

O. 80-261
(2ND REV.)
JUN 29 1981

ORDINANCE NO. O-15530
(New Series)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 37, SECTIONS 33.3700 THROUGH 33.3714,
REGULATING BURGLARY, ROBBERY AND EMERGENCY
ALARM SYSTEMS.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter III, Article 3, of the San Diego
Municipal Code be and it is hereby amended by adding Division 37,
Sections 33.3700 through 33.3713 to read as follows:

DIVISION 37

BURGLARY, ROBBERY AND EMERGENCY ALARM SYSTEMS

SEC. 33.3700 PURPOSE AND INTENT

The Council of The City of San Diego finds and
declares that:

(a) The majority of burglar and holdup alarms to
which law enforcement responds are false. Such alarms
result in an enormous waste of manpower and the large
percentage of false alarms may lull law enforcement
officers into a sense of false security.

(b) Alarm systems which automatically and directly
dial any emergency phone number are prone to be activated
by electrical failures or other events having no con-
nection with criminal activity and tie up such emergency
phones, making them unavailable to receive genuine
emergency calls.

(c) The danger to citizens through emergency response created by false alarms is unnecessary and hazardous.

(d) The unnecessary waste of tax dollars through responses to false alarms must be reduced.

(e) The intent of this Division is to reduce false alarms by establishing performance criteria for alarm systems within the City of San Diego, effective October 1, 1981.

SEC. 33.3701 DEFINITIONS

For the purpose of this Division, the following words and phrases shall mean:

(a) Alarm Agent. "Alarm agent" means any person who is employed by an alarm business either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.

(b) Alarm Business. "Alarm business" means the business by any individual, partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

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(c) Alarm System. "Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both which emits a sound or transmits a signal or message when actuated that is intended to evoke a police department response.

(d) Burglary Alarm System. "Burglary alarm system" shall mean any device which is designed or used for detection of intrusion into a building, structure or facility, which detection causes a local audible alarm or the transmission of a related signal or message, which is used to evoke a police department response.

(e) Direct Dial Telephone Device. "Direct dial telephone device" shall mean any device, including tape dialers, which will automatically dial a telephone number maintained by the Police Department.

(f) Emergency Alarm System. "Emergency alarm system" shall mean any device which is designed or used to alert, either directly or indirectly, personnel of the Police Department to any emergency situation.

(g) Local Alarm System. "Local alarm system" shall mean any audible alarm system that can be heard from the exterior of any structure.

(h) False Alarm. "False alarm" shall mean any activation of an alarm system by failure, malfunction, accidental tripping, misoperation, misuse or negligent maintenance by the owner or lessee of the alarm system or his employee or agent or any other activation of an alarm system that results in a response by the San Diego Police Department where an emergency situation does not exist.

(i) Robbery Alarm System. "Robbery alarm system" shall mean any device designed or used for the purpose of alerting personnel of the Police Department, either directly or indirectly, to the commission of a crime involving potential death or serious injury at a particular location.

SEC. 33.3702 ALARM BUSINESS AND AGENT RESPONSIBILITY

(a) No person shall maintain an alarm business in the City of San Diego without having obtained a business tax license required by this Code and without having previously registered as required by the State of California. Any person acting as an alarm agent or responding alarm agent must carry his registration card issued by the State of California while engaged in alarm agent activities and shall display such registration card to the Chief of Police or his representative upon request.

(b) Any person or business who leases, maintains, sells or installs any alarm system or who causes such a system to be leased, maintained, sold or installed shall be responsible for informing the person who leases, rents or purchases or has installed an alarm system of the provisions of this Division. Such notification shall be in writing and shall include the following:

(1) No person shall use an alarm system without first applying for and receiving an alarm permit in accordance with this Division.

(2) Direct dial telephone devices are prohibited and the Police Department will not respond to telephone calls made by such devices.

(3) False alarms exceeding the schedule set by the Chief of Police may result in suspension or revocation of an alarm system permit.

SEC. 33.3703 ALARM PERMITS REQUIRED

(a) All alarm systems shall require a City alarm permit in accordance with the provisions of this Division.

(b) An alarm user whose permit has been revoked may apply for a reissued alarm permit in accordance with the fee schedule in Section 33.3706.2. The Chief of Police will not grant a reissued alarm permit until the subject alarm system has been properly serviced and its deficiencies corrected.

SEC. 33.3704 APPLICATION FOR ALARM PERMIT

Every applicant for an alarm permit shall file with the Chief of Police, on forms provided by the City, a legibly written application stating (1) the name, address and phone number of the applicant; (2) a description of the property where it is proposed to use an alarm system; (3) its location, street and number; (4) how many separate alarm systems will be used; (5) a description of the type(s) of alarm system(s) to be used, excluding name and model number of the manufacturer (i.e., Burglary, Robbery, Emergency, Medical Emergency); (6) the name of the person or company who will install the alarm system at the location and (7) the name, address and phone number of one person or company who will be available to be contacted in the event of an alarm activation. The applicant may provide the name of an additional person. In the event the name, mailing address or phone number of the person(s) to be contacted changes, the applicant shall supply corrected information to the Chief of Police within five (5) days of the change. If requested by the Police Department, the person(s) listed shall be required to be present at the alarm location within thirty (30) minutes after being advised that the Police Department has received any signal or message of an alarm activation.

At the time of filing an application, the applicant shall pay all fees applicable. Upon receipt of all applicable fees, the application becomes a temporary permit, pending review by the Chief of Police. The alarm business may obtain a permit for an alarm location on behalf of a concerned property owner.

SEC. 33.3705 ALARM PERMITS--DURATION AND TRANSFER

An alarm permit may be issued at any time, but all alarm permits shall expire on the last day of the 24th month following the issuance of the permit.

Alarm permits shall not be transferable from one person to another or from one location to another.

SEC. 33.3706 ALARM PERMITS--FEES

Except as otherwise specifically provided in this Division, every person applying for an alarm permit under the provisions of this Division shall, at the time of making application for such a permit, pay a fee sufficient to cover costs of investigation and enforcement of this Division the exact amount of which shall be maintained in the City Clerk's composite rate book.

SEC. 33.3706.1 MULTIPLE ALARM PERMITS--FEES

Every person applying for more than one alarm permit at one location shall pay the fee specified in the City Clerk's composite rate book for each permit up to five permits. Regardless of the number of permits,

the total fee shall not exceed five times the single permit fee for any one location.

SEC. 33.3706.2 REISSUED USER'S ALARM PERMITS--FEES

First reissued user's permit
in permit period\$50
Second reissued user's permit
in permit period\$100
Third and each additional
reissued user's permit in
permit period\$200

SEC. 33.3707 ALARM SYSTEMS--PROHIBITION OF DIRECT DIAL TELEPHONE DEVICES

No direct dial telephone devices shall be programmed to dial any of the emergency or "Call for Service" numbers servicing the San Diego Police Department's Communication Center.

SEC. 33.3707.1 ALARM SYSTEMS

All local alarm systems shall be installed with an automatic 30-minute shut off.

SEC. 33.3708 SUSPENSION AND REVOCATION GROUNDS

A violation of any of the provisions of this Division shall constitute grounds for suspension and revocation of an alarm system permit by the Chief of Police.

SEC. 33.3709 SUSPENSION OF ALARM SYSTEM PERMIT

In the event false alarms in excess of the schedule listed below are received or any other provision of

this Division is violated, the Chief of Police shall take action to suspend the alarm system permit. An excessive number of false alarms for each alarm permit shall be as follows:

(a) Four (4) false alarms in any thirty (30) day period, or

(b) Five (5) false alarms in any ninety (90) day period, or

(c) Six (6) false alarms in any one hundred eighty (180) day period, or

(d) Seven (7) false alarms in any three hundred sixty (360) day period.

Upon failure of the Police Department to locate any evidence of intrusion or other need or cause for activating an alarm system, a presumption of a false alarm will be made.

The Chief of Police shall notify the permittee and alarm business in writing at least fifteen (15) days prior to such suspension taking effect. If, within that fifteen (15) day period, the Chief of Police receives from the permittee satisfactory written evidence indicating that the cause of the false alarms has been determined and corrected, the suspension will not take effect. If such written evidence is not received, the suspension will take effect on the date so stated.

Should the permittee submit to the Chief of Police

written evidence that the cause of the false alarms has been identified and corrected, and should the Chief of Police rescind the suspension action, but additional excessive false alarms continue to occur, the Chief of Police shall take action to revoke said permit for its duration.

SEC. 33.3709.1 APPEAL

The decision of the Chief of Police to revoke or suspend a permit may be appealed in accordance with Section 33.0501.

SEC. 33.3710 EXCEPTIONS

The provisions of this Division do not apply to:

(a) Persons engaged solely in the manufacture, repair or sale of alarm systems and/or components from a fixed location who do not personally or through an agent install, maintain, service, inspect or plan the alarm system for any location.

(b) Alarm systems which do not directly alert law enforcement agencies or others outside the protected building, structure or facility, but are designed solely to alert security personnel or others directly connected with or employed by the owner or operator of the protected building, structure or facility.

(c) Municipal, county, state and federal government agencies.

(d) All Federal Deposit Insurance Corporation and Federal Savings & Loan Insurance Corporation insured institutions.

SEC. 33.3711 CONFIDENTIALITY

The information furnished and secured pursuant to this Division shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Division.

SEC. 33.3712 VIOLATION--PENALTY

Any person violating any of the provisions of this Division is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00, or by imprisonment for a period of not to exceed six (6) months, or both such fine and imprisonment.

SEC. 33.3713 ENFORCEMENT OF PROVISIONS

The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve the person from paying the permit fee due and unpaid at the time of the conviction, nor shall payment of any permit fee prevent criminal prosecution for violation of any of the provisions of this chapter.

All remedies shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit fee shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent permit fee. All permit fees shall be deemed delinquent thirty (30) days after they are due and payable.

SEC. 33.3714 EFFECTIVE DATE

The provisions of this Division shall become effective on October 1, 1981.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:510
4/3/80 REV. 11/6/80 5/20/81
Or. Dept.: PS&S Committee

JUN 29 1981

Passed and adopted by the Council of The City of San Diego on _____, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Berridge*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 10 1981

JUN 29 1981

and on _____.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 15530

JUN 29 1981

Adopted

ECS
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1981 JUL 15 PM 4:37
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

San Diego, City of
12th Floor 202 C St.
San Diego, CA 92101
Barbara Berridge

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15530

Camille Simpson

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15530
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

July 13, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13th day of July, 1981.

Camille Simpson

(Signature)

2 7/8" x 2 x 7.33 = 42.15

ORDINANCE NO. 0-15530
(New Series)
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION SECTIONS 33-3700 THROUGH 33-3715, REGULATING BURGLARY, ROBBERY AND EMERGENCY ALARM SYSTEMS.
This ordinance amends the San Diego Municipal Code to regulate burglary, robbery and emergency alarm systems. Requires person installing alarm system to notify person having alarm system installed of the provisions of this Division. Requires local alarm systems to have a City alarm permit. Provides that alarm permits shall not be transferable. Requires payment of a fee sufficient to cover costs of investigation and enforcement. Establishes a procedure for suspension and revocation of alarm system permits. Makes violations of this Division a misdemeanor, punishable by a fine up to \$500 or imprisonment up to six (6) months, or both.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on June 10, 1981. Passed and adopted by the Council of the City of San Diego on June 29, 1981.
ALTERNATED BY:
PETE WILSON
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
ISSUED BY BARBARA BERRIDGE Deputy
Published July 13, 1981