



VALLEJO POLICE DEPARTMENT

Press Release

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September 29, 2009
William Powell, Support Services Manager

False Alarm Penalties Increased

The Vallejo Municipal code calls for a yearly review of false alarm penalties. This assessment looks at the penalties each July and adjusts the amount charged based on the San Francisco Bay Area, Consumer Price Index and other indicators.

This year's appraisal increased the penalties as listed below:

<u>Alarm Type</u>	<u>From</u>	<u>To</u>	<u>Cancelled After Dispatch</u>
Residential Panic Alarm	\$100.00	\$103.00	\$51.50
Intrusion Alarm	\$150.00	\$155.00	\$77.50
Hold Up Alarm	\$300.00	\$311.00	\$155.50
Unlawful Use of Hold Up Alarm	\$200.00	\$207.00	N/A
Alarm Company Non-Compliance	\$300.00	\$311.00	N/A

The Police Department will begin using the adjusted penalties beginning with invoices mailed after October 1, 2009.

This is the first increase in false alarm penalties since the current ordinance was enacted in July, 2007.

ORDINANCE NO. 1594 N.C. (2d)

**AN ORDINANCE OF THE CITY OF VALLEJO REPEALING
CHAPTER 7.80 OF TITLE 7 (AUTOMATIC CALLING AND
ALARM DEVICES) OF THE VALLEJO MUNICIPAL CODE,
AND ADDING A NEW CHAPTER 7.81
REGULATING SECURITY ALARM SYSTEMS TO TITLE 7
OF THE VALLEJO MUNICIPAL CODE**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 7.80 (Automatic Calling and Alarm Devices) of the Vallejo Municipal Code is hereby repealed.

SECTION 2. There is hereby added to the Vallejo Municipal Code a new Chapter 7.81, which is to read as follows:

SECURITY ALARM SYSTEMS

Section:

<u>7.81.005</u>	<u>Purpose.</u>
<u>7.81.010</u>	<u>Definitions.</u>
<u>7.81.020</u>	<u>Alarm businesses.</u>
<u>7.81.030</u>	<u>Alarm business duties.</u>
<u>7.81.040</u>	<u>Alarm user duties.</u>
<u>7.81.050</u>	<u>Features and interconnection.</u>
<u>7.81.060</u>	<u>Administration.</u>
<u>7.81.070</u>	<u>Maintaining and providing specified information - Cancellation of response.</u>
<u>7.81.080</u>	<u>Violations and Penalties.</u>
<u>7.81.090</u>	<u>Appeal process.</u>
<u>7.81.100</u>	<u>Alarm user awareness class.</u>
<u>7.81.110</u>	<u>Good faith standards.</u>

7.81.005 Purpose.

A. The purpose of this ordinance codified in this chapter is to reduce the number of false alarms and promote the responsible use of security alarm systems.

7.81.010 Definitions.

“Alarm Administrator” means a person or persons designated by the Vallejo Police Chief to administer, control and review alarm response procedures, dispatch requests, and reported false alarms.

“Alarm Business” means an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm site.

“Alarm Dispatch Request” means a notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

“Alarm Site” means a single premise or location served by an alarm system or systems.

“Alarm System” means any mechanical device or electrical device designed to emit a sound or generate a signal or message during the commission of an unlawful act in or an unauthorized entry into a building, structure or facility. The following devices shall not constitute an alarm system:

1. Alarm devices affixed to motor vehicles;
2. Alarm device installed on a temporary basis by the Vallejo Police Department; or
3. Hand held/portable personal safety devices not connected to a central monitoring system or station.

“Alarm User” means any person, firm, partnership, corporation or other entity who (which) uses an alarm system at its alarm site. Alarm specifically includes the owner or person in possession of any premises wherein a locally sounding audible alarm has been installed.

“ANSI/SIA Control Panel Standard CP-01” means the American National Standard Institute approved Security Industry Association CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

“Automatic Dialer” means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system, to the Police Department.

“Cross Zone Structure” is a system design that ensures coverage of zones by multiple devices, to minimize potential false alarms.

“Duress Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a bona fide emergency requiring police response.

“Enhanced Call Verification” is a monitoring procedure requiring that a minimum of two calls be made prior to making an alarm dispatch request. The two calls must be made to different telephone numbers where a responsible party typically can be reached.

“False Alarm” means any activation of an alarm not caused by or because of a criminal act or unauthorized entry.

“False Alarm Waiver” is issued to an alarm user after successful completion of a false alarm awareness class.

“Manually Activated Burglar Alarm” or “Panic Alarm” means an audible alarm signal generated by the manual activation of a device intended to signal an attempted or in-progress unlawful entry.

“Notice of Non-compliance” means formal thirty (30) day notification by the Alarm Administrator, advising of the intent to put the alarm business in substantial non-compliance status.

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Proprietary Information” means specific information pertaining to individual alarm business customers.

“Robbery Alarm” or “Hold-up Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

“Verify” means two attempts by the alarm business or its representative, 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.

“Substantial Compliance Failure” means failure to achieve compliance with select elements of this ordinance resulting in penalty assessment.

“Substantial Non-compliance Status” means failure to come into compliance within a specified time period after notification of substantial compliance failure.

7.81.020 Alarm businesses.

Alarm businesses shall comply with the State of California and City of Vallejo licensing standards and requirements.

7.81.030 Alarm business duties.

The duties of an alarm business shall be as follows:

A. To install an alarm or alarm system compatible with the environment and be available to maintain the 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 copy of the provisions of this article relating to alarm user duties, false alarm assessments and appeal procedures, within thirty (30) days of the enactment of the ordinance codified in this chapter.

C. To provide accurate and complete instructions to the alarm user in the proper use and operation of said 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 chapter, are similarly responsible for instructing the buyer of the alarm system in the proper use of said system.

D. Each alarm business leasing, renting or monitoring an alarm system shall maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and two alternates to be notified whenever the alarm is activated, and to immediately report such information to the Police Department upon request.

E. Each alarm business, at the time of installation or service of any monitored alarm system, will confirm that the alarm user has readily available the twenty-four (24) hour telephone number for the central monitoring station.

F. An alarm business performing or contracting monitoring services shall have written procedures to ensure efforts are made to verify every alarm signal, except duress, panic, or robbery alarm activation before requesting a police response to an alarm signal. Those procedures shall minimally include the following:

1. Procedure. For alarm signals received from commercial burglar alarm systems or any residential burglar alarm system signal, except duress or panic, the following procedures shall be followed.

a. Call 1. The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.

b. Call 2. If a monitoring facility operator gets a busy signal, no answer, or an answering machine on the first call to the protected premises, a second or succeeding call shall be made to an alternate telephone number such as a cellular, work or second number at the protected premises.

c. Person on Premises Without Proper Code. If the operator reaches the protected premises on the first or second call and the person answering the telephone does not have the proper pass code, then the operator shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises.

d. Scheduled Events. If an alarm signal is received in connection with an abort/cancel event, the operator will not contact the Police Department until further contact has been initiated with a responsible party.

e. Verified False. If the alarm is verified as being false during the first, second or succeeding call or as a result of receiving a valid pass code, the operator shall cancel any previous police dispatch relating to the specific signal being worked.

f. Call Lists and Priority. Following notification to law enforcement authorities, attention shall be placed on completing the entire emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to telephone numbers in the customer's database shall be first to numbers where there is a high probability of reaching an alarm user. The alarm user shall be advised of the Notification Call and Police response. The succeeding calls shall be made next to neighbors, then to non-premises people such as relatives or secondary key holders.

g. Enhanced Call Verification Telephone Accessibility Guideline. Care shall be taken to verify that the emergency call list numbers are to telephones without call waiting, or alternately that *70 is programmed in front of the monitoring center telephone number in the electronic digital communicator. The verification telephones at the monitored premises shall be accessible after normal business hours. The verification telephones shall not direct callers to voice mail so that employees and cleaning people who are working after normal business hours may hear and answer the telephone.

2. Additional Methods. Audio verification, video verification, or cross zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this enhanced call verification standard.

a. Alarm businesses shall maintain installation quality control tracking for all false alarms and shall obtain written confirmation from an alarm user or lessee documenting the training on any newly installed alarm systems.

b. Each alarm business shall provide group training for commercial installations, including false alarm prevention.

c. No alarm business may sell or transfer an alarm contract during the warranty period, without transfer of the existing warranty or insuring the warranty remains in force.

d. Within ten (10) business days, any alarm business placed in substantial noncompliance status shall notify its customers in writing of the company's noncompliance status and provide the customers a copy of the false alarm ordinance highlights. Failure to comply with this section of the ordinance shall result in a three hundred dollar (\$300.00) per day penalty.

e. Every alarm business shall, within thirty (30) days of the sale or assignment of its obligations to service an alarm or alarms, notify the Vallejo Police Department and the affected alarm users in writing of the transfer of such responsibility, whether partial or total.

f. Every alarm business shall maintain for a period of at least two years from the date of an alarm activation, all records relating to alarm dispatch requests. Records must include the name, address, and telephone number of the alarm user, the alarm system zone(s) activated, the time of the alarm dispatch request and evidence of verification attempts. The Alarm Administrator 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 alarm business 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 alarm business shall furnish the requested records within thirty (30) days of receiving the request. Failure to maintain such records shall be considered a substantial compliance failure.

g. Each alarm business must designate one individual as the alarm response manager for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator. The name, telephone number, and e-mail address of the designated alarm response manager must be provided to the Alarm Administrator.

h. Each alarm business shall provide a customer list in a format acceptable to the Alarm Administrator, upon request, to assist in creating tracking data.

i. Installation of all new alarm components shall adhere to manufacture installation guidelines.

7.81.040 Alarm user duties.

An alarm user shall:

A. Be familiar with the provisions of this Article.

B. Maintain the alarm system in good working order, and periodically test and take reasonable measures to prevent the occurrence of false alarms.

C. Instruct all persons who are authorized to place the alarm system into operation, in the appropriate method of operation and to lock and secure all doors and windows and other points of entry.

D. Inform all persons who are authorized to place the alarm system into operation of the provisions of this Article, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this chapter shall be maintained on the premises and be made available to all persons who are authorized to place an alarm system into operation.

E. Provide a sign or notice posted on or near every audible device with the name and twenty-four (24) hour telephone number of the person or 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. All silent alarm systems shall have a notice on the premises which provides the same information.

F. Respond to the scene of an activated alarm within forty-five (45) minutes of the alarm activation after being notified by the alarm business or the Vallejo Police Department. This response shall include, when necessary, the opening of the premises so that they may be searched.

G. Have a licensed alarm business annually service and test any alarm system that does not have a self-test of the backup battery and wireless sensors.

7.81.050 Features and interconnection.

A. It shall be unlawful for anyone to install or sell an alarm system which upon activation emits a sound similar to sirens used on emergency vehicles or for other emergency purposes. This action shall not apply to devices mounted inside a building which cannot be clearly heard from outside of the building.

B. It shall be unlawful to operate an audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation. This may be accomplished by either an automatic cut-off, or by manual operation. If the alarm system has an automatic cut-off with a rearming phase, the rearming phase must be able to distinguish between an open and a closed circuit. If the circuit is broken the system shall not rearm.

C. No automatic dialing device shall be programmed to dial 9-1-1 or any telephone number of the Vallejo Police Department without prior approval from Alarm Administrator. Any person who knowingly interconnects programs or permits such interconnection or programming of an automatic dialing device is guilty of an infraction.

D. It shall be unlawful for any alarm system to terminate directly at the Vallejo Police Department unless specifically authorized in writing by the Alarm Administrator.

E. All alarm systems shall have a standby backup power supply which will automatically assume the operation of the alarm system for a minimum of four (4) hours should any interruption occur in power to the alarm system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.

F. All equipment for new installations shall meet or exceed generally accepted industry standards (currently ANSI/SIA Control Panel Standard CP-01, including but not limited to any related devices and accessories).

G. Duress, Robbery, and Panic Alarm Activating Devices. After July 1, 2007, alarm companies shall not install a device for activating duress, robbery, or panic alarms which have a single action, non-recessed button. All existing installations using single action, non-recessed buttons or devices shall be upgraded to current standards not later than July 1, 2008. Violation of this section shall result in a two hundred dollar (\$200.00) penalty per day of non-compliance.

7.81.060 Administration.

A. The provisions of this chapter shall be administered and enforced by the Chief of Police and the Alarm Administrator. The Chief of Police or Alarm Administrator shall have the authority to make and enforce such rules and regulations as are necessary to implement the provisions of this chapter. This may include a no-response policy on the part of the Vallejo Police Department to alarm activations at locations which have repeated instances of false alarms.

B. Alarm business proprietary information furnished and secured pursuant to the ordinance codified in this chapter shall be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that the public interest served by not disclosing said information to the public clearly outweighs the public interest served by disclosing said information.

C. The Alarm Administrator shall consider an alarm business in substantial compliance failure when the business has failed to comply with any of the following sections of this chapter.

1. 7.81.020
2. 7.81.030 (F)(1)
3. 7.81.040 (E)(F)
4. 7.81.070 (A) 1-4; or
5. Fail to comply with three (3) or more components of Section 7.81.110.

D. When an alarm business is deemed to be in “substantial compliance failure” by the Alarm Administrator, the following procedure shall be applied.

1. The Alarm Administrator shall send the alarm business a “Notice of Non-compliance” containing the following information:

- a. The section of the ordinance to which the alarm business has failed to comply;
- b. The specific remedy for the compliance failure;
- c. The date by which the alarm business must come into compliance, and
- d. The specific action that will be taken by the department, including the date that action will be taken.

2. Unless otherwise specified in this chapter, the notice of noncompliance shall give the alarm business thirty (30) days to come into compliance with the specified section.

3. Failure to come into compliance, within the time specified in the notice of noncompliance, will result in penalty of three hundred dollar (\$300.00) per day.

7.81.070 Maintaining and providing specified information -- Cancellation of response.

A. Any central station, monitoring company, or telephone answering service that reports alarm activations to the Vallejo Police Department shall maintain and provide the following information to the Police Communications Center:

1. Any premise or alarm code assigned by the Police Department;
2. The name of the alarm user;
3. The address of the alarm system;
4. The nature of alarm (i.e., burglary, robbery, audible, silent, interior, or perimeter); and

5. Whether the alarm user is responding, the name of the person responding, estimated time of their arrival, and the responder's vehicle description.

B. An alarm business must cancel any request for police response immediately when the alarm business determines that the alarm signal is false. No false alarm assessment will be made for such canceled alarm if the cancellation call is received by the Police Department prior to an officer being dispatched, unless, at the Vallejo Police Department's discretion, the responding officer continues to the premises to investigate unusual or suspicious circumstances arising from the alarm activation.

C. If the responding officer is already on the premises or has been dispatched but has not arrived at the protected premises prior to the receipt of a request to cancel police response, the false alarm penalty assessment shall apply.

7.81.080 Violations and penalties.

A. A penalty of one hundred and fifty dollars (\$150.00) shall be assessed against an alarm user for every false alarm after the first false reported from his/her premises following enactment of this ordinance. Alarm users who have completed an alarm awareness course approved by the Vallejo Police Department may submit a certificate of course completion in lieu of paying a subsequent false alarm penalty. A course completion certificate is valid for a specific alarm site only and is valid for a false alarm penalty waiver only one time in a twelve (12) month period.

B. Activation of a duress, panic, or holdup alarm for an event not consistent with a robbery or other life threatening situation, shall be considered a violation of this section and will result in a one hundred dollar (\$100.00) penalty assessment for residential alarms or a three hundred dollar (\$300.00) penalty assessment for business-related alarms.

C. If an alarm activation is determined to be false and subsequently cancelled by an alarm user or provider after an officer or officers have been dispatched but before

the officer or officers arrive at the protected premises, the pertinent false alarm penalty shall be reduced by fifty percent (50%).

D. In determining the number of false alarm penalties, multiple alarms occurring in any twenty-four (24) hour period may be counted as one false alarm, to allow the alarm user time to take corrective action, except where the alarm user has a history of chronic false alarms.

E. A false alarm response penalty may be waived if the alarm system was activated by factors out of the alarm users control, including violent conditions of nature; such as, earthquake, high intensity winds, extreme storms including thunderstorms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the alarm business or alarm user. The Vallejo Police Department may request a written statement/report from a licensed alarm company representative, which details the reasons for the false alarms under this section.

F. Whenever, in the opinion of the Alarm Administrator, an alarm user has a history of false alarms the pertinent system may be placed in “no response” status until the alarm user submits proof of system service and problem resolution by a licensed alarm business. Failure to pay alarm-related penalty assessments shall result in the pertinent system being placed in “no response” status at the discretion of the Alarm Administrator until such payment is received.

G. The false alarm penalties set forth in this ordinance shall be adjusted on July 1st of each year following enactment of this ordinance by the Annual Average Percentage Increase in the U.S. Department of Labor Consumer Price Index for the San Francisco-Oakland-San Jose Area for the preceding calendar year. All revenue generated by alarm penalties shall be appropriated to the Police Department and dedicated to off-set alarm response costs.

7.81.090 Appeal process.

An alarm user who has been denied a waiver of a penalty or penalties, or an alarm business that has received a notice of noncompliance may appeal that decision.

A. The initial appeal shall be to the Alarm Administrator. A letter of appeal must be filed with the Alarm Administrator within fifteen (15) days of the date of the letter of notification of the proposed action. This initial appeal shall be informal and a written decision shall be prepared. Failure to file a timely appeal shall constitute a waiver of the alarm user’s or alarm business’ right to appeal provided, however, that the Alarm Administrator may in his/her sole discretion waive the fifteen (15) day limit if good cause is shown or there is cause to believe that it might encourage substantial cooperation from the alarm user. There shall be no right to appeal the decision of the Alarm Administrator to not waive the fifteen (15) day time limit.

B. If the alarm user or alarm business is dissatisfied with the decision of the Alarm Administrator, the appeal may be considered by the Chief of Police or his/her designee. A copy of the Alarm Administrator’s decision shall be submitted with the appeal request. The appeal must be filed with the Chief of Police within fifteen (15) days of the mailing of the letter of notification of the Alarm Administrator’s decision. Failure to file a timely appeal shall constitute a waiver of the alarm user’s or alarm business’ right to appeal. The decision of the Chief of Police shall be final.

7.81.100 Alarm user awareness class.

A. The Vallejo Police Department shall deliver or provide access to an educational program for the prevention of false alarms.

B. If an alarm user successfully completes the alarm user awareness class, the Police Department shall issue the person a certificate. The certificate may be used in lieu of payment of a false alarm penalty as described in Section 7.81.080 of the article.

C. An alarm user who attends an alarm user awareness class pursuant to this section may attend additional classes, but is not eligible for more than one penalty assessment waiver within any twelve (12) month period.

7.81.110 Good faith standards.

Each alarm business shall, to the greatest extent possible, adhere to the following consumer protection and equipment standards for all new installations in the City of Vallejo.

A. Participate in quarterly false alarm prevention classes with the Vallejo Police Department.

B. Participate in ongoing research to reduce false alarms.

C. Report unlicensed alarm businesses operating within the City of Vallejo.

D. Establish a single point of contact for the Alarm Administrator.

E. Install only UL listed equipment.

F. Conduct follow-up calls on a second false alarm in a fourteen (14) day period.

G. Maintain active membership in a local alarm association.

H. Install cross-zone structures in all new installations, where possible.

I. Present false alarm prevention information at crime prevention meetings, upon request.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and shall be in full force and effect thirty (30) days from and after its final passage.

FIRST READ at a regular meeting of the Council of the City of Vallejo held the 17th day of July, 2007 and finally passed and adopted at a regular meeting of the Council held the 24th day of July, 2007 by the following vote.

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes, Pearsall, and Sunga
NOES: None
ABSENT: None
ABSTENTIONS: None

//s//
ANTHONY J. INTINTOLI JR., Mayor

ATTEST: //s//
MARY ELLSWORTH, Acting City Clerk