alarm site for a twenty-four (24) hour period and there is no responsible party available;

or

(2) There are continuous (more than four (4) hours) false alarm dispatches occurring at the alarm site with no available means to disengage the alarm system.

(b) The Chief of Police shall ensure that a reasonable effort has been made to notify the responsible alarm company of an emergency no response action.

(c) An emergency no response action shall not restrict, or in any manner limit, the alarm user from requesting police response to a 911 emergency incident.”

SECTION 2: Ordinances Repealed. With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this XX day of XXXXXX, 2019, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None