

**TOWN OF PARADISE
ORDINANCE NO. 532**

**AN ORDINANCE OF THE TOWN OF PARADISE REPEALING CHAPTER 9.60 OF
THE PARADISE MUNICIPAL CODE AND ADDING A NEW CHAPTER 9.60 TO
THE PARADISE MUNICIPAL CODE RELATING TO ALARM SYSTEMS**

The Town Council of the Town of Paradise, State of California does **ordain as follows**:

SECTION 1. Chapter 9.60 of the Paradise Municipal Code is hereby repealed.

SECTION 2. A new Chapter 9.60 is hereby added to the Paradise Municipal Code to read:

**CHAPTER 9.60
ALARM SYSTEMS**

Sections:

9.60.010	Purpose
9.60.020	Definitions
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9.60.050	Alarm Provider Registration and License
9.60.060	Alarm Shut-Off Devices
9.60.070	Alarm Installation
9.60.080	Alarm Reporting
9.60.90	Alarm Activation at Premises Where an Alarm User Permit Has Not Been Issued
9.60.100	Reporting False Alarms – Fines and Penalties
9.60.110	False Alarm Fine(s) Appeal Process
9.60.120	Permit Revocation
9.60.130	Fines and Fees

9.60.010 Purpose.

The purpose of this chapter is to provide a permit and registration system with appropriate regulations to facilitate the reduction of false alarms, provide police response and administration, and to advance the proper use of alarm systems by alarm users.

9.60.020 Definitions.

- A. "Alarm User" means the owner, occupant, or person in control of premises where a security or medical alarm is maintained within the Town of Paradise, excluding public schools.
- B. "Alarm Provider" means any person or other entity, whose business, purpose, or function is to install, service, or monitor security or medical alarms.
- C. "Alarm System" means a device or assembly of equipment and devices arranged to signal the presence of a condition such as (1) a robbery, (2) a burglary, home or business invasion, or (3) a medical emergency which is intended to summon an emergency police

response and/or emergency medical service. An alarm connected to equipment that alerts an alarm system at a premise is included within this definition. In this section, the term "Alarm System" shall include but is not limited to the following: "automatic hold-up alarm system", "burglar alarm system", "intrusion alarm system", "hold-up alarm system", "panic alarm system", and "personal emergency response system". Excluded from this definition and regulation from this Section are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located, of an attempted, unauthorized intrusion or hold-up attempt. If such a system, however, employs an audible signal emitting sounds, flashing lights, smoke or beacon designed to signal persons outside of the premises; such a system shall be within the definition of "Alarm System" and shall be regulated by this section.

- D. "False Alarm" means any alarm that is activated intentionally or accidentally, or by system malfunction when there is no intrusion, fire, smoke, or medical emergency. The Town shall have full authority and discretion to determine those situations and/or circumstances that may constitute a false alarm based on the following:
 - 1. Error or mistake: Any action by any person or other entity owning or operating any dwelling, building, or place, or any action of an agent or employee thereof, which results in the activation of any alarm system when no emergency exists.
 - 2. Malfunction: Any unintentional activation of any alarm system caused by a mechanical malfunction, flaw in design, installation or maintenance of the system. Any activation caused by extraordinary violent conditions of nature, such as tornados, floods, or earthquakes, shall not be considered a malfunction.
 - 3. Intentional Misuse: Any intentional activation of an alarm system when no burglary, robbery, fire, or other emergency exists or is in progress.
 - 4. Alarms that are cancelled by the alarm company prior to a police officer being dispatched shall not be classified as a false alarm.
- E. "Principal" means the person or other entity whose premises are or will be protected by an alarm system. If the premise is leased, the principal shall be the person in possession or control of the protected premises, unless more than one tenant is served by a single alarm system, in which event, "principal", shall mean the owner of the protected premises.
- F. "Protected Premises" shall mean the area, which is or will be covered by an alarm system.

9.60.030 Alarm System Permit Required

- A. It is unlawful for any person or other entity to use, own or lease an alarm system or to be in control of a premise wherein an alarm system is operated or maintained without having first obtained an alarm system permit from the Town of Paradise as provided in this chapter.
- B. It is unlawful for any person or other entity to use, own or lease an alarm system or to be in control of a premise wherein an alarm system is operated or maintained when an alarm system permit has been revoked.
- C. An alarm system permit shall be obtained for each separately addressed operating premises.
- D. An alarm system permit is valid for one fiscal year, July 1 to June 30, unless revoked.
- E. Each applicant for an alarm system permit shall file a written application containing the following with the Town Police Department together with the fee established by Town Council resolution:
 - 1. The full legal name, address, and telephone number of the applicant.

2. The name, address, and telephone number of the premises where the alarm system is located.
 3. The type of alarm system at the protected premises.
 4. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
 5. The name(s), address, telephone number, and state license number of the person or company that installed the alarm system.
 6. The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.
 7. The phone number and address of the alarm monitoring station.
- F. Incomplete applications shall be returned to the applicant. An alarm system permit will not be issued until the completed application is received and approval for the permit has been granted by the Police Department.
- G. An application for an alarm system permit shall be denied if:
1. The applicant has failed to pay false alarm fees required by this chapter for a different protected premises under the applicant's ownership or control.
 2. The applicant has failed to comply with any provisions of this chapter.
- H. The Town Police Department shall be responsible for processing and issuing alarm system permits.

9.60.040 Alarm Permit Registration.

- A. Prior to an installation of an alarm system, the alarm user shall obtain a permit and register the alarm system with the Town Police Department.
- B. The alarm user shall pay the Town an annual permit renewal registration fee for each premise where an alarm control panel in use. The annual permit fee shall be adopted by resolution of the Town Council.
- C. All alarm providers shall advise all alarm users with whom they do business that the alarm users must obtain an alarm system permit and register their alarm with the Town Police Department
- D. By June 30th of each fiscal year, all alarm users shall renew their alarm user permit and registration with the Town Police Department.
- E. No annual permit renewal fee shall be charged for an alarm system that has had no false alarms during the previous twelve (12) months. (July 1 – June 30)

9.60.050 Alarm provider registration and license.

- A. An alarm provider contracted to install, maintain and/or provide monitoring an alarm shall possess a valid California-issued alarm company license and be registered with the Town as an alarm system provider. The California alarm licensing requirements shall apply to alarms installed by the owner or occupant in his or her residence. Alarm providers who have an inordinate number of system revocations may have their company removed from the Town alarm installer/monitor registration role.
- B. Alarm providers shall pay the Town an annual business registration fee as established by Town Council resolution.

- C. By June 30th of each fiscal year, all alarm providers shall renew their business registrations with the Town Police Department.

9.60.060 Alarm shut-off devices.

- A. Alarm systems equipped with audible signals, e.g. bells, horns, sirens, shall be fitted with a shut-off device that automatically silences the audible signal within ten (10) minutes of activation.
- B. Alarm systems equipped with audible signals that are not fitted with an automatic shut-off device shall be subject to deactivation by representatives of the Town Police Department. The alarm user shall be subjected to a shut-off fee adopted by Town Council resolution, in addition to any false alarm fees, which may be associated with an emergency police or medical response.

9.60.070 Alarm Installation.

Alarm system installation shall comply with the following:

1. Upon completion of an alarm installation, the alarm provider shall thoroughly instruct the alarm user in the proper operation, testing, and maintenance of the system.
2. Use only dual action hold-up devices and eliminate using "1+" duress keypad coding and money clips.
3. Implement procedures to prevent or cancel exit/entry false alarms. (Extend delay times, enable delays before dialing, enable panel cancel code, etc.)
4. Alarm systems shall contain a battery back-up system in case of a power surge, loss of power due to storms or cut wires.
5. Alarm users and alarm providers shall assign access codes to premise users that are unique to the individual such as driver's license or social security numbers.
6. In commercial *robbery* alarm application, the alarm user shall locate a phone designated for alarm verification adjacent to the alarm code access panel.

9.60.080 Alarm reporting by Alarm Providers.

- A. When reporting alarms to the police, fire, emergency medical dispatch center, the alarm providers shall indicate whether verification was made.
- B. Alarm provider shall immediately notify the police, fire, and/or emergency medical dispatch center of all verified alarm cancellations.
- C. No false alarm fee shall be charged if the alarm is cancelled prior to a Town police officer being dispatched to a call for service.
- D. Alarm providers shall provide the Town an alarm user list on a format designated by the Town Police Department. The alarm user list shall be submitted to the Town Police Department no later than the 15th day of the month for the prior month.

9.60.090 False alarm prohibited.

- A. Any person who knowingly or willfully initiates a false alarm shall be guilty of an infraction.

9.60.100 False alarms – fees.

For each false alarm, an alarm user shall be required to pay the Town the fee or fees established by Town Council resolution.

9.60.110 False alarm fees appeal process.

- A. The Town Police Department shall notify the alarm user, in writing and/or by e-mail of each instance wherein the Police Department has recorded a false alarm. The alarm user shall have the opportunity within fourteen (14) days from the date of the notification to submit a report for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Police Department shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the false alarm record action will be voided.
- B. Documentation provided to the Police Department of maintenance or repair to the alarm system after the occurrence of a false alarm may be considered in determining whether or not to assess the false alarm fee. No more than one false alarm fee per fiscal year shall be waived due to malfunction, maintenance, equipment failure, or user error.
- C. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the alarm user, or any other cause clearly beyond the control of the alarm user may be considered in determining whether or not action will be taken against the alarm user as provided for in this ordinance.

9.60.120 Permit revocation.

- A. Any alarmed premises, which has six (6) or more false alarms within a fiscal year shall subject the alarm user to permit revocation as provided herein.
- B. If Town records show six (6) or more false alarms within a fiscal year for any alarmed premises:
 - 1. The Police Department shall notify the alarm user by certified mail or e-mail, that his or her alarm permit shall be revoked thirty (30) days from date of mailing or e-mailing. The alarm user shall have fourteen (14) days from the date of mailing or e-mail to submit a written report to the Police Department describing action taken or to be taken to identify and eliminate the cause of the false alarms, and to request that his or her alarm system permit be reinstated.
 - 2. If the alarm user submits a report requesting reinstatement of his or her alarm system permit, the Police Department shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If the Police Department determines that the action will substantially reduce the likelihood of false alarms, the Police Department shall notify the alarm user that the request to reinstate the alarm system permit has been approved.
 - 3. If the alarm system permit is reinstated, and the Police Department responds to subsequent false alarm activations in the same fiscal year at the protected premises, the Police Department shall proceed with the permit revocation process again as described in this section.
 - 4. If the Police Department determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The Police Department shall give notice by certified mail or e-mail to the alarm user that the permit will be revoked and that:

- i. The Police Department shall require the alarm provider to perform an inspection of the alarm system and provide a report to the Police Department.
- ii. The amount of fines and fees.
- iii. Amount of a reinstatement fee.
- iv. Attend alarm school/training.

9.60.130 Fines and Fees.

- A. Any alarm user who fails to pay any fines or fees provided for under this chapter or by Town Council resolution within thirty (30) days from the date of invoice requesting payment of same shall have the subject alarm system permit revoked. Any such alarm system permit shall not be reinstated until all the unpaid fees and fines are paid in full.
- B. Violation of this chapter by an alarm user shall be deemed an infraction. Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions pursuant to Government Code Section 36900. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

SECTION 3. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published with the names of the members of the Town Council voting for and against it in a newspaper of general circulation published in the Town of Paradise, California.

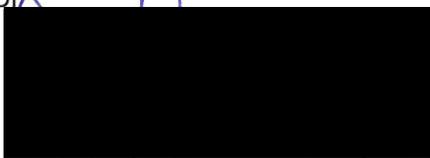
PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of October 2013, by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, John J. Rawlings and Scott Lotter, Vice Mayor

NOES: None

ABSENT: Timothy Titus, Mayor

NOT VOTING: None



 Scott Lotter, Vice Mayor

ATTEST: *October 8, 2013*

By: 

 Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:

By: 

 Dwight L. Moore, Town Attorney