

Chapter 5.102 - ALARM SYSTEMS, FALSE ALARMS AND PENALTIES

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5.102 .010 - Definitions.

All words and phrases used in this chapter which are defined in the Alarm Company Act (Business and Professions Code of the State of California, Section 7590, et seq.) shall have the same meaning as in said act except that certain words and phrases used in this chapter are defined as follows:

"Alarm Administrator" means that person designated by the Chief of Police or his or her designee as the person responsible for the administration and management of this chapter.

"Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site.

"Alarm monitoring company" means a person in the business of providing monitoring services.

"Alarm system" means any mechanical or electrical device or combination thereof which is designated for the detection of an unauthorized entry on or into any building, place, or premises, or for alerting others of the commission of an unlawful act, or both, or for alerting others of any other emergency situation and which emits a sound or transmits a signal or message. Alarm systems, include, but are not limited to, direct dial telephone devices, audible alarms, silent alarms and central station alarms. Not included in this definition are:

1.
Auxiliary devices installed by a telephone or utility company to protect telephone or utility company systems that might be damaged or destroyed;
2.
Alarms used in connection with and installed in motor vehicles.

"Audible alarm" means any device designed for the detection of unauthorized entry on or into premises and which emits an audible sound on or about the premises when it is activated.

"Automatic voice dialers" means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

"Chief" means Chief of Police or his or her designee of the city of El Monte or his or her authorized representative.

"Direct dial telephone device" means any device which is interconnected to a voice-grade telephone line and is programmed to select a predetermined telephone number and transmits by prerecorded voice message or code signal an emergency message indicating a need for emergency response.

"False alarm" means an alarm signal, either silent or audible, necessitating response by the Police or Fire Department where an emergency situation for which the alarm system was designed or used does not exist due to mechanical failure, accidental tripping or actuation (human error), misoperation, malfunction, misuse or the neglect of the owner or lessee of an alarm system, or his or her employees or agents. Upon failure of the El Monte Police Department or Fire Department to find any evidence of intrusion, fire or attempted intrusion, or other need or cause for activating an alarm system, a presumption of false alarm will arise. False alarm shall not include alarms caused by earthquakes, violent winds,

malfunction or telephone line circuits or external causes beyond the control of the owner or lessee of the alarm system.

"Hearing Officer" means a neutral person designated by the City Attorney who is not a city employee.

"One-plus duress alarm" means the manual activation of a silent alarm signaled by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code: 1234, one-plus duress code: 1235).

"One year period" means a period of three hundred sixty-five (365) days, commencing from the date of the first false alarm activation.

"Operator" means an alarm installation company, an alarm monitoring company; or a user who owns or operates an alarm system which is not monitored, maintained or repaired under contract by an alarm installation company or alarm monitoring company.

"Person" means any individual, firm, company, association, organization, partnership, corporation, limited liability company, institution or agency, whether public or private.

"SIA Control Panel Standard CP-01" means the ANSI-American National Standard Institute approved Security Industry Association-SIA 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."

"Silent alarm" means any device designed for the detection of unauthorized entry on or into premises, or any device that is designed to signal or any emergency situation where the police department is expected to respond, and that when activated transmits a signal or message inaudibly to a central station, or other monitoring point.

"User" means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.

(Ord. 2684 § 2 (part), 2007)

5.102 .020 - License and registration required.

A.

No alarm installation company, alarm monitoring company or alarm agent as defined by the Business and Professions Code, shall install, maintain, sell, lease, rent, monitor, service, or repair any alarm system within the city of El Monte unless the alarm installation company, alarm monitoring company, or alarm agent has, prior to performing such work, obtained a city business license and registered their name and filed a copy of their state issued identification card with the Chief of Police or his or her designee. Upon such registration, all alarm installation companies, alarm monitoring companies, and alarm agents shall be given a copy of the provisions of this chapter. All past fees, fines and penalties must be paid before registration is completed.

B.

Said alarm installation company, alarm monitoring company, or alarm agent shall immediately notify the police department upon installation of any alarm system with the city. Said notification shall include information as may be required by the Chief of Police or his or her designee.

(Ord. 2684 § 2 (part), 2007)

5.102 .030 - Permit required.

A.

No person, alarm installation company or alarm monitoring company, shall use an alarm system within the city unless a valid alarm system permit has first been issued by the Chief of Police or his or her designee for the operation of the alarm system at that location.

B.

The following information shall be included on the alarm system permit application for all permits required under this section:

1.

Name of the business or resident located or living at the location where the alarm system is to be used, the exact street address of the location including suite or apartment number, and the telephone number of the location;

2.

Name, address, telephone number and state identification numbers of the alarm installation company, alarm monitoring company or alarm agent installing, maintaining, or repairing their alarm system;

3.

A description of the type of alarm or combination of types (such as, but not limited to, silent, audible, direct dial or central station);

4.

Name, address, and telephone number of at least two (2) persons to be called pursuant to an alarm activation who will respond to the location

immediately if requested by the police department; and in no cases shall this person or persons take longer than thirty (30) minutes to respond to the location;

5.

All types of situations the alarm is designed or intended to alert the police department to, (such as, but not limited to, armed robbery, burglary or medical emergency);

6.

A statement affirming that the user has not had an alarm system permit denied or revoked within six (6) months of the application;

7.

A statement affirming that the equipment used in the alarm system meets the standards established pursuant to this chapter;

8.

Such further information as the Chief of Police or his or her designee determines is necessary to evaluate and act upon the application.

C.

Each application shall be signed under penalty of perjury.

D.

Each user shall give written notice whenever any change occurs in any information required under this section to the police department within twenty-four (24) after the change is effective.

E.

The alarm system permit fee must be paid by the alarm installation company at the time the alarm system is installed or to the alarm monitoring company at the time the alarm user contracts with the company for monitoring services or the user pays the city directly for self-installed or take-over alarms. There shall be an exemption of said fee for low income senior citizens sixty-two (62) years of age or older, disabled persons and honorably discharged disabled veterans, and the City Council shall further define such classes or persons eligible for exemption of this fee by resolution. There are no exemptions for false alarm penalties or reinstatement fees for permits.

F.

A separate permit is required for each location where an alarm is used.

G.

Alarm system permits are valid for one year after issuance or sooner if there is a change in user, location, or equipment, or until revoked pursuant to this chapter.

H.

Alarm system permits are not transferable to any other user or location.

I.

The user or any alarm monitoring company shall notify the police department within ten (10) calendar days of any new alarm installation. Said user shall make a complete application for a license within twenty (20) calendar days of said installation.

J.

Upon the issuance or renewal of any permit, the user shall be given a copy of the sections of this chapter regarding false alarms, penalties and nuisance abatement and also a copy of the resolution setting the various fees and penalties.

K.

Failure to obtain a permit within the time requirements of subsection I of this section shall be subject to penalties as provided in Section 5.102.160

(Ord. 2684 § 2 (part), 2007)

5.102.040 - Findings for alarm system permit.

The Chief of Police or his or her designee shall issue an alarm systems permit upon his or her determination that:

A.

The system has been inspected and found to be:

1.

In good working order;

2.

Compatible with telephone company equipment;

3.

One which does not use equipment having a potential for jamming the city telephone system, such as those involving tape dialers;

4.

In compliance with the equipment standards set for in Section

5.102.060

B.

An inspection of the premises by a state-licensed alarm agent and a certificate by such agent that the system is in compliance with the requirements of Section 5.102.060 and the requirements of this section shall be sufficient for such determination.

C.

The user is fully conversant with the alarm system and knows how to operate it.

(Ord. 2684 § 2 (part), 2007)

5.102.050 - Alarm system permit—Renewal.

A.

Each alarm system permit shall be renewed every year. There shall be an exemption of said fee for low income senior citizens sixty-two (62) years of age or older, disabled persons and honorably discharged disabled veterans, and the City Council may further define such classes or persons eligible for exemption of this fee by resolution. No such renewal shall be issued if there are any outstanding fines, penalties or fees owed to the city, or if the alarm system is not in compliance with all of the provisions of this chapter.

B.

An alarm system permit shall expire at 11:59 p.m. on December 31 of each year and must be renewed every calendar year by submitting an updated application and a permit renewal fee to the Alarm Administrator, either directly or through an alarm company. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will be classified as use of a nonpermitted alarm system and may result in citations and penalties.

(Ord. 2684 § 2 (part), 2007)

(Ord. No. 2774, § 1, 5-17-2011)

5.102 .060 - Alarm system standards.

All alarm systems and equipment shall meet or exceed the minimum standards for alarm systems as may be established by the Police Chief. Minimum standards include the following:

A.

All audible alarm systems, excluding fire alarms, which indicate the functioning of an automatic fire sprinkler system, shall include a device, which will limit the generation of the audible sound of the system to ten (10) minutes or less after activation.

B.

Alarm equipment shall not have a potential for unauthorized telephone seizures.

C.

Alarm equipment shall be capable of preventing false alarms by using an abort feature.

D.

Audible alarms shall not duplicate the sounds of police, fire, paramedic, ambulance, other emergency vehicles, or any civil defense warning. The Chief of Police or his or her designee shall make the final determination regarding any question of audible alarm within this section.

E.

Direct alarm system using telephone lines to transmit alarms shall not use tape dialers. All such dialers shall be of the digital type.

F.

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 will not activate the alarm system. Said backup shall provide not less than four (4) hours of independent operation.

G.

An alarm company shall not use automatic voice dialers.

(Ord. 2684 § 2 (part), 2007)

5.102.070 - Alarm installation; monitoring standards.

A.

Upon the effective date of the ordinance codified in this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one-plus duress alarms. Alarm companies may not continue to report one-plus duress alarms received from alarm systems programmed with one-plus duress alarms prior to enactment of this chapter.

B.

Upon the effective date of the ordinance codified in this chapter alarm businesses shall not install a device for activating a hold up alarm, which is a single action non-recessed button.

C.

Ninety (90) calendar days after enactment of this chapter, and conditioned upon reasonable availability, alarm installation companies shall on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

D.

An alarm installation company shall not install an alarm for a customer who does not have a current valid alarm system permit under this chapter, provided, that the installation company may provide the customer with a permit application form and shall accept from the customer the completed form and the applicable permit fee on behalf of the Alarm Administrator, after which the company may install the alarm system.

E.

No later than the twenty-fifth (25th) calendar day following the month of collection or receipt, the installation company shall remit to the Alarm Administrator all permit fees collected and completed permit applications received as well as a complete list of existing customers.

F.

An alarm company shall not service a new customer who does not have a current valid alarm system permit provided that the alarm company may provide the customer with a permit application form and shall accept from the customer the completed form and the applicable permit fee on behalf of the Alarm Administrator, after which the company may service the alarm system.

G.

No later than December 1 of each year, an alarm company doing business in the city of El Monte shall notify each of its customers of the alarm system permit renewal for the following year and shall bill such customers for the permit fee required under this chapter. Such bill shall be due and payable in not more than thirty (30) calendar days.

H.

No later than the last day of each month following the month of collection or receipt, the alarm company shall remit to the Alarm Administrator all permit fees collected, completed permit applications received and a complete list of all customers with a designation of those customers who have failed to pay the required fee.

I.

Upon the effective date of City Council Ordinance No. 2774, each alarm installation company shall provide the alarm administrator with a list of existing customers in a format reasonably acceptable to the Alarm Administrator for the purpose of assisting the Alarm Administrator with creating tracking data.

(Ord. 2684 § 2 (part), 2007)

(Ord. No. 2774, §§ 2, 3, 5-17-2011)

5.102.080 - False alarm penalty.

The city shall assess a penalty against any user whose alarm system has triggered four (4) or more false alarms transmitted or otherwise responded to by the city during any three hundred sixty-five (365) day period. There shall be additional penalty assessments if said penalty is not paid within thirty (30) calendar days and the alarm system permit may be revoked pursuant to Section **5.102.090**. Also, response to said alarm by city officials may be discontinued pursuant to Section **5.102.100** if said penalties are not paid within thirty (30) calendar days.

(Ord. 2684 § 2 (part), 2007)

(Ord. No. 2774, § 4, 5-17-2011)

5.102.090 - Denial or revocation of alarm system permit.

A.

The Police Chief may deny the issuance of an alarm system permit or revoke a permit upon finding any of the following conditions:

1.

Incomplete, false or fraudulent statements on the alarm system permit application;

2.

Failure to pay fees, fines, and penalties owed to the city within thirty (30) calendar days;

3.

Failure to submit current information as required under Section 5.102.030(B) and (D);

4.

Failure of a responsible person listed under Section 5.102.030(B)(4) to respond immediately (and in no circumstances longer than thirty (30) minutes) to the location of an alarm when it has been determined that the presence of a responsible person is necessary to conduct an investigation into possible criminal activity, to secure the premises, or to turn off an audible alarm;

5.

The alarm system no longer complies with the requirements of this chapter.

B.

Written notice shall be mailed to the user giving the reason for denial or revocation.

C.

The user may, by written request within ten (10) calendar days after mailing of the notice, file an appeal of the denial or revocation pursuant to Section 5.102.130

(Ord. 2684 § 2 (part), 2007)

5.102.100 - Discontinuance of response to alarms.

A.

The Police Chief may discontinue response by city officers to an alarm at a location when any of the following conditions exist:

1.

When there are more than six (6) false alarms at a specific location within a three hundred sixty-five (365) day period.

2.

When a penalty for a false alarm has been levied against an operator and the party responsible for the payment of the penalty fails to pay said penalty within thirty (30) calendar days following notification of the penalty and/or the alarm company has failed to register themselves or their customer with the city.

B.

At least fifteen (15) calendar days prior to discontinuance of response by city officers, the Police Chief shall notify the operator by mail of the action. The operator may,

within ten (10) calendar days after mailing of such notice, file a written appeal of said discontinuance pursuant to Section 5.102.130

C.

Reinstatement will occur upon application when the operator/alarm location has corrected the underlying condition or problem responsible for causing false alarms and/or when the past due fees and/or penalties have been paid. As a pre-condition to reinstatement, the city may also require that the alarm system be inspected and tested by a state-licensed alarm agent. Proof of inspection and testing shall be submitted along with the application and reinstatement fee.

D.

Nothing in the chapter is intended to prevent a police officer from responding to a person who calls and advises of a crime in progress or who needs police assistance.

(Ord. 2684 § 2 (part), 2007)

(Ord. No. 2774, § 5, 5-17-2011)

5.102 .110 - Testing.

An alarm activated during any service, test, repair, maintenance or alteration work of an alarm system shall be counted as a false alarm for the purposes of Section 5.102.080.

(Ord. 2684 § 2 (part), 2007)

5.102 .120 - Repairs.

When any false alarm caused by a malfunction occurs, the user shall cause the alarm system to be repaired to correct the malfunction prior to placing the alarm system in operation again.

(Ord. 2684 § 2 (part), 2007)

5.102 .130 - Appeals.

Any applicant, operator or alarm system permittee shall have the right to appeal to a Hearing Officer any decision or finding made pursuant to this chapter. The notice of appeal shall be filed in writing with the Chief of Police or his or her designee within ten (10) calendar days following a decision of the City Official pursuant to this chapter. The notice of appeal shall state the grounds for the appeal. An appeal fee, to cover the costs actually incurred by the city to hold the hearing may be set by resolution of the City Council and shall be paid when said notice of appeal is filed. The Chief of Police, or his or her designee, shall notify the City's Hearing Officer of the request for an appeal who will in turn conduct a hearing on the appeal. The applicant shall be notified of the results of the appeal no later than five (5) business days after the hearing. In the event the result of the appeal is to overturn or change the decision of the City Official, the appeal fee shall be refunded to the applicant. Filing of a request for appeal shall stay the action of the suspending or revoking of an alarm system permit until the Hearing Officer has completed his or her review. If a request for appeal is not

made within the ten (10) calendar day period, the action of the City Official shall be final and not subject to further appeal.

(Ord. 2684 § 2 (part), 2007)

5.102 .140 - Duties and obligation not created.

Nothing in this chapter shall be construed to impose upon the city or any officer or employee of the city, any duty or obligation of any kind to a user or any other person.

(Ord. 2684 § 2 (part), 2007)

5.102 .150 - Verified alarm cancellations.

There shall be a procedure established by the Chief of Police or his or her designee, which allows the alarm monitoring companies to provide verified alarm response cancellations, which can be made prior to response at the subject location being made.

(Ord. 2684 § 2 (part), 2007)

5.102 .160 - Manner of charging offense; public nuisance; pursuit of delinquent sums.

A.

Criminal Prosecution. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor as provided under Section 1.24.010(A) of this code.

B.

Administrative Citation Process. In lieu of criminal prosecution pursuant to subsection A of this section, violations of this chapter may be prosecuted by the issuance of an administrative citation issued pursuant to the provisions of Chapter 1.18 of this code.

C.

Any alarm system installed or maintained in violation of this chapter is declared to be a public nuisance pursuant to California Code Section 3479 and shall be abated as provided by law.

D.

The city reserves the right to pursue delinquent sums in accordance with applicable collection policies set forth under the El Monte Municipal Code or under the laws of the State of California.

(Ord. 2684 § 2 (part), 2007)

(Ord. No. 2774, §§ 6, 7,  5-17-2011)

5.102 .170 - Establishment and amendment of fees and penalties.

By resolution and in compliance with any notice and hearing requirements mandated by statute, the City Council may set and from time to time amend or otherwise modify the amount of any fees, fines or penalties relating to the following: (i) the alarm system permit

fee and renewal fee contemplated under Sections 5.102.030 and 5.102.050 of this chapter, respectively; (ii) the fines, penalties and additional penalty assessments contemplated under Section 5.102.080 of this chapter; (iii) the reinstatement fee contemplated under Section 5.102.100(C) of this chapter; (iv) the appeal fee contemplated under Section 5.102.130 of this chapter; and (v) any other fees, penalties, fines or other assessments imposed under this chapter.

(Ord. No. 2774, § 8, 5-17-2011)