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**Article 3: Police Regulated Occupations and Businesses****Division 37: Police Regulated Burglary and Panic Alarm Systems**

*(Retitled from “Burglary, Robbery and Emergency Alarm Systems” to “Police Regulated Burglary and Panic Alarm Systems” on 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3701 Purpose**

The *Council* encourages citizens to take proactive safeguards to protect life and property from harm, damage, or theft, and recognizes that *alarm systems* help achieve this goal. The *Council* further recognizes the vast majority of responses to *alarm systems* by law enforcement are *false alarms*. Most *false alarms* are the result of improper maintenance or careless use of an *alarm system*. Police officers responding to *false alarms* are not available to carry out other law enforcement duties. The *Council* finds that excessive *false alarms* unduly burden law enforcement resources. In the interest of using law enforcement resources most effectively and efficiently, the number of *false alarms* can and must be reduced. The purpose of this Division is to preserve public health, safety, and welfare by providing regulation over *alarm systems*. It is also the purpose of this Division to reduce annoyances associated with *false alarms*, to establish reasonable expectations of *alarm businesses* and *alarm users*, to encourage *alarm users* to maintain their *alarm systems* in good working condition and to use them properly, and to ensure that *alarm users* are held responsible for their *alarm systems*.

*(“Purpose” added 5-5-2017 by O-20819 N.S.; effective 6-4-2017. Former Section 33.3701 “Definitions” renumbered to Section 33.3702.)*

**§33.3702 Definitions**

For purposes of this Division, defined words appear in italics. The following definitions apply in this Division:

*Alarm agent* means any *person* who is directly or indirectly employed by an *alarm business*, and whose duties include selling, installing, monitoring, leasing, maintaining, servicing, repairing, altering, replacing, moving, converting, or taking over any *alarm system*.

*Alarm business* means any *person* engaged in the enterprise of selling, installing, monitoring, leasing, maintaining, servicing, repairing, altering, replacing, moving, converting, taking over, or responding to any *alarm system*. It does not include the *property owner* or *property manager* of an apartment complex that provides *alarm systems* in each residential unit as an amenity.

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*Alarm system* means any single mechanical or electrical device used to detect unauthorized entry into any building or other structure, or to alert others to the possible commission of an unlawful act within a building or other structure, that when triggered emits a sound or transmits a signal or message that is intended to evoke a law enforcement response. This includes any *audible alarm* or other *alarm system* whether or not it is monitored by an *alarm business*, *alarm agent*, or *alarm user*, or installed by an *alarm business* or *alarm user*.

*Alarm user* means any *person* who possesses or controls an operating *alarm system*, or who occupies, controls, or possesses the building or structure protected by an *alarm system*.

*Audible alarm* means any *alarm system* that when triggered can or is intended to be heard from the exterior of any building or other structure.

*Authorized responder* means a *person* who is authorized by the *alarm user* to cancel a law enforcement response, respond to the alarm site when requested by law enforcement to deactivate the *alarm system*, provide access to the alarm site, and provide alternative security for the alarm site.

*Burglary alarm* means any *alarm system* that is triggered upon detection of unauthorized entry into any building or other structure and thereby causes a local *audible alarm* or the transmission of a signal or message intended to evoke a law enforcement response.

*Business tax certificate* has the same meaning as Certificate as defined in Municipal Code section 31.0110(a).

*Call for service* means any call made to the Police Department requesting police services and includes officer initiated calls.

*Conversion* means the assumption by one *alarm business* of the duty to service, maintain, or monitor an *alarm system* previously serviced, maintained, or monitored by another *alarm business*.

*Distress alarm* means any *alarm system* with an alarm signal generated by manual activation of a device to summon immediate medical help.

*Duress alarm* means any *alarm system* with a silent alarm signal generated by manual activation of a device to signal a life threatening situation or a crime in progress requiring law enforcement response.

*Emergency situation* means any circumstance in which there is reason to believe that (1) a *person* not authorized to do so entered or attempted to enter, or is entering or attempting to enter, any building or other structure protected by an *alarm system*; (2) a *person* committed or attempted to commit, or is committing or attempting to commit, an unlawful act within a building or other structure protected by an *alarm system*; or (3) there is an identifiable risk of harm to a *person* or property within or on the premises of a building or other structure protected by an *alarm system*.

*Enhanced call verification* means two attempts are made by an *alarm business* or *alarm agent* to contact an *alarm user* in *person*, by telephone, or by other electronic means, to verify that the alarm signal activation is not false before a *call for service* is made.

*Exempt user* means any municipal, county, state, federal, or other government agency.

*False alarm* means any activation of an *alarm system* that results in a *call for service* where an *emergency situation* does not exist. It includes activations caused by mechanical or electrical failure, malfunction, improper installation, sensor sensitivity, accidental tripping, misuse, or negligent maintenance by an *alarm business*, *alarm agent*, or *alarm user*. It does not include activations caused by extreme weather conditions, telephone line problems, or any other extraordinary factors over which the *alarm business*, *alarm agent*, or *alarm user* has no direct or indirect control. It does not include activations where the *call for service* is cancelled by an *alarm user*, *authorized responder*, or *alarm agent*, and law enforcement does not arrive at the alarm site.

*Fee* means a *permit fee*, *penalty fee*, or *fine*.

*Fine* means money assessed when an *alarm system* generates *false alarms*.

*Panic alarm* means a *duress alarm*, *distress alarm*, or *robbery alarm*.

*Penalty fee* means money assessed when an *alarm system* without a *permit* generates a *call for service*.

*Permit* has the same meaning as in Municipal Code section 33.0201.

*Permit fee* means money assessed to process the *alarm system permit* application.

*Robbery alarm* means any *alarm system* with an alarm signal generated by manual activation of a device to alert law enforcement to the possible commission of an unlawful act within a building or other structure.

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*Sell* means to furnish, give, exchange, transfer, deliver, distribute, supply, maintain, lease, service, repair, alter, replace, move, install, or monitor in exchange for money or other consideration.

*Takeover* means the assumption by one *alarm user* of the control of an *alarm system* previously controlled by another *alarm user*.

*(Amended 1-3-1984 by O-16099 N.S.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3701 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

### §33.3703 Alarm Business Requirements and Responsibilities

- (a) It is unlawful for any *person* to operate an *alarm business* without a *business tax certificate*.
- (b) It is unlawful for any *person* to operate an *alarm business* not registered as required by the State of California.
- (c) Any *alarm business* that sells any *alarm system* shall do the following:
  - (1) Obtain an *alarm system permit*, using the *permit* application provided by the *Chief of Police*, on behalf of the *alarm user* before putting the *alarm system* into service;
  - (2) Collect the *alarm system permit* application and *permit fee* from each *alarm user*;
  - (3) Mail, electronically file online, or hand deliver the completed *permit* application and *permit fee* to the *Chief of Police* before putting the *alarm system* into service; and
  - (4) When requested by the *Chief of Police*, provide its most current customer information on any *alarm user* and *alarm system* installed by the *alarm business* in the City of San Diego.
- (d) Any *person* or business that *sells* at retail any *alarm system* and does not personally or through an agent install, maintain, service, inspect, and monitor, or plan the *alarm system* for any location, shall provide to the purchaser at the time of the sale an *alarm system permit* application and certification form, as provided in Municipal Code section 33.3708.

*(“Alarm Business and Agent Responsibility” added 6-29-1981 by 15530 N.S., effective 10-1-1981.)*

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*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005.)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3702 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

### **§33.3704 Alarm Agent Responsibilities**

- (a) It is unlawful for any *person* not registered as an *alarm agent* with the State of California to perform any duties of an *alarm agent*.
- (b) Any *person* performing the duties of an *alarm agent* shall carry on his person a valid *alarm agent* registration card issued by the State of California.

*(“Alarm Permits Required” added 6-29-1981 by O-15530 N.S., effective 10-1-1981)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3703 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

### **§33.3705 Alarm System Conversion by Alarm Business**

- (a) Prior to the *conversion* of any *alarm system*, the *alarm business* transferring the duty to service, maintain, or monitor shall ensure that the *alarm user* has a valid *permit* for the *alarm system* being converted.
- (b) If the *alarm user* does not have a valid *permit* for the *alarm system* being converted, the *alarm business* transferring the duty to service, maintain, or monitor shall obtain the *permit* on behalf of the *alarm user* as provided in Municipal Code section 33.3703.
- (c) Nothing in this Division prohibits the *alarm business* from recovering from an *alarm user* the amount of the *permit fee*.

*(“Application for Alarm Permit” added 6-29-1981 by O-15530 N.S., effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005.)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3704, retitled from “Alarm System Conversion” to “Alarm System Conversion by Alarm Business,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

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**§33.3706 Alarm System Takeover by Alarm User**

- (a) Upon any *takeover* of an *alarm system* maintained, serviced, inspected, or monitored by an *alarm business*, the *alarm business* shall determine whether a *permit* has been issued to the *alarm user* assuming control of the *alarm system*.
- (b) Upon a determination that a *permit* has not been issued to the *alarm user* assuming control of the *alarm system*, the *alarm business* shall obtain a *permit* on behalf of the *alarm user* and comply with Municipal Code section 33.3703.
- (c) Nothing in this Division prohibits the *alarm business* from recovering from an *alarm user* the amount of the *permit fee*.

*(“Alarm Permits - Duration and Transfer” added 6-29-1981 by O-15530 N.S., effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005.)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from Section 33.3705, retitled from “Alarm System Takeover” to “Alarm System Takeover By Alarm User,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3707 Alarm System Permit Required**

- (a) It is unlawful for any *alarm user* to operate, activate, or control any *alarm system* unless the *alarm user* has a current, valid *permit* issued by the *Chief of Police* for that *alarm system*.
- (b) Any *alarm user* whose *alarm system* is not covered by the duties imposed on *alarm businesses* shall submit an *alarm system permit* application and *permit fee* to the *Chief of Police*.

*(“Alarm Permits - Fees” added 6-29-1981 by O-15530 N.S., effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005.)*

*(Renumbered from former Section 33.3706, retitled from “Alarm User Permit Required; Violation,” to “Alarm System Permit Required” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3708 Application for Alarm System Permit**

- (a) Any *person* applying for an *alarm system permit* shall submit to the *Chief of Police*, on a form provided by the *Chief of Police*, a legibly written application containing the following information:
- (1) Name, address and telephone number of the *alarm user* (including separate mailing address if applicable);
  - (2) Classification of the alarm location as residential or commercial;
  - (3) *Alarm system* type (e.g., burglary, robbery, silent, audible);
  - (4) Area covered by *alarm system*;
  - (5) Name, address, and telephone number of an *authorized responder*; and
  - (6) Name, address, and telephone number, *Business Tax Certificate*, and state license number of the *alarm business* that will monitor the *alarm system*, if any.
- (b) All *permit fees* must be paid at the time the *alarm system permit* application is filed.
- (c) Each *permit* application must be accompanied by a signed certification by the *alarm user* and *alarm business* stating the following:
- (1) The date of the installation, *conversion*, or *takeover*, whichever is applicable;
  - (2) The name, address and telephone number, *City Business Tax Certificate* number and state license of the *alarm business* installing the *alarm system*, or performing the *conversion* or *takeover* of the *alarm system*, if any;
  - (3) The name, address, and telephone number of the *alarm business* or *alarm agent* responsible for providing repair service to the *alarm system*, if any;
  - (4) That written operating instructions for the *alarm system*, and all necessary information regarding the proper use of the *alarm system* have been provided to the *alarm user* applying for the *permit*; and

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- (5) That the *alarm business* has provided to the *alarm user* instruction on how to avoid *false alarms*, including instruction on *enhanced call verification*, and the possible consequences of *false alarms*.
- (d) Failure to provide any of the required information is sufficient cause to deny the application for a *permit*.
- (e) An application will not be considered complete if at the time the application is being considered any *fees* assessed in accordance with this Division have not been paid.
- (f) If an *alarm user* has one *alarm system* protecting more than one address, a separate *permit* shall be required for each address.

(“*Alarm Systems - Prohibition of Direct Dial Telephone Devices*” added 6-29-1981 by O-15530 N.S., effective 10-1-1981.)

(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005.)

(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)

(Renumbered from former Section 33.3707, retitled from “*Application for Alarm User Permit*” to “*Application for Alarm System Permit*,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

### §33.3709 Responsibility of Responding Person

Upon request of law enforcement, an *authorized responder* shall appear at the location of the *alarm system* no later than thirty minutes after being advised that law enforcement received a signal or message indicating that the *alarm system* has been activated, and shall allow law enforcement personnel access to the *premises*, deactivate the *alarm system*, and provide security for the *premises*. Failure to respond may result in the revocation of the *alarm system permit*.

(Amended 1-3-1984 by O-16099 N.S.)

(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)

(Renumbered from former Section 33.3708 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)



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**§33.3710 Expiration of Alarm System Permits**

- (a) An *alarm system permit* shall expire on the last day of the twelfth month following the issuance of the *permit*.
- (b) The renewal of an *alarm system permit* upon the *permit's* expiration shall be the responsibility of the *alarm user*.

*(Amended 1-3-1984 by O-16099 N.S.)**(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)**(Renumbered from former Section 33.3709, retitled from "Expiration of Alarm User Permits" to "Expiration of Alarm System Permits," and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)***§33.3711 Alarm System Permits Not Transferable**

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

*("Exceptions" added 6-29-1981 by O15530 N.S, effective 10-1-1981.)**(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)**(Renumbered from former Section 33.3710, retitled from "Alarm User Permits Not Transferable" to "Alarm System Permits Not Transferable," and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)***§33.3712 Penalty Fees and Fines for Not Obtaining an Alarm System Permit**

- (a) Any *alarm user* whose *alarm system* generates a *call for service* without first obtaining an *alarm system permit* will be assessed a *penalty fee* for each *call for service* until the *permit* is obtained. The *alarm user* will also be assessed a *fine* for each *false alarm*. The *penalty fees* and *finer* will be assessed according to the established rates kept in the fee schedule on file in the Clerk's Office.
- (b) Except as otherwise specifically provided in this Division, any *person* who files an application for an *alarm system permit* shall at the time of filing the application pay a *permit fee* and any outstanding *fees*.

*("Confidentiality" added 6-29-1981 by O15530 N.S, effective 10-1-1981.)**(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005)**(Amended 5-28-2009 by O-19850 N.S; effective 6-27-2009.)**(Renumbered from former Section 33.3711, retitled from "Fees and Penalties for Alarm User Permit" to "Penalty Fees and Fines for Not Obtaining an Alarm System Permit," and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

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**§33.3713 Responsibility for Alarm Systems in Apartments**

- (a) If the *property owner* or property manager of an apartment complex or similar multi-unit residential building provides *alarm systems* in each residential unit, the owner or property manager shall ensure that an *alarm system permit* has been obtained for each *alarm user* prior to the activation of the *alarm system*. If a unit is vacant and the *alarm system* is active the *property owner* or property manager must obtain the *alarm system permit*.
- (b) The tenant of each residential unit in any apartment complex or similar multi-unit residential building is responsible for any activation of the *alarm system* in that tenant's residential unit.

*(“Violation - Penalty” added 6-29-1981 by O15530 N.S, effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005*

*(Renumbered from former Section 33.3712 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3714 Alarm System Direct Dial Prohibition**

- (a) It is unlawful for any *person* to program any *alarm system* to direct dial any emergency or non-emergency number serving the San Diego Police Department’s Communications Center.
- (b) It is unlawful for any *person* to install or use any *alarm system* that is programmed to dial any emergency or non-emergency number serving the San Diego Police Department’s Communications Center.

*(“Enforcement of Provisions” added 6-29-1981 by O15530 N.S, effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005*

*(Renumbered from former Section 33.3713 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3715 Automatic Shut-off of Audible Alarm Systems**

- (a) All *audible alarms*, when installed, must be equipped with a mechanism by which the alarm when sounded will automatically shut off after no more than fifteen minutes and will not reactivate audibly until manually reset.
- (b) All automatic shut off mechanisms for *audible alarms* shall be in working order and shall not be disconnected.

*(“Effective Date” added 6-29-1981 by O15530 N.S, effective 10-1-1981.)*

*(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005*

*(Renumbered from former Section 33.3714 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

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**§33.3716 Procedures for Alarm Verification**

- (a) Prior to requesting a law enforcement response to an alarm signal, an *alarm business* or *alarm agent* shall perform *enhanced call verification* to verify that the alarm activation is not false.
- (b) When requested by the *Chief of Police* or *alarm user*, the *alarm business* or *alarm agent* shall provide evidence that *enhanced call verification* was used on any specific alarm activation.
- (c) The requirement set forth in this section shall not apply to *panic alarms*.  
(“Enforcement” added 1-3-1984 by O-16099N.S.)  
(Amended 9-8-2004 by O-19321 N.S., effective 5-7-2005  
(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)  
(Renumbered from former Section 33.3715 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

**§33.3717 Alarm System Permit False Alarms and Fines**

- (a) An *alarm system* shall not have *false alarms*.
- (b) The *Chief of Police* has the authority to assess a *fine* and revoke any *permit* for any *alarm system* for *false alarms*.
- (c) The penalty for *false alarms* occurring within twelve months following the issuance, renewal, or most recent reinstatement after revocation of the *alarm system permit*, shall be as follows:
  - (1) First through fifth *false alarm*, a notice of *violation* will be issued and a *fine* will be assessed;
  - (2) Sixth *false alarm*, the *alarm system permit* will be revoked, a notice of revocation will be issued, and a *fine* will be assessed; and
  - (3) For each additional *false alarm* after notice of revocation, a *fine* will be assessed; this includes *false alarms* that occur when the *alarm system permit* is in the process of reinstatement and during the time when the revocation of the *permit* is appealed in accordance with section 33.0501.
- (d) *Fines* will be assessed according to the established rates kept in the fee schedule on file in the Clerk’s Office.

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- (e) *Fines* will not be assessed against an *alarm business* based on the fact that the *alarm business* obtained the *alarm system permit* on behalf of the *alarm user*.
- (f) Notice of *violation* of a *false alarm* or assessment of a *fine* or *penalty fee* may be appealed to the *Chief of Police* in accordance with section 33.3725.

(Added 9-8-2004 by O-19321 N.S., effective 5-7-2005.)

(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)

(Renumbered from former Section 33.3716, retitled from “Revocation Alarm User Permit” to “Alarm System Permit False Alarms and Fines,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

### §33.3718 Alarm System Permit Revocation

- (a) A *violation* of any of the provisions of this Division shall constitute grounds for revocation of an *alarm system permit*.
- (b) Upon revocation of any *alarm system permit*, the *Chief of Police* will notify the holder of the *permit* in writing of the revocation in accordance with section 33.0404, and explain the authority of the *Chief of Police* to suspend response in accordance with section 33.3720.
- (c) An *alarm system permit* that has been revoked is not a current valid *permit*.
- (d) The holder of an *alarm system permit* may appeal a decision by the *Chief of Police* to revoke the *permit* in accordance with section 33.0501 or apply for reinstatement of the *permit* in accordance with section 33.3719.

(Added 11-8-2004 by O-19321 N.S.)

(Amended 5-28-2009 by O-19850 N.S.; effective 6-27-2009.)

(Renumbered from former Section 33.3717, retitled from “Fines for Alarm User Permit Revocations” to “Alarm System Permit Revocation,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

### §33.3719 Reinstatement of Revoked Permit

- (a) The holder of an *alarm system permit* that has been revoked may apply for reinstatement of the *permit* by submitting to the *Chief of Police* all *fees* due in accordance with this Division, and satisfactory written evidence that the cause of the *false alarms*, or other reason for the revocation, has been identified and corrected.

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- (b) The *Chief of Police* has the authority to reinstate an *alarm system permit* that has been revoked upon the receipt of all *fees* due in accordance with this Division, and satisfactory evidence that the cause of the *false alarms*, or other reason for the revocation, has been corrected. The *Chief of Police* may also require such other conditions as may be appropriate to reinstate a revoked *alarm user permit*.

(Added 11-8-2004 by O-19321 N.S.)

(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)

(Renumbered from former Section 33.3718, retitled from “Reinstatement of Revoked Permit; Alarm User Permit Appeal” to “Reinstatement of Revoked Permit,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

### §33.3720 Use of Alarm System after Permit Revocation

- (a) Along with the other enforcement authority and remedies provided in this Division, the *Chief of Police* has the authority to suspend response by Police Department personnel to *burglary alarm* dispatches at the location of any *alarm system* when all of the following conditions are present:
- (1) The *alarm system permit* has been revoked due to *false alarms*;
  - (2) The revoked *alarm system permit* has not been reinstated in accordance with section 33.3719.
  - (3) The decision of the *Chief of Police* to revoke the *permit* is not currently on appeal in accordance with section 33.0501.
- (b) This section does not apply to *panic alarms*.
- (c) The *Chief of Police* has the authority to resume response by Police Department personnel when the *alarm system permit* has been reinstated in accordance with section 33.3719.

(Added 11-8-2004 by O-19321 N.S.)

(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)

(Renumbered from former Section 33.3719, retitled from “Use of Alarm System after Permit Revocation as Public Nuisance” to “Use of Alarm System after Permit Revocation,” and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

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**§33.3721 Exceptions**

The prohibitions and mandates of this Division do not apply to:

- (a) *Persons* engaged solely in the manufacture, repair, or sale of *alarm systems* or *alarm system* components from a fixed location who do not personally or through an agent install, maintain, service, inspect, and monitor, or plan the *alarm system* for any location, except as provided in Municipal Code section 33.3703(d).
- (b) *Alarm systems* that 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) *Exempt users* as defined in section 33.3702.

*(Added 11-8-2004 by O-19321 N.)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3720 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

**§33.3722 Confidentiality of Records**

- (a) 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 or disclosed except to *persons* charged with the administration of this Division.
- (b) An *alarm user* is entitled to information regarding the administration of that user's *permit*.
- (c) Information furnished and secured in accordance with this Division may be disclosed when required by state or federal law or lawful court order.

*(Added 11-8-2004 by O-19321 N.S.)*

*(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)*

*(Renumbered from former Section 33.3721 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*

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**§33.3723 Enforcement Authority**

The *Chief of Police*, or any other director authorized by the *City Manager*, is authorized to administer and enforce the provisions of this Division. The *Chief of Police* may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

(Added 11-8-2004 by O-19321 N.S.)

(Renumbered from Section 33.3722 on 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

**§33.3724 Enforcement Remedies**

Except as otherwise specifically provided, *violations* of this Division may be prosecuted as misdemeanors subject to the *finest* and custody in accordance with Municipal Code section 12.0201. The *Chief of Police* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

(Added 11-8-2004 by O-19321 N.S.)

(Amended 11-25-2014 by O-20438 N.S.; effective 12-25-2014.)

(Renumbered from Section 33.3723 and amended 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

**§33.3725 Appeal of Fines and Penalty Fees**

- (a) An *alarm user* who has either received notice of *violation* of a *false alarm* or has been assessed a *fine* or *penalty fee*, may request a hearing with the *Chief of Police*.
- (b) The hearing must be requested within ten days of receipt of the notice of *violation* or assessment of *fine* or *penalty fee*. Failure to submit a timely request terminates the *alarm user's* right to contest the *false alarm* or the *fine* or *penalty fee*, and constitutes a failure to exhaust administrative remedies.
- (c) The hearing will be set no more than 30 business days from the date of receipt of the request, unless otherwise agreed to by the parties.
- (d) The hearing is an informal administrative review to determine the validity of the notice of *violation* or assessed *fine* or *penalty fee*. Formal rules of evidence and discovery do not apply.

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- (e) At the hearing, the *Chief of Police* will only consider evidence that is relevant to whether the alarm activation triggered a *false alarm* or whether an *alarm user* had a valid *alarm system permit* at the time of the *call for service*.
- (f) There shall be a rebuttable presumption affecting the burden of producing evidence that an alarm activation is a *false alarm* if the responding law enforcement officers did not find evidence that an *emergency situation* triggered the alarm. An *alarm user* has the burden to present evidence sufficient to negate the presumption.
- (g) After an evaluation of the evidence presented, the *Chief of Police* may amend an *alarm user's* records to indicate that an alarm activation was not a *false alarm* or did not generate a *call for service*, and waive, reverse, or modify any *fine* or *penalty fee*.
- (h) The *Chief of Police* will issue a *written* decision within 15 business days after completing the hearing. The decision shall be final.

(“*Appeal of Fines and Penalty Fees*” added 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)

### §33.3726 Transition of Existing Two-Year Alarm System Permits; False Alarms and Fines

An *alarm system permit* issued before June 4, 2017 for a two-year period shall remain valid until its stated expiration date, unless it is revoked. For the first *false alarm* after June 4, 2017, a warning letter will be issued referencing application of section 33.3717 to future *false alarms*. Only one warning letter will be issued for a two-year period. The *false alarm* that resulted in the issuance of a warning letter will not constitute a *violation* under section 33.3717(c). After the issuance of a warning letter, section 33.3717 shall apply to existing two-year *permits* as follows:

- (a) The first *false alarm* after the issuance of a warning, will be treated as the first *false alarm* under section 33.3717(c)(1).
- (b) Additional *false alarms* will constitute *violations* subject to penalties as set forth in section 33.3717(c).



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- (c) The one-year anniversary date after the issuance of the two-year *alarm system permit* begins a new twelve-month period for accrual of *violations* under section 33.3717(c). This new twelve-month period is a new *violation* period.

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- (d) During the new *violation* period, the first *false alarm* will be treated as the first *false alarm* under section 33.3717(c)(1).

This section shall remain in effect until June 4, 2019, at which time this section shall automatically be repealed.

*(“Transition of Existing Two-Year Alarm System Permits; False Alarms and Fines” added 5-5-2017 by O-20819 N.S.; effective 6-4-2017.)*