

ORDINANCE NO. 1072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADDING CHAPTER 14B, “ALARMS AND ALARM SYSTEMS,” TO THE LOS BANOS MUNICIPAL CODE

Recitals

The City Council of the City of Los Banos does ordain as follows:

SECTION 1. Chapter 14B “Alarms and Alarm Systems,” is hereby added to the Los Banos Municipal Code as follows:

Chapter 14B
Alarms and Alarm Systems

14B-010- Purpose

14B-020- Definitions

14B-030- Prohibitions

14B-040- Exemptions

14B-050- Penalties

14B-010 – Purpose

The purpose of this Chapter is to ensure that the allocation of public safety resources are equally applied when responding to alarm activations. It is the policy of the City of Los Banos to provide quick and efficient response to all emergency calls for aid from the police or fire services. In the case of burglary, robbery and fire alarms some businesses and residences fail to take reasonable steps to avoid false activation of the alarm system. Public resources are diverted to the source of the alarm only to find that they have responded to a false alarm. Because the response by the City results in a considerable expenditure of City employee time and is an expense to the City both in manpower and materials, the City council has determined that the expense of such response should be reimbursed if the number of responses exceed a certain amount annually. Alarm systems that transmit a false alarm, which results in the City dispatching Police and/or Fire personnel to a location shall constitute a public nuisance.

14B-020 – Definitions

The following definitions apply to the provisions of this chapter:

- A. "Alarm or Alarm System" shall mean an alarm signal from a residence, business, or government agency in the City of Los Banos which ends at the City of Los Banos or at a central alarm company office which in turn relays it to the Police or Fire Department, and which causes City personnel to respond, through whatever means, results in the response of the Police and/or Fire Department personnel.
- B. "Emergency" shall mean an incident that reasonably requires a response by Police and/or Fire Department personnel. A response due to the failure, malfunction or other error, whether human or mechanical, which results in the transmission of an alarm to the Police Department is not an emergency. In the event that a question of whether a response by City personnel was a response to an emergency the determination of the Police Chief shall be final.
- C. "False alarm" means an alarm to which City personnel or equipment have responded because of a report that an emergency existed and which did not require a response because the incident for which the alarm was given did not occur.
- D. "Alarm Owner." In determining responsibility for commercial alarms, the person or persons who contract with the alarm company for service to that alarm system or the owner, lessee, or occupant of the structure in which the alarm is installed and who maintains control of said alarm shall be ultimately responsible for that alarm system.

For residential alarm systems in a single family or multi-family dwellings the responsibility shall rest with the person or persons who contract with the alarm company for service to that alarm system, or the owner, lessee, or occupant of the structure in which the alarm is installed and who maintains control of said alarm. Government building alarm systems shall be the responsibility of the department head or person in charge of such facility.

14B-030 – Permit

APPLICATION FOR PERMIT. (a) Application for alarm system permits shall be filed with the Police Department on such forms as the Police Department may prescribe.

- A. An applicant must apply for a separate permit for each alarm site. A separate application and permit fee shall be filed and collected for each permit.
- B. Each alarm system permit application must contain the following information:
 - (a) Full name, date of birth, social security number, driver's license number, address, and telephone number of the person who will be the permit holder and of the person responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter.
 - (b) Classification of the alarm site as either residential or commercial;
 - (c) For each alarm system located at the alarm site, the purpose of the alarm system; i.e., fire, burglary, robbery, or panic.

(d) Other information as may be reasonably required by the Police Department.

(e) The information furnished and secured pursuant to this ordinance shall, to the extent permitted by law, be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that the public interest by not disclosing said information to the public clearly outweighs the public interest served by disclosing said information.

C. Except for persons exempt pursuant to Government Code Section 6103, every application for an alarm system permit shall be accompanied by a non-refundable fee in an amount set by resolution of the City Council of the City of Los Banos. This fee shall be in addition to any other fee imposed by the City and is imposed for the purpose of defraying the costs of processing and overseeing the permit process and the cost of patrol response for false alarms.

D. (a) Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only as to the person named on the permit, and only for the particular address specified on the permit and shall not expire so long as there is no change of the named permittee or address, except as provided in E below.

(b) In the event the permittee's name is legally changed, the permittee shall so inform the Police Department within ten (10) days of such change and no fee shall be assessed to correct the permit.

(c) The permittee shall inform the Police Department of any other general information changes to the application within ten (10) days after such change, and no fee shall be assessed for changing the Police Department's records.

E. All permits issued will require renewal every two years accompanied by a non-refundable fee in an amount set by resolution of the City Council of the City of Los Banos.

14B-040 – Prohibition

False alarms in excess of three per calendar year- Abatement of Nuisance.

Maintaining, using, or possessing an alarm system, which has caused any false alarms at the same property location in excess of three (3) per twelve (12) month period shall constitute a public nuisance and be subject to imposition of a fee upon the owner or occupant of the subject property in an amount set forth within this ordinance. Any fee imposed pursuant to this section may be assessed against the property upon which the nuisance occurred and a notice of lien recorded. All fire alarms must remain connected to a central alarm monitoring station.

14B-050 – Exemptions

- A. New Alarm Installations. In the case of new alarm installations there will be a thirty (30) day grace period in which response will not be monitored for enforcement of this ordinance.
- B. City Power Outage. Alarm activations caused by a disruption of electrical service to an area of the City shall not be monitored for enforcement of this ordinance.

14B-060 – Penalties

- A. After the third false alarm in a 12 month period, excluding the new alarm exemption as stated in section 050 of this chapter, the Police Department will send a warning letter to the responsible party.
- B. For the fourth and fifth response to a false alarm an extra charge, as established by resolution, per response shall be collected.
- C. For the sixth and seventh response to a false alarm an extra charge, as established in the fee resolution, per response shall be collected.
- D. Additional false alarm responses will result in an extra charge, as established by resolution, per response shall be collected.
- E. After the seventh false alarm during a calendar year, there will be no further police response to the alarm call, pending verification from the alarm owner that repair or training has taken place to mitigate the false activations.
- F. Any location with a fire alarm that does not maintain a central alarm monitoring station connection is subject to a fine of \$100 per non-connected day.

Appeals

Any person aggrieved by a determination made pursuant to any provision of this Ordinance may appeal such a decision to the Chief of Police. Such appeal shall be taken by filing a written notice of appeal, together with the total fee due for the alarm, to the Los Banos Police Department prior to the due date of the alarm fee. The Chief of Police shall answer the appeal within 15 calendar days. The decision of the Chief of Police shall be final and conclusive. For purposes of this section, the term “Chief of Police” shall include his or her designee. The appeal fee may be refunded if good cause is shown.

Section 2 – Severability: If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Los Banos

hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

Section 3 – Effective Date: This Ordinance of the City of Los Banos shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance or a summary thereof as provided in Government Code section 36933, shall be published at least once in a newspaper of general circulation

published and circulated in the City of Los Banos, along with the names of the members of the City Council voting for and against its passage.

Introduced by Council Member Villalta and seconded by Council Member Sousa on the 18th day of June, 2008.

Passed on the 2nd day of July 2008, by the following vote:

AYES: Council Members Brooks, Sousa, Villalta, Mayor Jones
NOES: Council Member Faria
ABSENT: None

APPROVED:

/s/ Tommy Jones
Tommy Jones, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk