

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, REPEALING AND REPLACING CHAPTER 11.04 OF THE CULVER CITY MUNICIPAL CODE PERTAINING TO ALARM SYSTEMS

The City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1: That Chapter 11.04 of the Culver City Municipal Code is hereby repealed in its entirety.

SECTION 2. Chapter 11.04 of the Culver City Municipal Code, having been repealed in Section 1 above, is hereby replaced as follows:

ALARM SYSTEMS

11.04.005 Purpose

11.04.010 Definitions

11.04.015 Alarm Permits

11.04.020 Duties of the Alarm User

11.04.025 Duties of the Alarm Company

11.04.030 Suspension or Revocation of an Alarm Permit

11.04.035 Appeal of the Suspension or Revocation

of an Alarm Permit

11.04.040 Prohibited Acts

11.04.045 Excessive False Alarms

11.04.050 Alarm User Awareness Class

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11.04.060 Confidentiality

11.04.065 Police Chief Discretion

11.04.070 Violations Unlawful; Remedies

11.04.075 No Duty or Obligation

1 **11.04.005 PURPOSE**

2 The purpose of this Chapter is to encourage alarm system users and alarm
3 companies to properly use and maintain the operational effectiveness of alarm
4 systems, and to reduce or eliminate the occurrence of false alarms, which may
5 unnecessarily divert law enforcement from responding to criminal activity and burden
6 the City's limited law enforcement resources. This Chapter is to establish reasonable
7 expectations of alarm users and to ensure that alarm users are held responsible for
8 their use of alarm systems.

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10 **11.04.010 DEFINITIONS**

11 The following words, terms and phrases, when used in this ordinance, shall have
12 the meanings ascribed to them, except where the context clearly indicates a different
13 meaning:

14 ***Alarm Administrator*** means the person or persons who administer, control and
15 review false alarm reduction efforts for the City and administer the provisions of this
16 Chapter.

17 ***Alarm company*** means a person and/or a company engaged in selling, leasing,
18 installing, servicing or monitoring alarm systems.

19 ***Alarm permit*** means a permit issued by the City allowing the operation of an
20 alarm system within the City.

21 ***Alarm signal*** means a detectable signal; audible or visual, generated by an
22 alarm system, to which law enforcement is requested to respond.

23 ***Alarm system*** means any single device or assembly of equipment designed to
24 signal the occurrence of an illegal or unauthorized entry or other illegal activity requiring
25 immediate attention and to which law enforcement is requested to respond, but does
26 not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, local
27 alarms or alarms designed to elicit a medical response.
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1 **Alarm user** means any person, corporation, partnership, proprietorship,
2 governmental or educational entity or any other entity owning, leasing or operating an
3 alarm system, or on whose premises an alarm system is maintained for the protection
4 of such premises.

5 **Alarm User Awareness Class** means a class conducted for the purpose of
6 educating alarm users about the responsible use, operation, and maintenance of alarm
7 systems and the problems created by false alarms.

8 **Automatic dial protection device** means an automatic dialing device or an
9 automatic telephone dialing alarm system and shall include any system which, upon
10 being activated, automatically initiates to the Police Department a recorded message or
11 code signal indicating a need for law enforcement response.

12 **Cancellation** means the process where response is terminated when the alarm
13 company (designated by the alarm user) notifies the Police Department that there is not
14 an existing situation at the alarm site requiring police response after an alarm dispatch
15 request. If cancellation occurs prior to police arriving at the scene, this is not a false
16 alarm for the purpose of a false alarm response charge, and no charge will be
17 assessed.

18 **Chief of Police** means the Chief of the Culver City Police Department, or his/her
19 designee.

20 **City** means the City of Culver City, California or its agent.

21 **False alarm** means the activation of an alarm system through mechanical or
22 electronic failure, malfunction, improper installation, or the negligence of the alarm user,
23 his/her employees or agents, and signals activated to summon law enforcement
24 personnel unless law enforcement response was cancelled by the user's alarm
25 company before law enforcement personnel arrive at the alarm location. An alarm is
26 false within the meaning of this article when, upon inspection by the Police Department,
27 evidence indicates that no unauthorized entry, robbery, or other such crime was
28 committed or attempted in or on the premises which would have activated a properly

1 functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include
2 an alarm which can reasonably be determined to have been caused or activated by
3 unusually violent conditions of nature nor does it include other extraordinary
4 circumstances not reasonably subject to control by the alarm user.

5 **Local alarm** means an alarm system that emits a signal at an alarm site that is
6 audible or visible from the exterior of a structure and is not monitored by a remote
7 monitoring facility, whether installed by an alarm company or user.

8 **Permit year** means a 12-month period beginning on the day and month on
9 which an alarm permit is issued.

10 **Person** means any individual, sole proprietorship, partnership, corporation,
11 limited liability company, trust, incorporated or unincorporated entity or group of
12 persons.

13 **Police Department** or **police** means the Culver City Police Department, and
14 includes other law enforcement agencies assisting the Culver City Police Department.

15 **Runaway alarm** means an alarm system that produces repeated alarm signals
16 that do not appear to be caused by separate human action.

17 **SIA Control Panel Standard CP-01** means the American National Standard
18 Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel
19 Standard, as may be updated from time to time, that details recommended design
20 features for security system control panels and their associated arming and disarming
21 devices to reduce false alarms. Control panels built and tested to this standard by a
22 nationally recognized testing organization, will be marked to state: "Design evaluated in
23 accordance with SIA CP-01 Control Panel Standard Features for False Alarm
24 Reduction".

25 **Verify** means an attempt by the monitoring company, or its representative, to
26 contact the alarm site and/or alarm user by telephone and/or other electronic means,
27 whether or not actual contact with a person is made, to determine whether an alarm
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1 signal is valid before requesting law enforcement dispatch, to avoid an unnecessary
2 alarm dispatch request.

3 4 **11.04.015 ALARM PERMITS**

5 A. **Permit required.** No person shall use an alarm system unless a person
6 who owns, controls or is responsible for the real property upon which the system is
7 installed holds a valid alarm user permit issued pursuant to this Chapter. A fee
8 established by resolution of the City Council may be required for the initial application,
9 annual renewals, and late renewals. Each alarm permit shall be assigned a unique
10 permit number, and the user shall provide the permit number to facilitate law
11 enforcement dispatch.

12 B. **Application.** The permit shall be requested on an application form
13 provided by the City. An alarm user has the duty to obtain the application from the City,
14 to apply for a permit and to renew a permit.

15 C. **Transfer of possession.** When the possession of the premises at which
16 an alarm system is maintained is transferred, the person (user) obtaining possession of
17 the property shall file an application for an alarm permit within thirty (30) days of
18 obtaining possession of the property. Alarm permits are not transferable.

19 D. **Reporting updated information.** Whenever the information provided on
20 the alarm permit application changes, the alarm user shall provide correct information
21 to the City within thirty (30) days of the change. In addition, each year after the issuance
22 of the permit, permit holders must update all information when renewing their permit.
23 The permit holder shall complete and return the renewal application to the City whether
24 or not any of the requested information has changed; failure to comply will constitute a
violation of this Chapter.

25 E. **Multiple alarm systems.** If an alarm user has one or more alarm systems
26 protecting two or more separate structures having different addresses and/or tenants, a
27 separate permit shall be required for each structure and/or tenant.
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1 F. **Waiver.** At the sole discretion of the Chief of Police, the alarm permit
2 application fee or renewal fee may be waived for municipal, county, state and/or federal
3 governmental agencies, or non-profit organizations, if the Chief of Police determines
4 that the public interest would be served by such waiver.

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6 **11.04.020 DUTIES OF THE ALARM USER**

7 Alarm users in the City shall comply with the following:

8 A. Maintain the premises and the alarm system in a manner that will reduce
9 or eliminate false alarms.

10 B. Instruct all persons who are authorized to place the alarm system
11 into operation in the appropriate method of operation, and to lock and secure all
12 doors and windows and other points of entry.

13 C. Inform all persons who are authorized to place the alarm system into
14 operation of the provisions of this Chapter, emphasizing the importance of
15 avoiding false alarms.

16 D. Provide to the alarm company the permit number.

17 E. Respond or cause a representative to respond to the alarm system's
18 location within a reasonable amount of time when notified by the Police Department.
19 Failure to do so may result in a civil penalty established by resolution of the City
20 Council.

21 F. Shall not manually activate an alarm for any reason other than an
22 occurrence of an event that the alarm system was intended to report.

23 G. Annually renew alarm permits.

24 H. Obtain a new permit and pay any associated fees if there is a change in
25 address or ownership of a business or residence.

26 I. Have a licensed alarm business annually service and test any alarm
27 system that does not have a self-test or a backup battery and wireless sensors.
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1 **11.04.025 DUTIES OF THE ALARM COMPANY**

2 A. Any person engaged in the alarm business in the City shall comply with
3 the following:

4 1. Obtain and maintain all required state and City permits and
5 licenses, including but not limited to a City business tax certificate.

6 2. Provide the name, address, and telephone number of the user or a
7 designee, who may be reached in an emergency, twenty-four (24) hours a day,
8 and contact a key holder or other emergency contact who will respond
9 immediately.

10 3. Provide the most current contact information for the alarm user.

11 B. Within ninety (90) days after the effective date of this Ordinance, the
12 alarm installation companies shall, on all new and upgraded installations, use only
13 alarm control panel(s) which meet SIA Control Panel Standard CP-01.

14 C. Prior to activation of an alarm system, the alarm company must provide
15 instructions, explaining the proper operation of the alarm system to the alarm user.

16 D. Provide written information of how to obtain service from the alarm
17 company for the alarm system.

18 E. An alarm company performing monitoring services shall:

19 1. Verify, by calling the alarm site and/or alarm user by telephone, to
20 determine whether an alarm signal is valid before requesting dispatch. To
21 attempt to determine whether an alarm signal is valid, telephone verification shall
22 require, as a minimum, that a second call be made to a different number, if the
23 first attempt fails to reach an alarm user who is able to properly identify
24 themselves, except in the case of a panic or robbery-in-progress alarm, or in
25 cases where a crime-in-progress has been verified by video and/or audible
26 means.

27 2. Provide the alarm user registration number, when available, to the
28 communications center to facilitate dispatch and/or cancellations.

1 3. Communicate any available information about the location of the
2 alarm.

3 4. Communicate a cancellation to the law enforcement
4 communications center as soon as possible, following a determination that
5 response by law enforcement is not necessary.

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7 **11.04.030 SUSPENSION OR REVOCATION OF AN ALARM PERMIT**

8 A. The Chief of Police may suspend or revoke, in his or her reasonable
9 discretion, an alarm permit based upon one or more of the following grounds, as
10 applicable:

11 1. The alarm system is installed, maintained or used in violation of
12 any applicable federal, state or local law, ordinance or regulation, including
13 the requirements of this Chapter.

14 2. The alarm user has knowingly made any false, misleading or
15 fraudulent statement of a material fact in the application for an alarm user
16 permit, or in any report or record required to be filed with City pursuant to the
17 provisions of this Chapter.

18 3. The alarm user fails to provide current information as required in
19 §11.04.015(D).

20 4. The alarm user has failed to remit payment of fees, charges, or
21 penalties owed under this Chapter.

22 5. Programming an automatic dial protection device to select any
23 telephone line in the Police Department.

24 B. The Chief of Police's decision to either suspend or revoke an alarm permit
25 on the grounds set forth in subsection (A) shall be based upon the severity of the
26 violation, including, but not limited to, consideration of the following factors:

27 1. The materiality and nature of any false or incomplete statement
28 made on the permit application,

1 2. The number and severity of any prior instances of failure to
2 comply with federal, state or local laws, ordinances or regulations, including
3 the provisions of this Chapter.

4 3. The amount of fees, administrative charges or penalties owed
5 and unpaid by the alarm user.

6 4. The alarm user cannot provide documentation to the Chief of
7 Police's satisfaction that a material change in circumstances has occurred
8 indicating the alarm user's ability to comply with the provisions of this
9 Chapter.

10 C. If the Chief of Police determines there is cause for the suspension or
11 revocation of a permit, then he or she shall cause a notice of suspension or revocation
12 to be mailed to the alarm user, at the address provided on the alarm permit
13 application, stating the suspension or revocation will be effective thirty (30) days after
14 the date of mailing. The notice of suspension or revocation shall provide the grounds
15 for the suspension or revocation. If a notice of appeal is filed in accordance with this
16 Chapter, the suspension or revocation of the alarm permit shall be stayed during the
17 pendency of any appeal.

18 D. Operating or using an alarm system after the alarm permit has been
19 suspended or revoked shall be a violation of this Chapter.

20 **11.04.035 APPEAL OF THE SUSPENSION OR REVOCATION**
21 **OF AN ALARM PERMIT**

22 A. Any appeal provided for under §11.04.030 of this Chapter shall be
23 conducted in accordance with the provisions of this section.

24 B. An alarm user may appeal the suspension or revocation of an alarm
25 permit, by filing a written notice of appeal with the City Clerk, within fifteen (15) days
26 from date of the notice of suspension or revocation of the permit. A notice of appeal
27 shall be accompanied by an appeal fee established by resolution of the City Council.

1 C. Failure of any person to file a timely appeal or to pay the appeal fee shall
2 constitute an irrevocable waiver of the right to an administrative hearing, a failure to
3 exhaust administrative remedies, and a final adjudication of the notice suspending or
4 revoking an alarm permit.

5 D. The notice of appeal shall specify the grounds of the appeal and shall
6 provide the appellant's address and telephone number, with a statement that the
7 appellant agrees to accept service at such address of the written notice of the time and
8 place of the appeal hearing and the determination of the hearing officer, who shall be
9 the City Manager or his/her designee, or an appointed hearing officer.

10 E. Upon receipt of a timely appeal, the hearing officer shall set the matter for
11 an informal hearing at the earliest practical date, not less than fifteen (15) or more than
12 sixty (60) days from the date of the notice of appeal. Not less than seven (7) days prior
13 to the date of hearing, the hearing officer shall send written notice of the hearing by
14 first-class mail to the appellant.

15 F. The hearing shall be conducted informally and the rules of evidence and
16 discovery do not apply. The hearing officer shall hear any relevant information
17 presented by the appellant or the Police Department, and using the preponderance of
18 evidence standard, may uphold, modify or rescind the notice of suspension or
19 revocation. The hearing officer may conduct the hearing by telephone if agreed to by
20 appellant. The hearing officer shall provide the appellant a written decision, stating the
21 grounds for the decision, within ten (10) days from the date of the hearing. The
22 decision of the hearing officer is the final decision of the City, and shall be sent by first-
23 class mail to the appellant.

24 **11.04.040 PROHIBITED ACTS**

25 A. It shall be unlawful to activate an alarm system for the purpose of
26 summoning law enforcement when no burglary, robbery, or other crime dangerous to
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1 life or property is being committed or attempted on the premises, or otherwise to cause
2 a false alarm, except to test an alarm system with prior notice to the Police Department.

3 B. It shall be unlawful to install, maintain, or use an audible alarm system
4 which can sound continually for more than fifteen (15) minutes, or to maintain or use a
5 runaway alarm. The Police Department may in its discretion discontinue police
6 responses to alarm signals from what appears to be a runaway alarm.

7 C. It shall be unlawful to install, maintain, or use an automatic dial protection
8 device that reports, or causes to be reported, any recorded message to the Police
9 Department.

10 **11.04.045 EXCESSIVE FALSE ALARMS**

11 A. An alarm user who holds a valid City alarm permit is allowed one false
12 alarm response without charge per each permit year. Upon a second false alarm in a
13 permit year, a false alarm charge will be assessed as per the fee schedule established
14 by resolution of the City Council.

15 B. The Alarm Administrator may waive the false alarm charge for a
16 chargeable false alarm if the City-approved online Alarm User Awareness Class is
17 successfully completed within thirty (30) days of the notice of the false alarm charge.
18 Alarm users without online access may request the online school and test to be mailed
19 to them. An additional time of five (5) days to complete the Alarm User Awareness
20 class shall be allowed for mail delivery.

21 C. When the police respond to a false alarm, and the alarm user does not
22 hold a valid alarm permit issued by the City, the first and any additional false alarm
23 responses are charged to the alarm user, according to the fee schedule established by
24 resolution of City Council. If the responsible party applies for and obtains an alarm
25 permit within thirty (30) days of receiving the first notice of a false alarm charge, the
26 false alarm response fee may be waived by the City. The false alarm will be counted
27 toward any additional false alarms in that permit year. After the permit fee is paid, the
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1 user will be assessed a charge for any second false alarm, which may then be waived
2 upon completion of the Alarm User Awareness class, as set forth in this Chapter.

3 D. The third and any subsequent false alarms within a permit year will be
4 assessed without eligibility for waiver of the false alarm response charge.

5 E. In determining the number of false alarms within a permit year, multiple
6 alarms occurring within any twenty-four (24) hour period may be counted as one (1)
7 false alarm, to allow the alarm user time to take corrective action, except where the
8 alarm user has a history of chronic false alarms, as determined by the Police
9 Department.

10 F. All charges assessed for false alarms, as set forth in this section, shall be
11 paid to the City within thirty (30) days from the date of the invoice. A late fee in an
12 amount set by City Council resolution will be assessed after thirty (30) days if payment
13 is not received by the City, unless the alarm user files a timely request for appeal of the
14 false alarm charge under section 11.04.055.

15 G. The charges imposed pursuant to this Chapter shall be a debt owed to the
16 City and may be collected by any method permitted by law, including but not limited to
17 civil action.

18 **11.04.050 ALARM USER AWARENESS CLASS.**

19 A. ***Alarm User Awareness Class.*** The purpose of the Alarm User
20 Awareness Class is to inform alarm users of the problems created by false alarms and
21 instruct alarm users how to help reduce false alarms. The City may grant the option of
22 completing the Alarm User Awareness class in lieu of the alarm user paying one
23 assessed charge for a false alarm response.

24 B. Each alarm user who attends an Alarm User Awareness Class shall be
25 responsible for paying all provider fees associated with the program.

26 C. If the alarm user successfully completes the Alarm User Awareness
27 Class, a certificate will be issued to that person. After presentation of the certificate to
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1 the Alarm Administrator, one (1) false alarm response charge may be waived by the
2 City per permit year.

3 4 **11.04.055 APPEALING A FALSE ALARM RESPONSE CHARGE**

5 A. An alarm user may appeal the imposition of a false alarm response
6 charge under this Chapter by submitting a written request for an administrative appeal
7 to the Chief of Police, along with a deposit in the amount of the false alarm response
8 charge, or provide proof of a financial inability to deposit the false alarm response
9 charge, within fifteen (15) calendar days of the notice imposing the charge.

10 B. Failure of any person to file a timely appeal with the required deposit shall
11 constitute an irrevocable waiver of the right to appeal and a final adjudication of the
12 notice imposing the false alarm service charge.

13 C. Upon receipt of a timely request for appeal, the Chief of Police shall
14 review the written grounds for appeal and the City's own records of the circumstances
15 of the false alarm response charge. The Chief of Police may cancel the false alarm
16 response charge, if he or she determines that the false alarm response charge is not
17 warranted due to legally supportable or mitigating circumstances. Such determination
18 shall be made within thirty (30) days from the date of the filing of the appeal. A written
19 notice of the decision shall be sent by first class mail to the appellant within ten (10)
20 days of the date of the decision. The action of the Chief of Police under this section
shall be final and conclusive.

21 D. If the Chief of Police cancels the false alarm response charge, the Alarm
22 Administrator shall refund the charge within thirty (30) days from the date of the
23 decision. If the charge is upheld, all unpaid charges and fees shall be paid to the City
24 within thirty (30) days from the date of the decision.
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1 **11.04.060 CONFIDENTIALITY**

2 Alarm business proprietary information furnished and secured pursuant to this
3 Chapter shall be confidential and shall not be subject to public inspection. It is hereby
4 declared that this information is critical to the safety and security of the user and law
5 enforcement personnel and that the public interest served by not disclosing said
6 information to the public clearly outweighs the public interest served by disclosing
7 said information.

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9 **11.04.065 POLICE CHIEF DISCRETION**

10 The Chief of Police shall have broad discretion to promulgate, execute and
11 enforce rules, regulations, policies, procedures and directives as may, in his/her
12 discretion, be necessary to implement the provisions of this Chapter. Such powers
13 shall include, but are not limited to, the power to promulgate, execute and enforce a
14 policy regarding dispatch of police to alarm signals, as well as the discretion to
15 discontinue police response to alarm signals due to the user's failure to comply with the
16 provisions of this Chapter, or to properly repair alarm systems deemed to constitute
17 runaway alarms.

18 **11.04.070 VIOLATIONS UNLAWFUL; REMEDIES**

19 A violation of any provision of this Chapter is unlawful and may be enforced by
20 any remedies available in law or equity, including those provided in Chapters 1.01 and
21 1.02 of this Code. A violation of any provision of this Chapter shall also constitute a
22 public nuisance.

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24 **11.04.075 NO DUTY OR OBLIGATION**

25 Nothing in this Chapter imposes or creates any express or implied duties or
26 obligations on the part of the City, its Police Department or any other governmental
27 agency to respond to an alarm activation of any sort, whether verified or not. Any and
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1 all liability of consequential damage resulting from the failure to respond to an alarm
2 activation of any sort is hereby disclaimed and governmental immunity, as provided by
3 law, is retained by the City. By applying for an alarm permit, the alarm user
4 acknowledges that the police response may be influenced by factors such as: the
5 availability of police units, priority of calls, weather conditions, traffic conditions,
6 emergency conditions, staffing levels and prior response history.

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8 **SECTION 3:** Nothing in this Ordinance shall be construed to affect any suit or
9 proceeding impending in any court, or any rights acquired, or liability incurred, or any
10 cause or causes of action acquired or existing, under any act or Ordinance hereby
11 repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or
12 remedy of any character be lost, impaired or affected by this Ordinance.

13 **SECTION 4:** Pursuant to Section 619 of the City Charter, this Ordinance shall
14 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the
15 City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk
16 shall cause this Ordinance, or a summary thereof, to be published in the Culver City
17 News and shall post this Ordinance or a summary thereof in at least three (3) places
18 within the City.

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SECTION 5: City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____ 2016.

JIM B. CLARK, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

CAROL A. SCHWAB
City Attorney