

Chapter 15.56 - ALARM SYSTEMS AND PERMITS<sup>181</sup>

**Sections:**

Footnotes:

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**Editor's note**— Ord. No. 1942, § 1, adopted May 17, 2017, repealed the former Ch. 15.56, §§ 15.56.010—15.56.210, and enacted a new Ch. 15.56 as set out herein. The former Ch. 15.56 pertained to similar subject matter and derived from Ord. 1669 § 1 (part), adopted 1999.

15.56.010 - Findings.

- A. The city council finds and determines that the majority of alarms that police officers respond to are false alarms.
- B. False alarms present a threat to the public health and safety by endangering police officers and the public by causing an emergency response to a non-emergency event and utilize valuable police services for non-emergency purposes.
- C. False alarms are typically the result of user errors, service errors, faulty installation or service, and equipment failure.
- D. The city council finds and declares that false alarms constitute a nuisance.
- E. In enacting this chapter, the city council has been mindful of the preemptive effect of state law, in particular Business and Professions Code Sections 7590, et seq., and, in reliance upon Business and Professions Code Section 7592.8, this Chapter governs False Alarm activations and responses.
- F. The city council finds that any regulatory fee established by this chapter is not a tax as that term is defined in subdivision (e) of Section 1 of Article XIII C of the California Constitution (Proposition 26) because it is a charge for a specific benefit conferred directly to alarm users which is not provided to those not charged and which does not exceed the reasonable costs of conferring the benefit. Moreover, the regulatory fee established is a charge imposed for the reasonable regulatory costs incurred by the city in the enforcement of this chapter and fines and penalties are imposed as a result of a violation of law.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.020 - Definitions.

For the purpose of this chapter, certain words and phrases shall be construed in this chapter as set forth in this section unless it is apparent from the context that a different meaning is intended:

- A. "Alarm agent" means any person employed by an alarm company operator whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to (excluding public safety officer) or causing others to respond to an alarm system in or on any building, structure or facility or a person who manages or supervises a person employed by an alarm company operator to perform any of the duties described in this chapter.
- B. "Alarm company operator" means any person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor, or service

alarm systems or who responds to alarm systems except for any alarm agent. "Alarm company operator" includes any entity that is retained by a licensed alarm company operator, a customer, or any other person or entity, to monitor one or more alarm systems, whether or not the entity performs any other duties within the definition of an alarm company operator. "Alarm company operator" however, does not include a business that merely sells from a fixed location or manufactures alarm systems unless the business services, installs, sells on premises, monitors, or responds to alarm systems at the protected premises.

- C. "Alarm dispatch request" means a notification to the Lodi Police Department that an alarm system has been activated that requires a response by the police department.
- D. "Alarm response manager" (ARM) means a person designated by an alarm company operator that is knowledgeable of the provisions of this chapter, and has the ability and authority to ensure compliance with such provisions and respond to requests from the police department and deactivate or repair an alarm system.
- E. "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 served by a separate alarm system; in a single-unit building that houses two or more persons with separate alarm systems, each person's alarm system will be considered a separate alarm site.
- F. "Alarm system" means an assembly of equipment and devices arranged to signal the presence of an event or situation requiring urgent attention and to which police are expected to respond.

Alarm systems include, but are not limited to silent alarms, audible alarms, proprietor alarms, and direct dial telephone devices. The following devices shall not constitute alarm systems within the meaning of this section:

1. Devices which are not installed, operated, or used for the purpose of reporting an emergency to the police department;
  2. Alarm devices affixed to motor vehicles, trailers, or trailer coaches (as defined in California Vehicle Code Sections 415, 6300 and 635), vessel, or aircraft; and
  3. Alarm devices installed on a temporary basis by the police department.
- G. "Alarm user" means any person who owns, leases, rents, possesses, or operates an alarm system.
  - H. "Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the prevention of false alarms and the responsible use, operation, and maintenance of alarm systems.
  - I. "Applicant" means a person, firm, or corporation who files an application for a permit as provided for in this chapter.
  - J. "Audible alarm" means an alarm system that emits a sound when activated.
  - K. "Automatic calling/dialing system" means an alarm system that automatically sends over telephone lines, by direct connect or otherwise, a recorded message indicating an emergency situation exists.
  - L. "Cancellation" means the termination of a police department response to an alarm dispatch request that is made before a responding officer arrives at the alarm site in response to such alarm dispatch request.
  - M. "City" means the city of Lodi, California.
  - N. "Day" means a calendar day.
  - O. "Enhanced call confirmation" ("E.C.C.") means the requirement that alarm company operator must first attempt to determine whether an emergency exists before making an alarm dispatch request. E.C.C. requires an alarm company operator to attempt to contact: (1) a person at the alarm site; (2) an alarm user, or their designated representative; or (3) a responsible party; and make a second call to a different number, if the first attempt is unsuccessful.

- P. "False alarm" means the activation of an alarm system resulting in a response by the police department, or other emergency personnel, where an emergency of the kind for which the alarm system was designed to give notice does not exist.
- Q. "Nuisance alarm system" means an alarm system that has been declared a public nuisance pursuant to this chapter, due to excessive false alarms.
- R. "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 = 12345).
- S. "Person" means an individual, firm, company, corporation, limited liability company, partnership, association, or organization.
- T. "Police department" means the City of Lodi Chief of Police and his or her designee.
- U. "Proprietor alarm" means an alarm which is not regularly serviced by an alarm company operator.
- V. "Protective or reactive alarm system" means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.
- W. "Responsible party" means a person who is capable of appearing at an alarm site upon request who possesses: (1) lawful access to the alarm site; (2) a code to disarm or disable the alarm system; and (3) authority to approve repairs or modifications to the alarm system.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.030 - Permit for alarm system required.

No person who owns, leases, rents, or otherwise possesses an alarm system shall operate such alarm system without first obtaining an alarm permit issued by the city in accordance with the provisions of this chapter. A separate alarm permit is required for each alarm site.

Owners of proprietor alarms shall abide by all provisions of this chapter and are subject to all applicable fees, fines, suspensions, penalties or other requirements.

It is unlawful for any person to use an alarm system without having a valid alarm permit. Any person using an alarm system without having a valid permit shall be subject to a fine in an amount as may be established from time to time by resolution of the city council.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.040 - Application for alarm permit.

An application for an alarm permit shall be filed with the police department on forms provided by the city, and the applicant shall, at the time of application, pay a fee in an amount as may be established from time to time by resolution of the city council. The application shall be signed and verified by the alarm user of the alarm system for which the permit is requested, and the application shall contain such information as may be required by the police department in order to ensure that the permit is issued in accordance with the provisions of this chapter. Permits provided for in this chapter shall be issued by the police department and shall be nontransferable.

The applicant shall provide the names, addresses and phone numbers of the alarm company operator selling or installing the alarm system, or if the alarm user is not under a service contract with an alarm company operator, at least two responsible parties that are accessible in the event of an emergency. Failure on the part of the alarm user to keep emergency contact numbers provided in the alarm permit application current shall be grounds for revocation of the alarm permit.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.050 - Alarm permit issuance.

The police department may issue an alarm permit to an applicant upon receipt of a completed alarm permit application form and the payment of all fees.

The following shall be grounds for denial of an alarm permit:

- A. The applicant has failed to pay an outstanding fee or fine assessed pursuant to this chapter;
- B. The applicant's alarm permit has been suspended;
- C. The applicant's alarm system is maintained or operated in violation of this chapter;
- D. The alarm company operator designated in the permit application is not properly licensed;
- E. Any false statement of a material fact made in an alarm permit application.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.060 - Residential alarm permit fee and renewal.

- A. Residential alarm permits shall be valid for a period of two years from the date of issuance. Residential alarm permit holders shall file a renewal application with updated information prior to the expiration of the alarm permit. A permit renewal fee shall not be required if an alarm permit is timely renewed. Residential alarm permits shall automatically expire upon change of ownership of the real property where the alarm site is located.
- B. Residential alarm permit and renewal fees may be established from time to time by resolution of the city council.
- C. Residential alarm permit fees, as they now exist or may hereafter be modified under this chapter, may be reduced in an amount to be established from time to time by resolution of the city council for those residential alarm systems owned, operated, or rented by persons meeting the eligibility criteria for applicable electric service discounts, as provided in Lodi Municipal Code Chapter 13.20. Proof of eligibility will be required by the city in order to qualify for the fee adjustment provided herein.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.070 - Non-residential alarm permit fees and renewal.

- A. Non-residential alarm permits shall expire one year from the date of issuance, and must be renewed annually by the alarm user. Renewal applications and fees shall be submitted prior to the expiration of the permit. Non-residential alarm permits shall automatically expire upon change of ownership of the real property where the alarm site is located.
- B. Non-residential alarm permit and renewal fees may be established from time to time by resolution of the city council.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.080 - Suspension and revocation of permits.

An alarm permit may be suspended and/or revoked as follows:

- A. If, after investigation, the chief of police, or designee, determines that an alarm user has violated any provision of this chapter, has violated any rules and regulations promulgated by the chief of police pursuant to authority granted by this chapter, or fails to pay a false alarm penalty, fine, or fee as provided in this chapter, the chief of police, or designee, shall send to the alarm user, by registered mail, a notice of intent to suspend or revoke the permit, which notice shall specify the violation or violations determined by the chief of police, or designee, to exist.
- B. The notice shall inform the alarm user of the right to appeal the determination of the chief of police, or designee, to suspend or revoke the permit to the city manager, as provided in Section 15.56.230 of this chapter.
- C. The notice shall inform the alarm user that failure to remedy the violation or violations specified in the notice of suspension or revocation within fifteen days from receipt of notice of suspension or revocation, or within such additional time as may be allowed by the chief of police upon a showing of good cause thereof, or the filing of an appeal pursuant to Section 15.56.230, will cause the alarm permit to be suspended or revoked until the alarm permit has been reinstated.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.090 - Reinstatement of suspended alarm permits.

Suspended alarm permits may be reinstated if the permittee fulfills the following requirements:

- A. Pays all applicable reinstatement fees as may be established from time to time by resolution of the city council;
- B. Pays, or otherwise resolves, all outstanding fees, fines, and other charges;
- C. Submits a written statement from an alarm company operator or alarm agent certifying that the alarm system has been inspected, repaired or replaced, if necessary, and is functioning properly; and
- D. Successfully completes an alarm user awareness class.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.100 - Alarm company operator registration.

It is unlawful for any person to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving, removing or monitoring of an alarm system in any building, place or premises within the city without first having registered with the police department; provided, however, such registration shall not be recorded for any business which only sells or leases such alarm systems from a fixed location unless such business services, installs, monitors, or responds to such alarm systems at the alarm site. Registration shall be accomplished by furnishing the full name of the business and a copy of the state-issued alarm company operator identification card. There will be no charge for such registration.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.110 - Alarm agent registration.

It is unlawful for any person to engage directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of an alarm system in or around any building, place or premises within the city without first having registered his or her full name and having filed with the chief of police a copy of his or her state-issued identification card; provided, however, nothing herein shall require a person to be so registered in order to install, service, repair, alter, replace or move an alarm system on the premises owned or occupied by that person; and further provided, nothing herein shall

require a person to so register when that person is merely a salesman for any business which is not required to obtain an alarm business permit, under the provisions of this chapter, if such salesman does not engage in any other activity related to this chapter, apart from selling. When registration is required, there will be no charge for registration.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.120 - Duties of alarm company operators—False alarm activations and responses.

An alarm company operator shall:

- A. Designate a person to serve as an alarm response manager (ARM) for the alarm company operator. The name, contact number, and email address of the ARM shall be provided to the police department;
- B. Maintain all records pertaining to an alarm dispatch request for a period of one year from the date of such alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, and the time of alarm dispatch request. An alarm company operator shall furnish such records to the police department within fifteen days of receiving an alarm dispatch request;
- C. Upon request, immediately provide the police department with the names and phone numbers of an alarm user's designated agents or persons who have been authorized to disable and/or reset an alarm user's alarm system;
- D. Ensure that alarm users of alarm systems equipped with duress, robbery, hold-up or panic alarms have been provided adequate training as to the proper use, operation, and function of the alarm system;
- E. Report alarm signals and alarm dispatch request cancellations to the police department using approved communication procedures designated by the police department;
- F. Employ enhanced call confirmation (ECC) verification procedures prior to making an alarm dispatch request, except alarm signals transmitted by panic, duress, or holdup alarms;
- G. Promptly inform the police department of any available zone information (north, south, front, back, door, window etc.) about the location of an alarm signal(s);
- H. Promptly inform the police department of the type of alarm activation (silent or audible, interior or perimeter), if available;
- I. Promptly inform the police department of any alarm site known, or believed, to have guard dog(s), pets, or a protective or reactive alarm system. During any alarm response to such alarm site, an alarm company operator shall contact a responsible party and confirm that he or she will respond to the alarm site to disarm the device or take control of any guard dog(s);
- J. Promptly inform the police department whenever an alarm company operator knows that an alarm user or responsible party is at or on the way to the alarm site;
- K. Provide within thirty days of the effective date of this chapter, a list of all alarm sites in the city that are monitored by the alarm company operator, which includes the alarm user, alarm site address, alarm user billing address, and telephone number to the police department. Alarm company operators shall provide an updated list of monitored alarm sites and alarm users upon request of the police department;
- L. Not install an alarm system for a customer who does not have a current valid permit under this chapter; and
- M. Not service a new customer who does not have a current valid alarm permit under this chapter.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.130 - Notification of changes.

Any alarm company operator registered with the police department shall, within thirty days, report to the chief of police any change of business name, address or ownership.

Alarm company operators shall provide all required information, including the name, address and telephone number of new customers within fifteen days of installing an alarm system, or entering into a contract to monitor an alarm system.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.140 - Alarm user instruction required.

- A. It is the responsibility of the alarm company operator or installer to instruct the alarm user of the requirements as defined in this chapter, the proper use and operation of the alarm system, whether silent or audible, including specifically all necessary instruction in turning off such alarm system, and provide instruction on the prevention of false alarms. The alarm company operator and alarm installer shall advise the alarm user that intentionally activating an alarm system in the absence of an emergency is a criminal offense under Section 148.3 of the California Penal Code and a violation of this chapter.
- B. After the initial installation, it shall be the responsibility of the alarm user to instruct those individuals authorized by the alarm user to use the alarm system in the proper use and operation of such device or alarm system whether silent or audible, including specifically all necessary instruction in turning off or disabling such alarm system, and that intentionally activating an alarm system in the absence of an emergency is a criminal offense under Section 148.3 of the California Penal Code and a violation of this chapter. Alarm users shall be responsible for the actions of any persons authorized to operate an alarm system, and shall be jointly liable for any violations of this chapter.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.150 - Duties of alarm users.

Alarm users shall comply with the following duties:

- A. Maintain their alarm site and alarm system in a manner that will minimize or eliminate false alarms;
- B. Make every reasonable effort to deactivate their alarm system; provide access to their alarm site; and provide alternative security for their alarm site when requested by the police department;
- C. Keep written operating instructions for each alarm system at each alarm site;
- D. Provide their alarm company operator with the current names and telephone numbers of at least two responsible parties who are capable of receiving notification of the activation of their alarm system and responding to the alarm site if necessary, to provide access to the alarm site and/or deactivate the alarm system;
- E. Not allow their alarm system to transmit a false alarm;
- F. Notify their alarm company operator if their alarm permit has been suspended or revoked;
- G. Ensure that a representative of either an alarm company operator or the alarm user responds to the location of a false alarm within twenty minutes of receiving notice of the false alarm. If no representative is available, the police department may conduct an external visual check only; and

- H. Provide the police department with updated information within five days if there are any changes to the information provided in the most recent permit application.

Alarm users who fail to comply with the duties established in this section may be subject to a fine in an amount which may be established from time to time by resolution of the Lodi City Council.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.160 - Automatic shutoff requirements—Audible alarms.

All audible alarm systems shall include a device which will limit the generation of the audible sound of the system to not longer than fifteen consecutive minutes after the alarm system is activated and not repeat the fifteen minute audible sound more than two times during a single activation event. Such alarm systems shall include an automatic resetting device which shall cause the subject alarm system to be rearmed upon automatic shutoff.

Alarm users with audible alarms shall appoint an agent who is authorized and capable of responding to such alarm site to disable the alarm system when it is activated and fails to reset itself, or continues to activate for more than thirty minutes.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.170 - Power system.

An alarm system shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal utility electrical service will not activate the alarm system. The backup power supply must be capable of at least four hours of operation.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.180 - Testing alarm.

An alarm user shall notify the police department prior to any service, test, repair, maintenance, adjustment, alterations or installations of alarm systems that would normally result in a police response. Any alarm system activated where such prior notice has been given shall not constitute a false alarm.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.190 - Prohibitions.

- A. No person shall operate, install, or use an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes.
- B. No person shall operate or use an alarm system having an automatic calling/dialing system which, when activated, automatically dials a telephone line or transmits a pre-recorded message or signal to the police department or city.
- C. No person shall operate or use an alarm system that emits an audible sound where the emission of such sound does not automatically cease within thirty minutes.
- D. No person shall program an alarm system so that it is capable of sending a one-plus duress alarm. Alarm company operators 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 the ordinance from which this chapter derives.



- E. No person shall install, modify or repair single-action devices for the activation of hold-up, robbery, or panic alarms. New devices shall require two actions or an activation time delay to provide more positive assurance that the user intends to activate the device.
- F. No person shall cause or allow an alarm system to emit a false alarm.

Any person who fails to comply with the provisions of this section may be subject to a fine in an amount which may be established from time to time by resolution of the Lodi City Council.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.200 - False alarm penalty and fines.

- A. Any person who maintains, uses, or possesses an alarm system that has caused a false alarm, or is from an alarm system which had been ordered disconnected by the chief of police, or designee, shall pay a false alarm penalty to the city, as follows:
  - 1. For the second false alarm within a six-month period (January—June or July—December), the alarm user shall pay a false alarm penalty as may be designated from time to time by Lodi city council resolution.
  - 2. For the third and each subsequent false alarm within that six-month period, the alarm user shall pay an additional false alarm penalty as may be designated from time to time by the Lodi City Council.
- B. Failure to pay false alarm penalties as provided in this section shall be grounds for revocation of an alarm user's permit. The alarm user has the right of appeal as specified in Section 15.56.240 of this chapter, with respect to penalties imposed by the chief of police, or designee, for false alarms, pursuant to the provisions of this chapter.
- C. An alarm dispatch request that has been cancelled prior to a police officer arriving at the alarm site, shall not be considered a false alarm.
- D. An alarm company operator shall be assessed a fine in an amount designated by resolution of the Lodi City Council if a responding police officer determines that the actions, or inactions, of the alarm company operator caused the false alarm. Such false alarms shall be excluded from the number of false alarms attributed to an alarm user and the alarm user shall not be subject to a fine for such false alarm.
- E. Any alarm company operator that fails to employ enhanced call confirmation ("E.C.C.") procedures shall be subject to a fine in an amount as designated by resolution of the Lodi City Council.
- F. All fees and fines shall be due within thirty days of the date of written notice. Any fee or fine which is not paid within thirty days shall be subject to a late charge in an amount as designated by resolution of the Lodi City Council.
- G. The permittee has the right to appeal any fines or penalties for false alarms, as specified in Section 15.56.240 of this chapter.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.210 - Exceptions to false alarm count.

The chief of police, or designee, may reduce the number of false alarms counted against an alarm user, and may waive all or part of any assessed fines or penalties, based on clear and convincing evidence establishing one or more of the following:

- A. A false alarm was caused by the acts of a communications services provider, such as a telephone, cellular, or cable company;

- B. A false alarm was caused by a power outage in duration of more than four hours;
- C. A false alarm was caused by an act of God, such as severe weather;
- D. An alarm dispatch request resulted from an event that was proven to be legitimate emergency; or
- E. The alarm user has taken corrective action when multiple false alarms have occurred within a twenty-four-hour period, in which case, the events may be counted as one false alarm.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.220 - Procedure for imposition of false alarm fees, fines, suspension and revocation of permits.

- A. Notice of Imposition. The chief of police, or designee, shall deliver a written notice of the imposition of false alarm fees, fines, or intent to suspend or revoke an alarm permit to the alarm user, by first class mail, at the address provided in the alarm permit, and the address where the false alarm originated, if different. The notice shall specify the amount of fees or fines to be assessed or action to be taken. The notice shall specify the date, time and nature of the events which are the basis for the imposition of false alarm fees, fines, or suspension, or revocation. The notice shall state any corrective actions required and state the consequences of failing to comply with the notice.
- B. Right to Appeal. An alarm user may contest the assessment of a fee, fine, or alarm permit suspension or revocation by paying the fee or fine, if any, and timely requesting a hearing within fifteen days after service of the notice of imposition as set forth in Section 15.56.240 of this chapter.
- C. Notice of Right to Appeal. A notice of the right to appeal shall be included with a notice of imposition of any fee, fine or action imposed under this chapter. The notice shall state that the alarm user has the right to request a hearing by submitting a written request within fifteen days after service of the notice of imposition.
- D. Collection of Fees and Fines. In the event a person fails to pay fees and fines assessed pursuant to the provisions of this chapter, the city may institute an action in any court of competent jurisdiction to collect any charges, together with interest, which may be due and payable, and all administrative costs of collection in the same manner as any other debt owing to the city may be collected.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.230 - Nuisance alarm systems.

- A. The chief of police, or designee, may abate any nuisance alarm systems, by suspending or revoking an alarm permit, and demanding that the owner, lessee or user disconnect and cease using the nuisance alarm system, until the nuisance alarm system has been repaired or replaced within a reasonable time and the nuisance has been abated.
- B. Any alarm system that causes two or more false alarms within a twelve-month period may be declared a nuisance alarm system by the chief of police, or designee.
- C. Nuisance alarm systems shall be abated as set forth in Lodi Municipal Code, Chapter 1.10 and the alarm user shall be provided with notice of the intent to abate the alarm system, by serving the alarm user personally or by first class mail, at the address provided in the alarm permit and the address where the false alarm originated. The notice shall specify the date, time and nature of the events which are the basis of the abatement action, state the corrective actions to be taken and a reasonable timeline for complying, the consequences of failing to appeal, and the timeline and procedure to file an appeal.
- D. It shall be unlawful to continue operating a nuisance alarm system after service of the notice of abatement.

- E. If the alarm user has not corrected the nuisance alarm system within the time period specified in the notice to the alarm user, the nuisance alarm system may be disabled by the police department, or a third party under contract with the police department. The alarm user shall be liable for any costs or damages incurred in abating the nuisance. No liability will be assumed by the city or any of its agents in eliminating noise disturbance caused by nuisance alarm systems.
- F. A hearing on whether an alarm system is a nuisance may be held in the same manner as set forth in Section 15.56.240 of this chapter. Alarm users shall be provided notice of the right to request such a hearing.
- G. The chief of police, or designee, shall notify the alarm user of a decision in writing by certified mail, by no later than two weeks after the hearing. The decision may be appealed as set forth in Lodi Municipal Code Chapter 1.10.
- H. A determination that an alarm system is a nuisance may be overturned by the chief of police, or designee, upon clear and convincing evidence that the nuisance has been abated and the cause of the false alarms or audible disturbances have been remedied.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.240 - Appeal procedure.

If any person is aggrieved by an action of the city taken pursuant to the provisions of this chapter, the person may file a notice of appeal with the city manager, setting forth the facts and circumstances and basis of the appeal. A notice of appeal shall be filed not later than fifteen days after service of a notice of the action to be appealed as provided in this chapter. The city manager, or designee, shall, within fifteen days from the date on which the appeal is filed, hold a hearing, consider all relevant evidence produced by the appellant, the city, and any other interested parties, make findings and determine the merits of the appeal. The city manager, or designee, may affirm, overrule, or modify the action of the city. The decision of the city manager, or designee, may be appealed within ten calendar days from the service of the notice of the decision, as provided in Lodi Municipal Code Sections 1.10.450 through 1.10.500 and 1.10.520, and the decision of the administrative hearing officer shall be final.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.250 - Fees.

Fees prescribed in this chapter shall be in addition to any other lawful fees imposed by the city for doing or conducting business within the city. The schedule of charges and fees for the alarm systems and permits will be established and adopted by the city council from time to time by resolution.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.260 - Limitation on liability.

The city is under no obligation or duty to any alarm user or any other person by reason of any provision of this chapter or the exercise of any privilege by any alarm user under this chapter, including, but not limited to, any defects in an alarm system, any delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any city officer, employee or agent.

(Ord. No. 1942, § 1, 5-17-2017)

#### 15.56.270 - Confidentiality of alarm information.

Information provided to the city pursuant to this chapter is a public record, subject to exemptions from disclosure pursuant to state statutes. The chief of police or designee shall be charged with the responsibility of maintaining all records kept pursuant to this chapter.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.280 - Criminal penalties.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor.

(Ord. No. 1942, § 1, 5-17-2017)

15.56.290 - Application of chapter.

Any person who, on the effective date of the ordinance codified in this chapter, possesses, has installed or uses an alarm system which requires a permit under this chapter, shall apply for and receive a permit as provided in this chapter, within three months after the effective date of the ordinance codified in this chapter.

(Ord. No. 1942, § 1, 5-17-2017)