



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Staff Report  
**December 6, 2011**

Honorable Members of the  
Law and Legislation Committee

**Title:** Ordinance: Alarm Systems

**Location/Council District:** Citywide

**Recommendation:** Approve and forward a recommendation to City Council to adopt the Alarm Systems Ordinance replacing Chapter 8.36 of the Sacramento City Code.

**Contact:** Jim Maccoun, Police Captain, (916) 808-6464

**Presenters:** Jim Maccoun, Police Captain, (916) 808-6464

**Department:** Police Department

**Division:** Alarm Billing Unit

**Organization No:** 11001061

## **Description/Analysis**

**Issue:** The City of Sacramento's current Alarm Systems Ordinance was enacted in 1995. Since that time, both residential and commercial alarm system installations have become standard practice throughout the City. This has resulted in an increased demand for police services. The increase in demand has created an economic, managerial, and operational strain on the Sacramento Police Department's (SPD) capability to respond to these types of calls for service. This strain is further compounded due to the fact the SPD's staffing levels have been dramatically reduced, by approximately 29%, over the last several years.

Over the last three years, the SPD received approximately 78,500 alarm calls, an average of approximately 26,000 calls per year, or 72 per day. Of those alarm calls, approximately 76,300 were determined to be false. This is an average of approximately 25,400 false alarm calls per year, 70 per day, or 97% of all alarm calls the SPD responded to.

**Policy Considerations:** The proposed ordinance is in alignment with the SPD and City objectives by seeking to improve public welfare and safety. Additionally, the proposed ordinance will limit the unwarranted amount of valuable department resources consumed by false alarms thus allowing the SPD to focus on vital calls for service and other legitimate priority needs of the community.

**Environmental Considerations:** Not applicable

**Sustainability Considerations:** Not applicable

**Committee/Commission Action:** Not applicable

**Rationale for Recommendation:** False alarm occurrences prevent, hinder, and delay the SPD from responding to legitimate calls for service. This fact, as well as the increase in false alarm calls, necessitates the need to repeal the existing 1995 Alarm systems ordinance in order to reduce the drain on police resources caused by false alarm response.

The critical elements that need to be integrated into the proposed Alarm Systems Ordinance include: 1) implementing enhanced call verification as a method to minimize false burglary alarm response; and 2) requiring an annual permit renewal fee.

In addition, the SPD will, as a matter of department policy, implement the following procedures to further curtail the economic, managerial, and operational strain on City resources due to false burglar alarm responses: 1) implement full alarm verification after three confirmed false burglar alarms; and 2) implement full alarm verification if false alarm fees are not paid within 120 days of notification.

Full alarm verification means the confirmation of a burglary or attempted burglary upon premises protected by an alarm system. Confirmation may be made by the alarm user or other person at or near the scene of activation, such as a private guard responder, or be based on physical observation or inspection of the premises or by remote visual inspection (i.e. video).

The proposed alarm ordinance is a fair and reasonable approach to significantly reduce the undue burden of false alarms on police resources. The proposed changes strategically outline a solution to a citywide problem, while protecting the interests of the community and providing efficient and effective police services.

**Financial Considerations:** The proposed ordinance will authorize the SPD to collect the fees and charges necessary to implement and enforce the ordinance. The proposed fees and charges represent the estimated and reasonable costs of providing this police service to the community. Upon approval of the proposed ordinance by the Law and Legislation Committee, the SPD will present the recommended fees and charges to City Council for consideration. In addition, the SPD will recommend the addition of staff and services and supplies to accommodate the additional workload associated with the implementation and enforcement of the proposed ordinance. The additional staff will not impact the General Fund and will be fully offset by the revenue generated from the recommended fees and charges.

**Emerging Small Business Development (ESBD):** Not applicable

Respectfully Submitted by:

  
Jim Maccoun  
Police Captain

Approved by:

  
Rick Brazier  
Chief of Police

Recommendation Approved:

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**JOHN F. SHIREY**  
City Manager

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**Background**

**Summary**

Intrusion or burglar alarms have been in existence for many years. Initially, alarm companies sent private security personnel to substantiate the authenticity of an alarm activation. Consolidation within the alarm industry has changed the way alarm companies deliver their services. Many of the large alarm companies consolidated operations and moved out of state, thus eliminating response by security personnel and transferring the responsibility to local police agencies.

These industry changes have created a situation where alarm companies enter into a private contract with a customer and use a public agency to service the contract. Alarm users receive specialized service at a cost to the general tax payer while alarm companies enjoy the benefit of police response to their customers' alarms without any accountability for the accuracy or reliability of their alarm systems.

Residents and businesses who do not have an alarm system are subsidizing those who have alarm systems by paying taxes to support the overall costs associated with law enforcement's response to alarm calls. Because of the dramatic growth in alarm installations, and the accompanying false alarms, this cost to the City can no longer be ignored.

Though alarm systems can provide a significant benefit to consumers and law enforcement in deterring and detecting criminal activity, it is critical the City take appropriate steps to ensure and encourage a more responsible use of alarm systems. This effort will ensure the SPD effectively and efficiently responds to alarm calls.

**Analysis**

From October 1, 2008 through September 30, 2011 the SPD received approximately 78,500 alarm calls, an average of approximately 26,000 calls per year, or 72 per day. Of those alarm calls, approximately 76,300 were determined to be false. This is an average of approximately 25,400 false alarm calls per year, 70 per day, or 97% of all alarm calls the SPD responded to. See the following summary:

**Alarm Calls**

October 1, 2008 through September 30, 2011

	<b>Over 3 Years</b>	<b>Average Per Year</b>	<b>Average Per Day</b>
<b>Total Alarm Calls:</b>	78,500	26,000	72
<b>False Alarms:</b>	76,300	25,400	70

**PERCENTAGE OF FALSE ALARMS: 97%**

Usually, an alarm call involves a two-officer response and takes approximately 40 minutes to resolve. Taking into account dispatch, and alarm administration and related costs, the total cost to the City has averaged approximately \$3.7 million per year.

Responding to false alarms consumes an unwarranted amount of valuable department resources and, unnecessarily, prevents, delays, or diverts police officers from responding to essential calls for service and other needs in the community. Personnel are burdened with tracking false alarms, permits, billings, and other collections processes. Additionally, alarms have a history of being false and tend to promote a complacent attitude that endangers police officers and the public as the systems become less credible.

An effective strategy to resolve these issues, and one that is supported by the alarm industry, is enhanced call verification. This approach requires alarm companies to make multiple attempts to verify the alarm before calling the police. This procedure has become an industry standard and has resulted in a reduction of unnecessary alarm calls. The proposed ordinance incorporates the implementation of enhanced call verification for all reported burglar alarms.

The proposed ordinance contains the following provisions:

- Definition of terms, including enhanced call verification.
- Process for responding to an alarm activation
- Alarm company requirements and permit process
- Alarm user requirements and permit process
- Specific criteria for granting and denying alarm company and user permits
- Appeals process
- False alarm response fines
- Alarm system standards

The primary differences between the current 1995 alarm system ordinance and the proposed alarm systems ordinance include: 1) Implementation of enhanced call verification as a method to minimize false alarm responses; and 2) collection of an annual alarm user and company permit fee.

As a matter of the SPD's policy, if an alarm user incurs more than three false burglar alarms in any rolling twelve month period, the alarm user/company will be required to confirm all calls for service through full alarm verification. Full alarm verification means confirmation of an unauthorized entry or attempted unauthorized entry upon the premises, building, or structure protected by the burglar alarm system. Verification may be made by the alarm user or other person at or near the scene of the activation, a private guard responder, or alarm company, and shall be based on a physical observation or inspection of the premises, or by remote visual inspection of the premises (i.e. video). In addition, the SPD will require full alarm verification in the event any false alarm or permit fees (including late fees) are not paid within 120 days of notification.

## **Fees and Charges**

The fees and charges associated with implementing and enforcing the proposed ordinance will be brought to the City Council for consideration after the Law and Legislation Committee has recommended the ordinance for approval. The proposed fees and charges will represent the estimated and reasonable cost of providing the service. All revised fees and charges will take effect 30 days after the adoption of the Resolution.

### **Permit Fee**

The permit and renewal fees provide a cost recovery mechanism for the reasonable costs of administering the program including: the processing of the permit application and the subsequent annual renewal; data verification and input; annual renewal notices; data retrieval; installation, upgrade, maintenance and operation of the alarm software program; alarm user education materials; printing costs of applications; letters; postage; and use of department equipment. Additional fees will be assessed if an alarm user does not have a valid alarm user permit on file when an alarm activation is reported.

### **False Alarm Response Fee**

The false alarm response fee represents the cost of receiving reports, input data, transferring data to dispatch, dispatching, monitoring progress of officer response, notification to the alarm permit user or company, verifying data, officer response to alarm call, securing the residence or business, preparing and reviewing reports, patrol vehicle usage and mailing false alarm notification letters.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE REPEALING AND ADDING CHAPTER 8.36 TO TITLE 8 OF THE SACRAMENTO CITY CODE, RELATING TO ALARM SYSTEMS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.** Chapter 8.36 of Title 8 of the Sacramento City Code is repealed.

**SECTION 2.** Chapter 8.36 is added to Title 8 of the Sacramento City Code to read as follows:

Chapter 8.36

Alarm Systems

**Article I. General Provisions and Definitions**

**8.36.010 Legislative findings and purpose.**

The city council finds and determines that:

A. The Sacramento Police Department receives more than 26,000 security alarm related calls each year, of which approximately 97% were false.

B. Responding to false alarms endangers the public health and safety by preventing, diverting, or delaying public safety officers and emergency dispatchers from performing other important police services, such as answering calls for service, crime prevention, enforcement of laws, and investigating and solving crimes.

C. The dangers of automobile collisions en route to activated alarms, which further divert valuable public safety resources from regularly assigned duties, pose a further risk of harm to the public.

D. Repetitive false alarms also disturb the peace and quiet of city inhabitants, and promote a complacent attitude in the community towards potential dangers.

E. For the reasons stated above, the city council finds that false alarms are detrimental to the public health, safety, welfare, and the peace and quiet of the

inhabitants of the city. This chapter is adopted to reduce the number of false alarms within the city.

F. The city council finds and determines that the public interest, convenience, health, welfare, and safety require the regulation of alarm companies, alarm system subscribers, alarm systems, and alarm users within the city.

G. The false alarm response fines fees established by this ordinance are not "taxes" under Proposition 26. The purpose of the false alarm response fines is not to secure revenue but to impose fines for violations of the law.

#### **8.36.020 No city duty created.**

The provisions of this chapter are adopted as an exercise of the city's police power to promote the public health, safety, and welfare and are not intended to protect individuals or otherwise establish or create a special relationship with any particular class or group of persons who will or may be affected by the provisions of this chapter. This chapter neither creates nor imposes any duty to protect on the part of the city nor any of its departments, divisions, officials, agents, or employees. The obligation of complying with the requirements of this chapter and the consequences for failing to do so are placed solely upon the parties responsible for owning, operating, monitoring, or maintaining alarm systems within the city. Nothing in this chapter shall be interpreted as requiring or promising any response by public safety officers to any alarm.

#### **8.36.030 Definitions.**

As used in this chapter:

"Alarm administrator" means the person designated by the chief of police as the person responsible for administering the provisions of this chapter and the rules and regulations adopted pursuant to section 8.36.060.

"Alarm appeals hearing officer" means the person designated by the chief of police as the person responsible for hearing appeals pursuant to section 8.36.260.

"Alarm business" means the selling, monitoring, maintaining, servicing, altering, or installing of any alarm system or causing to be sold, monitored, maintained, serviced, altered, or installed any alarm system in or on any building, real property, or premises.

"Alarm company" means any person engaged in an alarm business for any consideration whatsoever. The term also includes "alarm system monitoring company."

"Alarm system" means an "alarm system" as defined in California Business and Professions Code section 7590.1.

"Alarm system monitoring company" means any person that, for any considerations whatsoever, engages in the business, practice, or profession of

monitoring alarm systems within the city, and that reports, directly or indirectly, any activation of alarm systems to the city, its departments, divisions, officials, agents, or employees including, but not limited to, the police department and/or police dispatch.

“Alarm user” means a person having or maintaining an alarm system on real property owned or controlled by that person.

“Alarm user permit” means the permit required under section 8.36.200.

"Audible alarm" means an alarm system that, when activated, generates an audible sound at its location.

“Chief of police” means the chief of police of the city or his or her designee.

"False alarm" means an alarm to which a public safety officer responds and, in the opinion of that officer, no evidence of the commission or attempted commission of a crime is present that can be reasonably attributed to have caused the alarm activation, or the responding officer is unable to determine if evidence of a criminal offense or attempted criminal offense is present because the site is inaccessible.

“One-plus duress alarm” means an alarm system that permits the manual activation of an alarm signal by entering on a keypad a code that adds the value of one to the last digit of its usual arm/disarm code.

“Public safety officers” means police officers, community safety officers, sheriff officers, and other public safety personnel authorized to enforce local, state, or federal laws.

“System subscriber” means any alarm user that has purchased, contracted for, or has had installed, an alarm system that is monitored by an alarm system monitoring company in or upon property that is owned or controlled by the system subscriber.

#### **8.36.040 Enhanced call verification.**

No alarm system monitoring company or alarm user shall request that a public safety officer respond to an alarm signal unless the alarm system monitoring company or alarm user has already made at least two telephone calls to determine whether the alarm signal was a mistake. One telephone call shall be to the premises where the alarm system is located. The second telephone call shall be to an alternate telephone number designated by the alarm user for this purpose.

#### **8.36.050 Fees, fines, and charges.**

The amount of all fees, fines, and charges specified in this chapter shall be set by resolution of the city council. All fees, fines and charges specified in this chapter shall be deposited into a police services account, which shall be used to offset the cost of

personnel, equipment, supplies, and administrative costs incurred by the city in responding to alarms and administering this chapter.

**8.36.060 Rules and regulations.**

In order to administer and implement the provisions of this chapter, the chief of police is authorized to adopt written rules and regulations that are consistent with the provisions of this chapter.

**8.36.070 Violation--Penalty.**

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. Any person who violates a provision of this chapter is guilty of an infraction, punishable by a fine in accordance with Section 36900 of the California Government Code.

E. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

**Article II. Alarm Company Requirements and Permits.**

**8.36.080 Alarm company requirements and duties.**

A. No alarm company shall fail to identify itself by operator number, company name, address, and phone number at the request of a Sacramento police dispatcher.

B. Alarm companies shall submit a monthly report to the alarm administrator containing a current list of all alarm systems within the city that are monitored by that company; the location of each alarm system monitored by the company; the name, address, and telephone number of the system subscriber; the number, type, and location of alarm systems at that location; the name, address, and telephone number of an emergency contact person for that location; the locations that are no longer monitored by the company; and such other information as the alarm administrator reasonably deems necessary to carry out the purpose and intent of this chapter. To the extent permitted under the law, the monthly reports shall be treated as confidential by the city.

C. Alarm companies shall keep a copy of all monthly reports required by subsection B of this section for a period of not less than three years.

D. Alarm companies shall maintain evidence it used to verify an alarm activation for not less than 12 months from the date of the reported alarm. This requirement shall not apply to recordings or remote audio or video surveillance.

E. Alarm companies shall provide system subscribers with a copy of this chapter, accompanied by a written summary of this chapter or a “frequently asked questions” sheet which shall contain such information as the alarm administrator may reasonably deem necessary.

**8.36.090 Alarm company--Registering state license with city.**

A. Alarm companies engaged in alarm business in the city shall register their name and file a copy of their state issued identification card with the alarm administrator.

B. If its State Alarm Company Operator License is suspended, revoked or otherwise rendered invalid by the state issuing authority, the alarm company shall notify the alarm administrator in writing of such state action within three business days thereof.

C. Every alarm company shall post on its business premises a copy of its State Alarm Company Operator License.

**8.36.100 Alarm company permit required--Application.**

A. No person shall engage in, conduct, or carry on an alarm business within the city unless that person holds a valid alarm company permit issued pursuant to this chapter or is employed by an alarm company that holds a valid alarm company permit issued pursuant to this chapter.

B. An alarm company permit shall be valid for one year from date of issuance, unless earlier revoked pursuant to this chapter. An alarm company permit is not transferable.

C. Applications for an alarm company permit shall be submitted to the alarm administrator. The application for an alarm company permit shall be made on a form provided by the alarm administrator and shall be accompanied by a nonrefundable application fee. The information on the application form shall contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this chapter.

D. If at any time, any of the information submitted under this section becomes inaccurate, the permittee shall within 10 days of that time file an amendment to the

application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

**8.36.110 Issuance or denial of alarm company permit.**

If the alarm administrator finds that an alarm company meets all the requirements of this code and other pertinent laws, and that the required fees have been paid, the alarm administrator shall issue an alarm company permit to the applicant unless one or more of the following circumstances exist:

- A. The applicant does not have a valid State Alarm Company Operator License.
- B. The alarm system does not comply with the rules and regulations adopted by the chief of police pursuant to this chapter.
- C. The applicant or agent has knowingly made a false, misleading or fraudulent statement of a material fact in the application for an alarm company permit, or in any report or record required to be filed with city pursuant to the provisions of this chapter.
- D. The applicant has failed to remit payment of fees, fines, or penalties owed for a violation of this chapter up to the date of the filing of the application.
- E. The applicant has had an alarm company permit previously revoked within one year of the date of the application, and the applicant has not provided evidence to the alarm administrator's satisfaction that a material change in circumstances has occurred since the date of revocation indicating the applicant's ability to comply with the provisions of this chapter.
- F. The applicant has violated any of the provisions of this chapter or other applicable federal or state laws governing alarm companies within three (3) years prior to the date of application; unless the applicant can provide evidence to the alarm administrator's satisfaction that the applicant is capable of complying with the provisions of this chapter.
- G. An owner, principal, officer, or operator of an alarm company has been convicted of any felony, or any misdemeanor offense involving moral turpitude.

**8.36.120 Renewal of alarm company permit.**

The renewal application shall be submitted to the alarm administrator, accompanied by a nonrefundable fee on an annual basis. Late charges will be imposed on all permit holders who submit their renewal applications after the indicated due date. Renewal may be denied for any reason that is grounds for denial or revocation of the permit.

**8.36.130 Notices of denial of alarm company permit--Appeal.**

A. If the alarm administrator denies the application for an alarm company permit or the renewal application for an alarm company permit, the alarm administrator shall give the permit applicant written notice of the denial. The notice shall be sent by first-class mail to the address provided in the application. The notice shall include the grounds for denial of the alarm company permit application or the alarm company permit renewal application, and a statement of the applicant's right to file an appeal with the alarm appeals hearing officer.

B. An applicant may appeal denial of the application for an alarm company permit or the renewal application for an alarm company permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of the denial. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by article VI of this chapter.

C. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

**8.36.140 Revocation of alarm company permit--Grounds.**

Any of the grounds upon which an alarm company permit may be denied shall be grounds for revocation of an alarm company permit.

**8.36.150 Notice of revocation of alarm company permit--Appeal.**

A. If the alarm administrator revokes an alarm company permit, the alarm administrator shall give the permittee written notice of the revocation. The notice shall be sent by first-class mail to the address provided by the permittee in the alarm company permit application or renewal application, as applicable. The notice shall include the grounds for revocation of the alarm company permit, and a statement of the permittee's right to file an appeal with the alarm appeals hearing officer.

B. A permittee may appeal revocation of an alarm company permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of revocation. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by article VI of this chapter.

C. Any revocation of an alarm company permit shall be stayed during the pendency of an appeal that is properly and timely filed with the required appeal fee pursuant to the provisions of this section.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

### **Article III. False Alarm Response Fine**

#### **8.36.160 False alarm response fine.**

A. A graduated false alarm response fine shall be assessed for each response by one or more public safety officers to a false alarm. The false alarm response fines shall be based on a rolling 12-month period starting with the first false alarm call date. A false alarm response fine shall not be assessed if the alarm administrator determines that the alarm company or alarm user, prior to the arrival of public safety officers at the protected property, notified police dispatch that a public safety response is not necessary.

B. All false alarm invoices shall be mailed to the alarm user within 30 days of the false alarm. The fine is due not later than 30 days from the date of the invoice. Fines received after the due date shall be subject to a late fee. Fines received more than 60 days after the due date shall be subject to additional late fees.

C. If the location of the false alarm is monitored, the system subscriber shall be liable for the false alarm response fine. If the location is not monitored, the alarm user shall be liable for the false alarm response fine.

#### **8.36.170 Invoice of false alarm fine--Appeal**

A. The alarm administrator shall send a false alarm fine invoice by first-class mail to the system subscriber or alarm user. The invoice shall inform the system subscriber or alarm user of his or her right to file an appeal of the false alarm response fine with the alarm appeals hearing officer within 30 days from the date of the mailing of the notice.

B. The false alarm response fines shall be due and payable within 30 calendar days of the date of invoice by city. In addition to any other remedy provided by law, if the debtor does not pay, collection costs are recoverable by the city pursuant to section 1.28.040.

C. Request for hearing. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

**Article IV. Alarm System--Standards**

**8.36.180 Alarm system--Manufacturing standards.**

A. Alarm systems installed within the city after the enactment of this chapter shall be listed with Underwriters Laboratory, Inc.

B. The alarm administrator may grant an exception to the requirement in subsection A of this section when the alarm administrator determines that the alarm system meets or exceeds the applicable Underwriters Laboratory, Inc. alarm testing standards. The alarm administrator may require the alarm company or alarm user to submit documentation and certification from a qualified authority necessary to make the exception determination.

C. One-plus duress response alarms are not permitted under any circumstance.

**8.36.190 Alarm systems--Operational standards.**

A. Audible alarms. No person shall install or use any alarm system with an alarm that is audible for a period of more than fifteen (15) minutes each time the alarm is activated.

B. Automatic alarm. No person shall install or use any alarm system that automatically sends any prerecorded message or signal to the city, its officers, or employees without the prior written consent of the alarm administrator.

**Article V. Alarm User Permits**

**8.36.200 Alarm user permits required--Application.**

A. No person shall use an alarm system unless a person who owns or controls the real property upon which the system is installed holds a valid alarm user permit issued pursuant to this chapter. No alarm company may install or monitor an alarm system unless a valid alarm user permit has been issued for that system pursuant to this chapter.

B. Each alarm user permit shall be valid for only one alarm system, one location and one alarm user.

C. Each alarm user permit shall be valid for one year from date of issuance, unless earlier revoked pursuant to this chapter. An alarm user permit is not transferable from one person to another or one location to another.

D. Applications for an alarm user permit shall be submitted to the alarm administrator. The application for an alarm user permit shall be made on a form

provided by the alarm administrator and shall be accompanied by a nonrefundable application fee. The information in the application form shall contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this chapter.

E. If at any time, any of the information submitted pursuant to this section becomes inaccurate, the permittee shall within ten (10) days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

#### **8.36.210 Issuance or denial of alarm user permit.**

If the alarm administrator finds that an alarm user meets all the requirements of this code and other pertinent laws, and that the required fees have been paid, the alarm administrator shall issue an alarm user permit to the applicant unless one or more of the following circumstances exist:

A. The alarm system does not comply with the rules and regulations adopted by the chief of police pursuant to this chapter.

B. The applicant or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record required to be filed with city pursuant to the provisions of this chapter.

C. The applicant has failed to remit payment of fees, fines, or penalties owed under this chapter up to the date of the filing of the application.

D. The applicant has had an alarm user permit previously revoked within one year of the date of the application, and the applicant cannot provide evidence to the alarm administrator's satisfaction that a material change in circumstances has occurred since the date of revocation indicating the applicant's ability to comply with the provisions of this chapter.

E. The applicant has violated any of the provisions of this chapter within three (3) years prior to the date of application; unless the applicant provides evidence to the alarm administrator's satisfaction that the applicant is capable of complying with the provisions of this chapter.

#### **8.36.220 Renewal of alarm user permit.**

The renewal application shall be submitted to the alarm administrator, accompanied by a nonrefundable renewal application fee. A late charge will be imposed on all permit holders who submit applications after indicated due date. Renewal may be denied for any reason that is grounds for denial or revocation of the permit.

#### **8.36.230 Notices of denial of alarm user permit--Appeal**

A. If the alarm administrator denies the application for an alarm user permit or the renewal application for an alarm user permit, the alarm administrator shall give the permit applicant written notice of the denial of the alarm user permit application or the alarm user permit renewal application. The notice shall be sent by first-class mail to the address provided in the application. The notice shall include the grounds for denial of the alarm user permit application or the alarm user permit renewal application, and a statement of the applicant's right to file an appeal with the alarm appeals hearing officer.

B. An applicant may appeal denial of the application for an alarm user permit or the renewal application for an alarm user permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of the denial. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

C. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

#### **8.36.240 Revocation of alarm user permit--Grounds.**

Any of the grounds upon which an alarm user permit application may be denied shall be grounds for revocation of an alarm user permit.

#### **8.36.250 Notice of revocation of alarm user permit--Appeal.**

A. If the alarm administrator revokes an alarm user permit, the alarm administrator shall give the permittee written notice of the revocation. The notice shall be sent by first-class mail to the address of the permittee provided in the alarm user permit application, renewal application, or amendment to the application. The notice shall include the grounds for revocation of the alarm user permit, and a statement of the permittee's right to file an appeal with the alarm appeals hearing officer.

B. A permittee may appeal revocation of an alarm user permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of revocation. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

C. Any revocation of an alarm user permit shall be stayed during the pendency of an appeal that is properly and timely filed with the required appeal fee pursuant to the provisions of this section.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an

irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

**Article VI. Administrative Appeals.**

**8.36.260 Appeals to alarm appeals hearing officer.**

A. Any appeal provided for under article II, article III, and article V shall be conducted in accordance with the provisions of this section. The appeal shall specify the grounds of the appeal and shall provide the appellant's address and telephone number, with a statement that the appellant agrees to accept service at such address of the written notice of the time and place of the appeal hearing and the determination of the alarm appeals hearing officer.

B. Upon receipt of a timely appeal, the alarm appeals hearing officer shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of hearing, the alarm appeals hearing officer shall send written notice of the hearing by first-class mail to the appellant.

C. At the hearing, the alarm appeals hearing officer shall hear any relevant evidence presented by the appellant or department staff, and may uphold, modify or rescind the false alarm response fine, notice of denial, or notice of revocation. The alarm appeals hearing officer may conduct the hearing by telephone if agreed to by appellant and the alarm administrator. The alarm appeals hearing officer shall provide the appellant a written decision, stating the grounds for the decision. The decision of the alarm appeals hearing officer shall be sent by first-class mail to the appellant.

D. For appeals provided under article III, and article V, the decision of the alarms appeals hearing officer shall be the city's final administrative determination of the matter.

**8.36.270 Appeals to city council.**

A. For appeals provided under article II, if aggrieved by the decision of the alarms appeal hearing officer, the alarm company may appeal the alarm appeals hearing officer's decision to the city council by filing a notice of appeal in accordance with chapter 1.24.

B. A notice of appeal to the city council must be filed not later than 30 days after the date of mailing of the decision of the alarm appeals hearing officer.

**SECTION 3.**

Adoption of this ordinance is not intended to and does not affect any approvals made, and permits issued, with attendant conditions, by the chief of police prior to the effective date of this ordinance. All such approvals and permits shall continue in effect subject to the terms and conditions established by the permit and the provisions of chapter 8.36

and any other provisions of the Sacramento City Code as they existed prior to the effective date of this ordinance.

#### **SECTION 4.**

Adoption of this ordinance is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to chapter 8.36 or any other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce these provisions as they existed prior to the effective date of this ordinance. The provisions of chapter 8.36 and any other provisions of the Sacramento City Code as they exist on the effective date of this ordinance shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.

#### **SECTION 5.**

If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of the chapter are severable.

#### **SECTION 6.**

Any alarm company already doing business within the city on the effective date of this ordinance shall, within 30 days of the effective date, submit to the alarms administrator a complete application for an alarm company permit. Notwithstanding the provisions of this ordinance, the alarm company may continue in operation while the alarm company permit application is pending.

#### **SECTION 7.**

A. Any alarm user shall have 30 days from the effective date of this ordinance to submit obtain an alarm user permit required by this ordinance.

B. Within 30 days from the effective date of this ordinance, all alarm companies doing business within the city shall assist their system subscribers in obtaining compliance with all provisions of this chapter. This includes providing system subscribers with the permit application form, collecting the required permit fee, and forwarding the completed applications and fees to the alarm administrator. During such 30 day time period, the alarm companies shall also provide their system subscribers with a copy of this ordinance, accompanied by a written summary of this chapter or a "frequently asked questions" sheet which shall contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this ordinance.