

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIXON,
CALIFORNIA, AMENDING CHAPTER 9.03, ALARM SYSTEMS OF TITLE 9,
HEALTH AND SAFETY OF THE DIXON MUNICIPAL CODE PERTAINING TO
ALARM REGISTRATION, ADMINISTERING AND MANAGING THE CITY'S
RESPONSE TO ALARMS, AUTHORIZING FEES AND FINES, AND
ESTABLISHING AN APPEAL PROCESS.**

WHEREAS, the City of Dixon's current alarm ordinance is outdated and has not been enforced by the City Police Department in several years; and

WHEREAS, the vast majority of alarms to which the Police Department responds are false alarms, which are reported to the Police by alarm companies; and

WHEREAS, most false alarms are the result of improper maintenance or improper or careless use of an alarm system; and

WHEREAS, the public and Police Officers are exposed to needless danger when the Officers are called to respond to false alarms; and

WHEREAS, false alarms consume Police Department resources and limit the Police Department's ability to carry out other Police duties; and

WHEREAS, in the interest of using Police resources most effectively and efficiently, the number of false alarms can and must be reduced; and

WHEREAS, this Ordinance aims to reduce the dangers and inefficiencies associated with False Alarms and to encourage alarm companies and property owners to properly maintain and properly use alarm systems, and to reduce or eliminate false alarm dispatch requests; and

WHEREAS, this Ordinance regulates systems intended to summon a Police response, establishes fees and fines, sets conditions for the suspension of a Police response, and establishes a public education and training program.

THE CITY COUNCIL OF THE CITY OF DIXON, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 9.03, Alarm Systems, of Title 9, Health and Safety, is hereby repealed and replaced with the following:

Chapter 9.03

ALARM SYSTEMS

Sections:

- 9.03.010 Purpose.
- 9.03.020 Definitions.
- 9.03.030 Administration; Funding; Increases in Fees and Fines; Annual Evaluation.
- 9.03.040 Alarm Registrations Required; Terms; Fees and Fee Collection.
- 9.03.050 Registration Application; Contents.
- 9.03.060 Duties of Alarm Users.
- 9.03.070 Audible Alarms; Restrictions, Abatement of Malfunctioning Alarm.
- 9.03.080 Registration and Duties of Alarm Installation Companies and Monitoring Companies.
- 9.03.90 Duties and Authority of the Alarm Administrator.
- 9.03.100 False Alarm Fines; Fees; Late Charges.
- 9.03.110 Notice to Alarm Users of False Alarms and Suspension of a Police Response.
- 9.03.120 Alarm Registration Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site.
- 9.03.130 Appeals of Determinations Regarding Alarm Registrations, Fees and Fines.
- 9.03.140 Reinstatement of Suspended Alarm Registrations.
- 9.03.150 Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies.
- 9.03.160 Police Department Response.
- 9.03.170 Confidentiality of Alarm Information.
- 9.03.180 Scope of Police Duty; Immunities Preserved.

9.03.010 Purpose. The Dixon City Council finds and declares that:

A. The vast majority of alarms to which the Police Department responds are false alarms, which are reported to the Police by alarm companies.

B. Most false alarms are the result of improper maintenance or improper or careless use of an alarm system.

C. The public and police officers are subjected to needless danger when officers are called to respond to false alarms.

D. False alarms consume Police Department resources and limit the Police Department's ability to carry out other police duties.

E. In the interest of using police resources most effectively and efficiently, the number of false alarms can and must be reduced.

F. This chapter aims to reduce the dangers and inefficiencies associated with false alarms and to encourage alarm companies and property owners to properly maintain and properly use alarm systems, and to reduce or eliminate false alarm dispatch requests.

G. This chapter regulates systems intended to summon a Police response, establishes fees and fines, sets conditions for the suspension of a Police response, and establishes a public education and training program.

9.03.020 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

A. "Alarm Administrator" means the Person or Persons designated by the Chief of Police to administer the provisions of this chapter.

B. "Alarm Agreement Holding Company" means the Alarm Installation Company or Monitoring Company that holds a legal contract or agreement between the Alarm Installation Company or Monitoring Company and the Alarm User.

C. "Alarm Installation Company" means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System at an Alarm Site for compensation, and includes individuals or firms that install and service Alarm Systems used in a private business or proprietary facility.

D. "Alarm Dispatch Request" means a manual or automatic notification to the Police Department that an alarm has been activated at a particular Alarm Site.

E. "Alarm Dispatch Cancellation" means the termination of a Police response to an Alarm Site after an Alarm Dispatch Request is made but before an officer's arrival at the Alarm Site.

F. “Alarm Registration” means a registration and unique number issued by the Alarm Administrator to an Alarm User, which authorizes the operation of an Alarm System.

G. “Alarm Site” means a location served by one or more Alarm Systems. In a multi-unit building or complex, each unit shall be considered a separate Alarm Site if each unit is served by a separate Alarm System. In a single unit building that houses two or more separate businesses with separate Alarm Systems, each business will be considered a separate Alarm Site.

H. “Alarm System” means a device, or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon Police response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes Alarm Systems that annunciate an alarm only at the Alarm Site, but does not include an alarm installed in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

I. “Alarm User” means any Person who has contracted for monitoring, repair, installation or maintenance service for an Alarm System from an Alarm Installation Company or Monitoring Company, or who owns or operates an Alarm System which is not monitored, maintained or repaired under agreement.

J. “Burglar Alarm” means an alarm intended to identify the presence of an intruder in either a business or residence.

K. “Enhanced Call Confirmation” means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site, Alarm User, or the Alarm User’s designated representatives by telephone or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting an Alarm Dispatch Request, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this chapter, telephone confirmation shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact, shall be provided when requested.

L. “False Alarm” means an Alarm Dispatch Request to the Police Department, which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the Alarm Site.

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

N. "Monitoring Company" means a Person in the business of receiving signals from an Alarm System and relaying Alarm Dispatch Requests to the Police Department.

O. "One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

P. "Panic Alarm" means an Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.

Q. "Person" means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

R. "Police Department" means the Dixon Police Department.

S. "Responsible Party" means a Person capable of appearing at the Alarm Site upon request who has access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

9.03.030 Administration; Funding; Increases in Fees and Fines; Annual Evaluation.

A. Responsibility for administration of this chapter is vested with the Police Department.

B. The Chief of Police shall designate an Alarm Administrator to carry out the duties and functions described in this chapter.

D. The amount of the fees and fines set forth in this chapter shall be specified in the City's Fee Schedule, which may be revised by a resolution of the City Council. The term "fees" include any type or class of fee and includes late charges.

E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this chapter and identify and recommend system improvements to the Chief of Police.

9.03.040 Alarm Registrations Required; Terms; Fees and Fee Collection

A. An Alarm User shall not operate, or cause to be operated, any Alarm System without a valid Alarm Registration. A separate Alarm Registration shall be required for each Alarm Site having a distinct address or business name. A registration fee including a completed Alarm Registration application shall be received and approved by the Alarm Administrator prior to any Alarm System activation. An Alarm User shall submit a completed Alarm Registration application and submit any applicable registration fee to the City within thirty (30) days of installing a new alarm or taking over the control of an alarm from another registered Alarm User. The City Council may establish reduced residential registration fees for senior citizens, low-income, or disabled persons by resolution, as it may be amended from time to time.

B. Owners of local alarm systems, including unmonitored Alarm Systems that annunciate an alarm only at the Alarm Site, shall adhere to the provisions of this chapter, and shall be subject to all applicable fees, fines, suspensions, penalties, and other requirements.

C. The fee for initial Alarm Registration and Alarm Registration renewal fee shall be collected by the Alarm Administrator on behalf of the City.

D. Existing Alarm Systems:

Any Alarm System that has been installed before the effective date of this chapter shall be registered and an Alarm Registration fee shall be collected by the Alarm Administrator. Failure of the Alarm User to submit an application and Alarm Registration fee, within thirty (30) days after receiving notice from the Alarm Administrator, for any Alarm System that has been installed before the effective date of this chapter, shall result in the Alarm System being classified as non-registered and late charges being assessed.

2. The Alarm Agreement Holding Company shall provide to the Alarm Administrator, within forty (40) days of the effective date of this chapter, an alarm user list that lists existing Alarm Users in the City, in a format approved by the Alarm Administrator, including name, address, billing address and telephone number.

a. The Alarm Agreement Holding Company may apply to the Alarm Administrator for an extension of the time limit in subsection (1) based on extenuating circumstances.

b. The Alarm Agreement Holding Company may, through a mutual written agreement, have another alarm company provide the alarm user's list required in this section.

E. New Alarm Systems:

1. Any Alarm Installation Company that installs an Alarm System on premises located within the City of Dixon shall notify the Alarm Administrator within twenty (20) days that an Alarm System has been installed and send the Alarm Administrator the name, address, billing address, telephone number, and any other information deemed necessary by the Alarm Administrator.

2. In the case of self-installed alarm systems that are to be monitored by a Monitoring Company, the Monitoring Company shall act as the Alarm Installation Company for the purpose of the duties and obligations to notify the Alarm Administrator as set forth in this chapter.

3. Failure of an Alarm Installation Company to notify the Alarm Administrator of a new Alarm System installation within twenty (20) days of installation shall result in a fine imposed on the Alarm Installation Company.

4. The initial Alarm Registration fee shall be collected by the Alarm Administrator. Failure of the Alarm User to submit an application and registration fee within the thirty (30) days after receiving notice from the Alarm Administrator, shall result in the Alarm System being classified as non-registered and late charges being assessed.

F. Alarm Registration and Renewal Fees:

1. An Alarm Registration shall expire one (1) year from the date of issuance and must be renewed annually by the Alarm User. The Alarm Administrator shall notify the Alarm User of the need to renew their registration thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered Alarm System and subject the Alarm Site to a suspension and late charge.

2. Registration fees shall be collected annually based on a one (1) year registration period.

3. The City Council may adopt separate registration and renewal fees for residential and commercial Alarm Systems.

G. Alarm Users who fail to make payment for an Alarm Registration prior to the registration's expiration date will be assessed a late fee.

H. No refund of a registration fee or registration renewal fee shall be issued.

I. Upon receipt of a completed Alarm Registration application and the Alarm Registration fee, the Alarm Administrator shall issue a registration number or Alarm Registration renewal to the applicant unless:

1. The applicant fails to pay any fee or fine assessed under this chapter;

2. An Alarm Registration for the Alarm Site has been suspended, and the condition causing the suspension has not been corrected;

3. The Alarm Installation Company or the Monitoring Company listed on the registration application are not in possession of a current valid Alarm Company Operators License issued by the State of California Department of Consumer Affairs; or

4. The application contains any false statement of a material fact made by the applicant.

J. Exceptions.

1. Government entities, including, but not necessarily limited to City, County, State, Federal, and School Districts, must obtain Alarm Registrations for all Alarm Systems on property under their control within the boundaries of the City, but shall be exempt from Alarm Registration and renewal fees.

2. All registration fee exempted Alarm Sites shall obtain and maintain a valid Alarm Registration for a Police response and shall be subject to all other fees, fines, and suspension enforcements, unless such action is prohibited by statute or a court ruling.

9.03.050 Registration Application; Contents.

An application for an Alarm Registration must be in a format provided by the Police Department. The information required on such forms shall be determined by the Chief of Police. Applicants acknowledge that the Police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions, and staffing levels.

9.03.060 Duties of Alarm Users.

A. An Alarm User shall:

1. Maintain the Alarm Site and the Alarm System in a manner that will minimize False Alarms; and

2. Make every reasonable effort to arrive at the Alarm System's location within thirty (30) minutes after being requested by the Monitoring Company or Police Department in order to:

a. Deactivate an Alarm System.

b. Provide access to the Alarm Site; or

c. Provide alternate security for the Alarm Site, such as ensuring an individual is available and on standby to assist the Monitoring Company or Police Department.

3. Provide his, her, or its Monitoring Company with the updated names and telephone numbers of at least two (2) individuals who are able and have agreed to:

a. Receive notification of an Alarm System activation;

b. Respond to the Alarm Site; and

c. Provide access to the Alarm Site and deactivate the Alarm System, if necessary.

4. Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

5. Notify his, her, or its Monitoring Company of any suspension of Police response (as provided for under this chapter) and, in the event of such suspension, request that the Monitoring Company not make an Alarm Dispatch Request.

B. No Person shall operate, or cause to be operated, any automatic voice dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any pre-recorded message or signal.

C. An Alarm User shall keep a set of written operating instructions for each Alarm System at each Alarm Site.

9.03.070 Audible Alarms; Restrictions, Abatement of Malfunctioning Alarm.

A. No Alarm System shall emit a sound resembling an emergency vehicle siren or civil defense warning. The Chief of Police shall make the final determination regarding any question of an audible alarm for purposes of this section.

B. After the effective date of this chapter, no one shall install, modify, or repair an Alarm System in the City that has a siren, bell or other signal that is audible from any property adjacent to the Alarm Site that sounds for longer than fifteen (15) consecutive minutes upon activation or that repeats the fifteen (15) minute audible cycle more than two (2) consecutive times during a single armed period.

C. In the event that an audible alarm is activated and fails to reset itself, or continues to activate for more than (60) sixty minutes and the Responsible Party listed on the Alarm Registration, or other responsible person, cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police Department may cause the alarm to be silenced in a manner deemed appropriate for the circumstances. The Alarm User shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of three hundred dollars (\$300). In no event shall the City, its employees, or agents, be responsible or liable for damage resulting from any alarm disconnection or silencing authorized by this section.

9.03.080 Registration and Duties of Alarm Installation Companies and Monitoring Companies.

A. Registration.

1. No Alarm Installation Company or alarm agent, as defined by the California Business and Professions Code, shall install, maintain, or repair any Alarm System within the City unless the Alarm Installation Company or alarm agent has, prior to performing such work, obtained a City business license.

2. Each Alarm Installation Company and Alarm Monitoring Company must designate one (1) individual as the Alarm Response Manager for the company that handles alarm issues for the company and acts as the primary point of contact for the City's Alarm Administrator. The designated Alarm Response Manager must be knowledgeable of the provisions of this chapter, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the Alarm Response Manager shall be provided to the Alarm Administrator. Failure to designate an Alarm Response Manager within thirty (30) days after being notified in writing from the Alarm Administrator, may result in the

suspension of Police Department response to Alarm Dispatch Requests from the non-complying Alarm Installation Company or Monitoring Company.

3. Each Alarm Installation Company shall provide the name, address and phone number of any Monitoring Company it is using to monitor its Alarm Sites within the City, and Monitoring Companies shall do the same for Alarm Installation Companies that use their monitoring services within the City.

B. Alarm Installation Companies shall:

1. Upon the installation or activation of an Alarm System, the Alarm Installation Company shall distribute to the Alarm User information summarizing:

a. The applicable law relating to False Alarms, including the Registration Fee and the potential for fines and suspension of an Alarm Registration;

b. How to prevent False Alarms; and

c. How to operate the Alarm System.

2. After the effective date of this chapter, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms installed prior to the effective date of this chapter.

3. After the effective date of this chapter, Alarm Installation Companies shall not install, modify, or repair "single action" devices for the activation of hold-up, robbery, or panic alarms. New devices shall require two (2) actions or an activation time delay to provide more positive assurance that the user intends to activate the device.

4. Ninety (90) days after the effective date of this chapter, an Alarm Installation Company shall, on new installations, use only alarm control panel(s) which are listed as ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. The Control Panel Standard 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, are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

5. An Alarm Installation Company shall not use an automatic voice dialer for any Alarm System which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any pre-recorded message or signal.

6. An Alarm Installation Company shall ensure that Alarm Users of Alarm Systems equipped with a duress, robbery, holdup, or panic alarm feature have been provided adequate training as to the proper use of the Alarm System's operation and function.

7. All Alarm Systems shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service for a period of up to four (4) hours will not activate the Alarm System.

8. All audible Alarm Systems shall include a device which will limit the duration of the audible alarm to a period of not more than fifteen (15) minutes per activation.

C. A Monitoring Company shall:

1. Report alarm signals by using telephone numbers or procedures designated by the Alarm Administrator or other approved communication processes.

2. Employ Enhanced Call Confirmation procedures on all Burglar Alarm Dispatch Requests. The Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to employ the procedures required by Enhanced Call Confirmation. This subsection shall become effective ninety (90) days after the effective date of this Ordinance.

3. Communicate Alarm Dispatch Requests to the Police Department in a manner and form determined by the Alarm Administrator.

4. Communicate Alarm Dispatch Cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

5. Communicate all available zone activation information (north, south, front, back, door, window, etc.) about the location of an alarm signal(s) as part of an Alarm Dispatch Request.

6. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any Alarm Dispatch Request.

7. Notify the Police Department of any Alarm Site that it knows, or reasonably should know, has guard dog(s), pets, or is fitted with a protective or reactive Alarm System. Protective and reactive Alarm Systems are those that produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic, or other means, including devices that obscure or disable a Person's vision. During any alarm at such a site, a Responsible Party must be contacted and confirm that he or she will respond to the Alarm Site to disarm the device or take control of the guard dog(s).

8. After an Alarm Dispatch Request, promptly advise the Police Department if the Monitoring Company knows that the Alarm User or a Responsible Party is on the way to the Alarm Site.

9. Each Monitoring Company shall maintain, for a period of at least one (1) year after the date of an Alarm Dispatch Request, all records relating to the Alarm Dispatch Request. Records must include the name, address, and telephone number of the Alarm User, each Alarm System zone activated, the time of Alarm Dispatch Request and evidence of all attempts to verify the need for a police or fire response. The Alarm Administrator may request copies of such records for any individual Alarm User. If the request is made within sixty (60) days after an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within ten (10) days after receiving the request. However, in the event that such request is so voluminous that additional time is required to provide an adequate response, the Monitoring Company shall provide notice to the City requesting an extension and furnish the records within no more than thirty (30) days of receiving the request.

10. Each Monitoring Company shall, upon request, immediately provide the Police Department with the names and phone numbers of the Alarm User's emergency contacts at the time of each Alarm Dispatch Request.

D. An Alarm Installation Company or Monitoring Company that converts the servicing of any Alarm System account from another company shall notify the Alarm Administrator of such conversion and shall make a reasonable effort to provide to the Alarm Administrator, within sixty (60) days from the date of conversion, an alarm user list of the converted accounts, in a format acceptable to the Alarm Administrator.

9.03.090 Duties and Authority of the Alarm Administrator.

A. The Alarm Administrator shall:

1. Designate the manner and form of Alarm Dispatch Requests and the telephone numbers and communication process that are to be used for such requests; and

2. Establish a procedure to accept Alarm Dispatch Cancellation Requests.

B. The Alarm Administrator shall establish a procedure to acquire and record information on Alarm Dispatch Requests.

C. The Alarm Administrator shall establish and implement a procedure to notify the Alarm User of a False Alarm. The notice shall include the following:

1. The date and time of an officer's response to the False Alarm; and

2. Any False Alarm fine incurred.

D. The Alarm Administrator may require that a conference be held with an Alarm User and the Alarm Installation Company or Monitoring Company responsible for repairing or monitoring of the Alarm System to review the circumstances of each False Alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate may result in suspension of the Alarm Registration, as indicated by the facts of the case.

E. The Alarm Administrator may establish an Alarm User awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the City's alarm ordinance, problems created by False Alarms, and teach Alarm Users how to avoid creating False Alarms.

F. If a false robbery, holdup or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the Alarm Administrator may consider a waiver or partial waiver of the False Alarm fine, if action is taken by the Alarm User to remove or replace the single action, non-recessed device.

G. The Alarm Administrator shall make a copy of this chapter or an ordinance summary sheet available to each Alarm User.

H. The Alarm Administrator may use electronic means to communicate with Alarm Users, Alarm Installation Companies, and Monitoring Companies when

applicable or when requested by the recipient and at the Alarm Administrators discretion.

9.03.100 False Alarm Fines; Fees; Late Charges.

A. The Alarm Administrator may assess the Alarm User a fine for a False Alarm occurring at that Alarm User's Alarm Site. The amount of fines for False Alarms, or any fees or late charges set forth in this chapter, shall be established by a resolution of the City Council, as it may be amended from time to time.

B. If a False Alarm fine is not paid within thirty (30) days after the invoice is mailed, a late charge shall be imposed.

C. Person(s) operating a Non-Registered Alarm System incurring a False Alarm, shall be subject to fines.

D. Any Monitoring Company after five (5) business days of receiving notice from the Alarm Administrator that an Alarm User's alarm is unregistered, the Monitoring Company shall not make a Burglar Alarm Dispatch Request from that Alarm User until the alarm becomes registered as required by this chapter.

E. If an Alarm Dispatch Cancellation Request occurs prior to the officer's arrival at the Alarm Site, the response is not considered a False Alarm and no False Alarm fine will be assessed.

F. The Alarm Installation Company shall be assessed a fine if the officer responding to a False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. Such False Alarms are not included in the total number of False Alarms for the Alarm User, nor is the Alarm User to be held liable for any False Alarm fine resulting from such alarm activation.

G. A fine shall be imposed against any Monitoring Company that fails to verify Alarm System signals as required in subsection 9.03.080(C)(2) of this chapter.

H. Notice of the right of appeal under this chapter shall be included with notice of any fine.

I. All registration fees, renewal registration fees or fines assessed under this section are due within thirty (30) days of written notice unless otherwise noted. A late charge shall be imposed for each individual fee or fine due that is not paid within thirty (30) days.

J. No False Alarm fine shall be imposed on an Alarm User's first chargeable False Alarm during the Alarm User's one (1) year registration period. The Alarm Administrator may waive the False Alarm fine for the second chargeable False Alarm during the Alarm User's one (1) year registration period, pending the successful completion of an Alarm User Awareness Class available through the Alarm Administrator. In order to have the fine waived, the Alarm User shall have successfully completed the class within thirty (30) days of the fine notice. If the Alarm User Awareness Class is only available to those with online access, Alarm Users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the Alarm User Awareness Class shall be allowed for mail delivery. This subsection shall not apply to any duress, robbery, holdup or panic False Alarm.

9.03.110 Notice to Alarm Users of False Alarms and Suspension of a Police Response.

A. The Alarm Administrator shall notify the Alarm User in writing or by other electronic means after each False Alarm. The notice shall include the amount of the fine for the False Alarm, the fact that Police response to further alarms may be suspended after the fourth False Alarm during the Alarm User's one (1) year Alarm Registration period (excluding duress, robbery, holdup and panic alarms), and that the Alarm User has the right to appeal.

B. The Alarm Administrator shall notify the Alarm User in writing thirty (30) days before the Police Department suspends response to further alarms. Information regarding the Alarm User's right to appeal under this chapter shall be provided with the notice required by this section. The notice of suspension shall also include the amount of any fees or fines due and a description of the reinstatement process.

9.03.120 Alarm Registration Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site.

A. The Alarm Administrator shall notify the Police Department of each Alarm User whose Alarm Registration qualifies for suspension under this chapter. The Alarm Administrator may suspend an Alarm Registration if it is determined that:

1. There is a false statement of a material fact in the registration application; or
2. The Alarm User has had four (4) or more False Alarms within a one (1) year registration period, except that the Alarm Administrator may waive

a suspension of a registration upon receipt of documented work orders showing reasonable attempts to repair the Alarm System prior to the notice of suspension.

3. The Alarm User fails or refuses to pay an Alarm Registration or Alarm Registration Renewal fee, False Alarm fine, late charge, or any other fee, fine, or charge assessed under this chapter.

B. It shall be a violation of this section for a Person to operate an Alarm System during the period in which the Alarm Registration is suspended, or for a Monitoring Company to make an Alarm Dispatch Request to an Alarm Site after the Monitoring Company's Alarm Response Manager has been notified by electronic mail by the Alarm Administrator that the registration for that Alarm Site has been suspended. A grace period of five (5) business days after the Alarm Response Manager's notification shall be granted to the Monitoring Company to comply with this section. The Alarm Monitoring Company shall be assessed a fine for requesting an Alarm Dispatch Request on a suspended Alarm Site.

C. In addition to the fines set forth in subsection 9.03.100(A), a supplemental fine shall be imposed upon any Person operating a suspended Alarm System.

D. It shall be the responsibility of the Alarm User to notify their respective Alarm Monitoring Company of their suspension status. An Alarm User shall be jointly and severally liable for all False Alarm fines incurred on their Alarm Site.

E. Unless there is a separate indication of a crime in progress, the Police Department may or may not dispatch an officer to an Alarm Site for which an Alarm Registration is suspended.

9.03.130 Appeals of Determinations Regarding Alarm Registrations, Fees and Fines.

A. If the Alarm Administrator assesses a fee or fine, suspends an Alarm Registration, denies the issuance, renewal, or reinstatement of an Alarm Registration, the Alarm Administrator shall send notice of the action and a statement of the right to appeal to the affected applicant, Alarm User, Alarm Installation Company, or Alarm Monitoring Company.

B. The applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company may appeal any action described in subsection (A) above to the Chief of Police, or his or her designee, by setting forth in writing the reasons for the appeal and delivering the appeal to the Chief of Police, or designee, within

twenty (20) days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Chief of Police, or designee, is as follows:

1. The applicant, Alarm User, Alarm Installation Company or Monitoring Company may file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal fee shall be in an amount established by resolution of the City Council and will be returned to the appealing party if the appeal is successful.

2. The Chief of Police, or designee, shall provide the appealing party notice of the date and time for the appeal hearing, no later than ten (10) days prior to the appeal hearing. The appealing party shall have the right to appear at the appeal hearing and present evidence in support of his or her appeal.

3. The Chief of Police, or designee, shall conduct a hearing on the appeal within thirty (30) days after the Police Department's receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Chief of Police, or designee, must base the decision on the preponderance of evidence presented at the hearing and must render a decision within fifteen (15) days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

4. Filing of an appeal shall stay any action by the Alarm Administrator to suspend an Alarm Registration or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this chapter that occur thereafter.

D. The Alarm Administrator or the Chief of Police, or their respective designees, may adjust the count of False Alarms or assessed fees based on:

1. Evidence that a False Alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);

2. Evidence that a False Alarm was caused by a power outage or severe weather such as a tornado, earthquake, or excessive winds;

3. Evidence that an Alarm Dispatch Request was not a False Alarm; or

4. The occurrence of multiple alarms within a 24-hour period, which may be considered as one (1) False Alarm if the Alarm User has taken corrective action. This subsection shall not apply to False Alarms directly caused by the Alarm User.

E. The Alarm Administrator may waive all or part of a False Alarm fine due to extenuating circumstances or to encourage corrective action.

9.03.140 Reinstatement of Suspended Alarm Registrations.

A. On the suspension of an Alarm Registration, a Person whose Alarm Registration has been suspended may obtain reinstatement of the registration by the Alarm Administrator if the Person satisfies all of the following:

1. Pays a reinstatement fee;
2. Pays, or otherwise resolves, all outstanding fees, fines, and other charges;
3. Submits a written notice from an Alarm Installation Company stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company; and
4. Successfully completes an Alarm User Awareness Class and test.

B. The Police Department shall reinstate its response to an Alarm Site as soon as practicable after receiving notice of reinstatement from the Alarm Administrator. The Alarm 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 his, her, or its registration status and future police response has been properly restored.

9.03.150 Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies.

A. The Chief of Police may suspend Police response to an Alarm Dispatch Request from an Alarm Installation Company or Monitoring Company if it is determined that:

1. There is a continuing or reoccurring violation of this chapter by the Alarm Installation Company or Monitoring Company, and the condition causing the violation has not been corrected; or

2. The Alarm Installation Company or Monitoring Company has failed to pay the fees, fines, or other charges assessed under this chapter, for more than sixty (60) days after the fee, fine, or other charge is due.

B. The Police Department shall have no duty to respond to any Alarm Dispatch Request where the Alarm Installation Company or Monitoring Company who installed or monitors that alarm has failed to comply with California licensing requirements or failed to maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company Operators License.

C. A suspension of Police response made pursuant to this subsection shall be subject to the appeal process provided for within this chapter. In addition, the Alarm Administrator has the ability to accept a workable solution from the affected party prior to an appeal. The affected party has sixty (60) days after the written notice of suspension before Police response is suspended to its alarm customers.

D. The Alarm Administrator shall notify all known Alarm Users subscribing to an Alarm Installation Company or an Alarm Monitoring Company that the Police Department has suspended response to the company's Alarm Dispatch Requests within ten (10) days of such suspension.

E. The City shall assess the Alarm Installation Company or Monitoring Company a reinstatement fee. In addition, if the Alarm Administrator has incurred costs in notifying Alarm Users by mail of the suspension of their Alarm Installation Company or Monitoring Company, reimbursement to the City of those costs shall be a condition of reinstatement.

9.03.160 Police Department Response.

A. Subject to the suspension provisions in section 9.03.120 above, and the discretion discussed in section 9.03.180 below, the Police Department at its discretion will respond to all "in progress" robbery or panic alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the Monitoring Company. Police supervisors may, in their discretion, cancel a Police response to any or all alarms based on weather or other factors affecting Police service needs.

B. The Chief of Police, or his or her designee may re-prioritize assignment of response times at any time during a 24-hour period as may be necessary due to the service needs of the community.

9.03.170 Confidentiality of Alarm Information.

All information contained in documents gathered through Alarm Registrations, the submission of customer lists, the alarm appeal process and records relating to Alarm Dispatch Requests must be held in confidence by all employees of the Alarm Administrator, City, and any third-party alarm administrator. Such information shall be deemed proprietary and is hereby declared confidential and not a public record to the maximum extent permitted by law. Absent special circumstances, such information must not be released to the public or any Person other than a law enforcement agency, third party administrator, applicable Alarm User, Alarm Installation Company, or Alarm Monitoring Company except pursuant to court order.

9.03.180 Scope of Police Duty; Immunities Preserved.

The issuance of Alarm Registrations does not create a contract between the Police Department, the City, and any Alarm User, Alarm Installation Company or Monitoring Company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an Alarm Dispatch Request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

Section 2: This Ordinance shall take effect thirty (30) days after its passage by the City Council and following the affirmative vote of a majority of the members of the City Council. Within fifteen (15) days of its adoption, a summary of the Ordinance shall be published in a newspaper of general circulation in the City of Dixon, State of California, which summary shall include the names of those council members voting for and against the Ordinance. A certified copy of the full text of such adopted Ordinance or amendment shall be on file in the office of the City Clerk.

Section 3: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title

14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 4: If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion or the ordinance would be subsequently declared invalid or unconstitutional.

Section 5: CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at first reading at a regular meeting of the City Council of the City of Dixon held on the 28th of November, 2017, and approved during a second reading of Ordinance No. 2017-014 at a regular meeting of the City Council of the City of Dixon held on the 12th of December, 2017, by the following vote:

AYES: Bird, Hickman, Minnema, Pederson, Bogue

NOES: None

ABSENT: None

ABSTAIN: None

SIGNED AND APPROVED this 12th day of December, 2017.

Thom Bogue, Mayor

ATTEST:

Dianna Camara, Deputy Clerk

APPROVED AS TO FORM:

Douglas L. White, City Attorney