

ORDINANCE NUMBER O-16099 (New Series)

Adopted on JAN 3 1984

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 37, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3701(h), 33.3706.2, 33.3708, 33.3709, 33.3709.1 AND BY ADDING SECTION 33.3715, RELATING TO ENFORCEMENT OF 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, Division 37, of the San Diego Municipal Code be and is hereby amended by amending Sections 33.3701(h), 33.3706.2, 33.3708, 33.3709, 33.3709.1 and by adding Section 33.3715 to read as follows:

SEC. 33.3701 DEFINITIONS

(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, except excusable alarms caused by severe weather conditions, telephone line problems or any factor over which the permittee, alarm company and police lack control.

SEC. 33.3706.2 REISSUED USER'S ALARM PERMITS - FEES

First reissued user's permit in original two-year period . . . . . \$ 25

Second reissued user's permit in original two-year period . . . . . \$ 50

Third reissued user's permit in original two-year period . . . . . \$100

Fourth and each additional reissued user's permit in original two-year period . . . . . \$200

SEC. 33.3708 SUSPENSION AND REVOCATION GROUNDS

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

(b) Any alarm user whose alarm permit has been revoked shall immediately discontinue use of their alarm system, until such time as the alarm permit is reissued. Failure to comply will result in prosecution in accordance with Section 33.3712.

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 revoke the alarm system permit. The permitted number of false alarms for each alarm permit following the latest issue or reissue shall be as follows:

(a) Two (2) false alarms in any thirty (30) day period, or

(b) Three (3) false alarms in any ninety (90) day period, or

(c) Four (4) false alarms in any one hundred eighty (180) day period, or

(d) Five (5) false alarms in any one (1) year 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. If within ten (10) days, the Chief of Police receives from the permittee satisfactory written evidence that the alarm was valid, i.e., an excusable alarm as defined in Section 33.3701(h) or an alarm caused by an unauthorized entry, attempted unauthorized entry, or other unlawful activity on the alarm site, the permittee's records will be amended to indicate a valid or excusable alarm.

The Chief of Police shall notify the permittee in writing that the alarm permit has been revoked. The permittee may submit the proper fees for a reissued alarm permit in accordance with Section 33.3706.2 and satisfactory written evidence indicating that the cause of the false alarm has been determined and corrected, or appeal the decision of the Chief of Police in accordance with Section 33.0501.

SEC. 33.3709.1 APPEAL

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

SEC. 33.3715 ENFORCEMENT

Any employee designated by the Chief of Police with the duty to enforce the provisions of this Division is hereby authorized to arrest any person without a warrant whenever said employee has reasonable cause to believe that the person to be arrested has committed a violation of this Division in his presence.

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 Nina B. Deane  
Nina B. Deane  
Deputy City Attorney

NBD:mem:512  
11/15/83:REV. 1/3/84  
Or.Dept:Police  
0-84-96  
Form=r.None

Passed and adopted by the Council of The City of San Diego on JAN 3 1984,  
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**ROGER HEDGECOCK**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Boward, 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

DEC 12 1983

, and on JAN 3 1984.

~~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 Ellen Boward, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 1-16099 Adopted JAN 3 1984

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE

1984 JAN 18 AM 11:07  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
ATTN: ELLEN BOVARD  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16099

**ORDINANCE NO. O-16099**  
**(New Series)**  
AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 3, SECTION 9-109 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 9-109A, 9-109B, 9-109C, 9-109D AND 9-109E TO THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.  
The Ordinance amends the Ordinance of the San Diego Municipal Code relating to alarm systems. It defines an excusable alarm, defines the term "excusable alarm" and provides the procedure for suspensions of alarm systems and provides the section relating to fees for false alarms. It provides that any alarm user whose permit to use an alarm system is suspended the use of their alarm system shall be considered a nuisance. It authorizes certain civilian employees of the Police Department to arrest and cite for any violation of the provisions contained therein.  
A 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.  
Enacted on DECEMBER 12, 1983.  
Approved and adopted by the Council of The City of San Diego on JANUARY 5, 1984.  
CERTIFICATED BY:  
ELLEN BOVARD,  
Deputy City Clerk of The City of San Diego, California.  
CHARLES S. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
BY ELLEN BOVARD, Deputy.  
Printed Jan. 18, 1984. 60-1258

I, Carrie Gedeon, 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. O-16099  
(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:

January 16, 1984

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

Dated at San Diego, California this 16th day of Jan., 1984.

*Carrie Gedeon*

(Signature)

00024

5 3/4" X 8.87 = 51.00