

**CITY COUNCIL OF THE CITY OF  
OXNARD ORDINANCE NO. 2951**

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 11

ARTICLE II OF THE OXNARD CITY CODE REGARDING ALARM SYSTEMS.

WHEREAS, the Oxnard Police Department classifies security alarm calls into two general categories: commercial and residential; and

WHEREAS, about 98% of alarm calls received by communication centers nationwide are false alarms; and

WHEREAS, in 2017, 97.23% of Oxnard's commercial alarms and residential alarms were false alarms, and an additional 1.69% were caused by uncontrollable events such as weather; and

WHEREAS, police response to false alarms, and the time spent investigating these calls detracts from availability to promptly respond to bona fide calls for service; and

WHEREAS, the proposed ordinance promotes alarm user responsibility, and holds users accountable if their system(s) cause an excessive number of false alarms; and

WHEREAS, a high incidence of Fire Alarm and/or Nuisance Fire Alarms dispatching causes a significant use of fire department resources by the dispatch of emergency units to the scene of non-emergency Fire Alarm signal, which renders them out of service and unavailable to respond to other emergency situations; and

WHEREAS, continued high incidence of Fire Alarm and/or Nuisance Fire Alarm dispatching are a threat to the health, safety and welfare of the citizens and fire department personnel of the City of Oxnard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES  
ORDAIN AS FOLLOWS:

**Part 1.** Sections 11-65 through 11-125 of Article II of Chapter 11 of the Oxnard City Code are hereby repealed.

**Part 2.** Sections 11-63 through 11-91 are hereby added to the Oxnard City Code to read as follows:

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***“ARTICLE II. ALARM SYSTEMS***

**DIVISION 1. SECURITY ALARMS (POLICE)**

**SEC. 11-63. SECURITY ALARMS: DEFINITIONS.**

For the purpose of this article, the following words and terms shall have the following meanings:

(A) ALARM - A sound, signal or message generated by an alarm system, alarm user or other person.

(B) ALARM ADMINISTRATOR - The person or entity designated by the Police Chief to administer and determine security alarm system permit applications, permits, and alarm dispatch requests.

(C) ALARM AGENT A person employed by an alarm business, whose duties include installing, maintaining, moving, repairing, altering, replacing, **or** servicing alarm systems.

(D) ALARM BUSINESS - A business that sells, leases, installs, **moves**, maintains, repairs, alters, replaces, services **or** monitors alarm systems, not including a business that only sells alarm **systems** from a **fixed** location, **or that** only manufactures alarm systems sold to retailers, and not to the public.

(E) ALARM CALL CONFIRMATION - An attempt by the alarm company or its representative to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

(F) ALARM CANCELLATION - The termination of an alarm response following an alarm business's dispatch request, when the alarm business advises the Police Department that there is not **a** situation at the alarm site that requires a response. If cancellation occurs prior to police **or** fire personnel arriving at the scene. this shall not be **considered a false alarm** for the purpose of civil penalty.

(G) ALARM DISPATCH - A notification to police or fire personnel that an alarm has been activated at an alarm site **and a** response is requested.

(H) ALARM SITE - A single fixed premises **or** location served by an alarm system **or** systems. Each unit, if served by a separate alarm system in a multi-unit building **or** complex, shall be considered a separate alarm site.

(I) ALARM SYSTEM - Any device, whether mechanical or electrical, designed and used to notify police **or** fire personnel, either directly **or** through a third party, of an event to which police or fire personnel are requested to respond. An alarm system does not include a battery operated smoke detector **or the** conventional use of a cellular or landline telephone. An alarm system.

includes both manual and automatic alarm systems. An alarm system that notifies police personnel is a security alarm system. An alarm system that notifies fire personnel is a fire alarm system.

(J) ALARM USER - An individual, corporation, partnership, association, organization or other entity, including a permittee, owning, leasing or controlling an alarm site.

(K) AUDIBLE ALARM - An alarm system device that, when activated, emits an audible sound at or around the alarm site.

(L) AUTOMATIC ALARM SYSTEM - An alarm system that is activated automatically by one or more sensors such as, but not limited to, motion detectors, reed switches, vibration sensors, acoustic sensors, glass break detectors, smoke sensors, heat detectors or fire suppression devices. Manually activated alarms or alarms operating from a mobile security device are not automatic alarms.

(M) AUTOMATIC DIALING DEVICE - A device that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police or fire personnel are requested to respond.

(N) BUILDING - A structure used or intended for use as human habitation, including attached non-habitable areas, such as storage and garage areas, and excluding yards and open areas, and detached accessory buildings not used or intended for use as human habitation.

(O) DURESS ALARM - A silent alarm system signal generated by the entry of a designated code into an arming station, in order to signal that the alarm user is being forced to turn off the system and requests a law enforcement response.

(P) EXCESSIVE FALSE ALARM - The occurrence of two (2) or more false alarms, generated by an alarm user's alarm system, within a twelve (12) month period.

(Q) FALSE ALARM - An alarm to which responding personnel, having investigated the alarm site, find no evidence of a situation requiring a response by such personnel, or, except for an alarm based on fire or medical emergency, find that the alarm site contains one or more unsecured exterior doors or windows. A false alarm includes an alarm caused by a power outage, but does not include an alarm caused by a force majeure or an extraordinary condition not reasonably within the control of the alarm business or alarm user. False alarms include situations involving an authorized person or persons at the alarm location who do not use the proper alarm code.

(R) FEE - means the assessment of a monetary charge based on the cost of services provided by the city, payable to the city pursuant to this Division.

(S) FINE - means the assessment of a monetary charge for noncompliance with this Division payable to the city pursuant to this Division.

(T) HEARING OFFICER - A person appointed by the city to hear and decide certain matters arising under this article.

(U) MANUAL ALARM SYSTEM - An alarm system that is hand-activated by one or more devices such as, but not limited to: buttons, keys, switches, rails, and are sometimes referred to as panic alarms, panic buttons, trouble alarms, hold-up alarms, emergency buttons, emergency keys, medical alarms, robbery alarms, duress alarms, takeover alarms, hostage alarms, ambush alarms, bill traps, money traps, medical alarms, pull stations, early morning switches, foot rails, or foot switches.

(V) MONITORING - The process by which an alarm business or alarm user receives signals from alarm systems, or otherwise monitors alarm sites and relays an alarm dispatch request to response personnel.

(W) "MONITOR IT YOURSELF" ALARM SITE - An alarm site that is monitored directly by its alarm user and not by an alarm business.

(X) PANIC ALARM - A manual alarm system designed to alert others of emergency situations where an immediate threat to persons or property exists.

(Y) PERMITTEE - A person holding a valid alarm system permit issued pursuant to this article, or a person having an alarm system for which this article does not require a permit.

(Z) PERMIT REVOKED - The status of an alarm permit that has been rendered null and void as a result of excessive false alarms and/or other violations of this article.

(AA) PERMIT SUSPENDED - The status of an alarm permit that has been rendered inactive as a result of excessive false alarms and/or other violations of this article, and until corrected is not valid.

(BB) PERSON Any person as defined in section 1-3 of the city code or any other firm, institution or public entity.

(CC) POLICE OR FIRE PERSONNEL sometimes referred to as "officer" throughout this article; employees of the city's police and fire departments; employees of police and fire departments of other public entities with which the city has entered into mutual aid agreements.

(DD) PRIVATE PATROL OPERATOR - A person licensed as a private patrol operator by the Chief of the California Bureau of Security and Investigative Services pursuant to Cal. Business and Professions Code, Section 7582.11, and holding a current city business tax certificate for a private patrol business.

(EE) ROBBERY ALARM / HOLD UP ALARM /211 ALARM - A silent alarm generated by a manual alarm system located at a place of business, or residence, intended to signal that a robbery is in progress or that the alarm site is being taken over by intruders.

(FF) SECURITY ALARM SYSTEM - An alarm system that is intended to notify and/or request the dispatching of police personnel.

(GG) SILENT ALARM - An alarm system device that is connected to a telephone line, and when activated, automatically transmits a message or signal to an alarm business, indicating the request for an response to the alarm site.

(HH) UNSECURED - Not equipped with a functioning lock, bar or other device that is attached to or in contact with the door or window, that is in the fixed or locked position, and that prevents the door or window from being opened from the exterior of the alarm site without breaking the door or window.

#### **SEC.11-64. DUTIES**

The city council finds and determines that alarm businesses, alarm agents, and alarm users shall adhere to the requirements prescribed in this article.

##### **SEC. 11-64.1. SECURITY ALARM BUSINESS DUTIES.**

A security alarm business performing or contracting monitoring services shall:

(A) Establish and maintain written procedures to ensure efforts are made to verify alarm signal activations prior to making a dispatch request to the Police Department, with exception given to robbery alarms, panic alarms, or duress alarms.

(B) Establish and maintain written procedures to ensure efforts are made to verify alarm signal activations prior to making a dispatch request to the Police Department, with exception given to robbery alarms, panic alarms, or duress alarms.

(C) Alarm call confirmation requirements: With exception to robbery, panic, or duress alarms, alarm signals received from a commercial burglar alarm system or a residential burglar alarm system shall be processed in accordance with the following procedures:

(1) Call #1: Upon receipt of the alarm signal, and prior to making an alarm dispatch request, the monitoring facility shall attempt telephonic confirmation with the alarm site's designated primary contact number.

(2) Call #2: If a monitoring facility operator is not successful at making direct, verbal contact with a person on the first call to the alarm site's primary designated number, the monitoring facility shall make a call to the alarm site's designated secondary contact number before making an alarm dispatch request.

(3) Person on premises without proper alarm code: If the monitoring facility reaches a designated contact number, and the person answering the phone does not have the correct pass code, the monitoring facility may notify the Police Department to initiate an alarm dispatch.

(4) Scheduled events: If an alarm signal is received in connection with an abort/cancel event, then the operator shall not contact the Police Department.

(5) Alarm confirmed as false: If the alarm is confirmed as being false during the first, second, or succeeding call, or as a result of getting a valid pass code, the monitoring facility operator shall cancel any previous alarm dispatch request. If cancellation occurs prior to police or fire personnel arriving at the scene, this shall not be considered a false alarm for the purposes of assessing civil penalties.

(6) Notification call: The monitoring facility's operator shall notify the Police Department and initiate an alarm dispatch.

(7) Call lists and priority: Following the notification to the Police Department and subsequent alarm dispatch request, the monitoring facility shall continue efforts to attempt to contact additional designated telephone numbers on the alarm site's entire designated call list, with the intent to achieve a cancellation of the alarm dispatch request if it is verified that no emergency exists. Subsequent to dispatch of police personnel, the priority of notification calls to the telephone numbers in a customer's database shall first be two telephone numbers with the highest probability of reaching an alarm user or their authorized designee.

(8) Additional methods: Audio-based confirmation, video-based confirmation, or cross-zoning shall be permitted in place of first and second layer call confirmation, and shall be considered in compliance with this section.

(9) Call confirmation procedures in subsections (B)(1) and (B)(2) of this section shall not apply to gun stores, banks, pharmacies, and other specific locations determined by the Police Chief.

(C) Maintain records for at least two (2) years following a request for an alarm dispatch to an alarm site: records relating to the dispatch, including the name, address and telephone number of the alarm user; the alarm system zones or points activated; the time of request for dispatch; and information concerning the alarm businesses attempt to contact the alarm site's designated contacts by telephone or other electronic means before requesting the dispatch.

(D) Make such records available to the Alarm Administrator upon request.

(E) Not install a single-action, non-recessed button as a device to activate a manual alarm.

(F) Not install an automatic dialing device in an alarm system.

(G) When making alarm dispatch requests, not use incorrect, misleading or unverified information or terminology, or withhold information to facilitate an alarm dispatch.

(H) After making an alarm dispatch request, remain in continuous contact with police or fire personnel if requested.

(I) Provide its alarm user clients with a written or digital copy of this article, in order to inform them of its provisions and requirements.

#### **SEC. 11-64.2. ALARM AGENT DUTIES.**

An alarm agent shall, on request, display the registration issued by the California Department of Consumer Affairs to any alarm user, police or fire personnel, or Alarm Administrator.

#### **SEC. 11-64.3. ALARM USER DUTIES.**

(A) If requested, an alarm user shall respond or make a representative available to respond to the alarm site within forty-five (45) minutes of notification by City staff to deactivate a malfunctioning alarm system, to provide needed access to the alarm site, or to assume responsibility for an alarm site that is unsecured.

1) If the alarm user is unwilling or unable to respond to the alarm site within forty-five (45) minutes after city staff requests a response from the alarm user, the alarm user shall be subject to cost recovery from the city. for personnel and equipment costs incurred for the time after the forty-five (45) minutes of being notified by city staff has passed.

2) If the alarm user is unresponsive, unwilling, or unable to respond to the alarm site, and the site cannot be secured by police personnel, the city shall be held harmless for leaving the site unsecured.

(B) An alarm user shall maintain at each alarm site a set of operating instructions for each alarm system.

#### **SEC. 11-64.4. ALARM USER DUTIES IMPOSED JOINTLY AND SEVERALLY.**

The duties imposed by this article on alarm users are imposed jointly and severally on each alarm user for an alarm site, regardless of whether each alarm user installed, operated or knew of the existence of an alarm system at the alarm site.

#### **SEC. 11-64.5. BUSINESS TAX CERTIFICATES.**

Before doing any business in the city. alarm businesses and those alarm agents who are independent contractors shall obtain a business tax certificate from the city.

#### **SEC. 11-65. SILENT OR AUDIBLE ALARM, PRESUMPTION.**

When a silent or audible alarm of an alarm system is activated, a conclusive presumption arises that an alarm dispatch request is made, whether by an alarm user, an alarm business, or another person hearing or otherwise alerted by the alarm.

#### **SEC. 11-66. NO DUTY TO RESPOND.**

Nothing in this article shall impose a duty on city personnel to respond to any security alarm, whether or not the alarm is false.

#### **SEC. 11-67. EXEMPTIONS.**

The provisions of this article shall not apply to:

- (A) Mobile security devices.
- (B) Alarm systems that are designed to alert only the inhabitants of the alarm site and that do not have audible alarms that can be heard beyond the interior of the alarm site.
- (C) Video doorbell systems.

#### **SEC. 11-68. PROHIBITED ACTS.**

(A) It shall be unlawful to intentionally or willfully activate a security alarm system, including a robbery, panic, or duress alarm for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm. Violators of this provision shall be subject to a civil penalty of two hundred fifty dollars (\$250) per occurrence.

(B) Any person who makes any intentionally false statement of a material matter in the application for their permit shall be subject to a fine of five hundred dollars (\$500), and their alarm permit may be subject to suspension or revocation for a period of up to one (1) year.

### **DIVISION 2. ALARM SYSTEM PERMITS**

#### **SEC. 11-69. ALARM SYSTEM PERMIT REQUIRED.**

(A) Alarm user: An alarm user is required to apply for, and pay for, an alarm system permit within thirty (30) days after the installation of an alarm system.

(B) Alarm user: Except as provided in Section 11-67, no person or business shall operate a security alarm system in the city without first obtaining a permit from the Police Department or Alarm Administrator, in accordance with the provisions of this article.



- 1) Operating a security alarm system without a valid permit for the alarm site is an infraction, punishable by a fine in an amount adopted by city council resolution.
- 2) Operating a security alarm system with an expired permit is an infraction, punishable by a fine in an amount adopted by city council resolution.

a) Operating an alarm system with an expired permit is a correctable violation, provided that the alarm permit had been in an expired status for less than sixty (60) days, and that the alarm user pays the required permit renewal fee within ten (10) calendar days of being noticed for the violation.

b) Penalties for responses to false alarms at the alarm system site are considered separately.

(C) Any alarm site that is monitored by an alarm business is required to obtain a permit.

## **SEC. 11-70. SECURITY ALARM APPLICATION; FEES, APPEALS**

Sections 11-70.1 through 11-70.5 shall govern the security alarm application process, related fees, and appeals process.

### **SEC. 11-70.1 SECURITY ALARM APPLICATION**

(A) An initial application for an alarm system permit shall be on a form provided by the Alarm Administrator, and shall be filed with the Alarm Administrator. Renewal applications for alarm system permits shall require the permittee to update the information contained in the initial application. The Alarm Administrator shall advise the alarm permittee at least thirty (30) days before the permit expires.

(B) The owner or property manager of a multi-unit structure containing alarm systems in unoccupied units or in common, storage or equipment areas shall obtain an alarm system permit in accordance with subsection (A) of this section for each such alarm system.

(C) Each initial and renewal application shall be submitted with a nonrefundable fee, in an amount set by resolution of the city council.

(D) A person whose request to submit an application without paying a fee or surcharge is denied by the Alarm Administrator may file with the Alarm Administrator a notice of appeal, stating the reasons why the applicant is entitled to file such application without paying the fee or surcharge. The notice of appeal shall be accompanied by the appeal fee set by resolution of the city council. The appeal procedure is provided in Section 11-70.4, excluding subsection (D) thereof. Instead of the procedure provided in Subsection 11-70.4(1), the appellant shall first present evidence, by written statement or otherwise, that he/she is entitled to exemption from the

fee or surcharge, and the Alarm Administrator may then present evidence that the appellant is not entitled to exemption.

(E) Permits are not transferable to another alarm user or another alarm site.

(F) Permits shall be issued for one (1) year periods, and are valid from the date the permit is issued until one (1) calendar year after the permit is issued.

#### **SEC. 11-70.2. PERMIT ISSUANCE OR DENIAL.**

The Alarm Administrator shall determine whether the alarm system described in the application meets the standards established by this article. If so, the permit shall be issued. If not, the permit shall be denied. If denied, the Alarm Administrator shall state in writing the reasons why an alarm system does not meet the standards established by this article.

#### **SEC. 11-70.3. RIGHT TO APPEAL.**

(A) Within ten (10) days after the Alarm Administrator determines whether the alarm system meets the standards established by this article, the Alarm Administrator shall send a permit to an applicant whose alarm system meets such standards, or shall send to an applicant whose alarm system does not meet such standards a notice that the application is denied, together with a statement of reasons why the alarm system does not meet such standards.

(B) A notice that the application is denied shall also advise the applicant of the right to appeal by filing a notice of appeal with the Alarm Administrator within fifteen (15) days after the notice of denial was mailed. The notice of appeal shall state the reasons why the alarm system is claimed to meet the standards established by this article and shall be accompanied by the appeal fee set by resolution of the city council.

#### **SEC. 11-70.4. APPEAL PROCEDURE.**

(A) On receipt of the notice of appeal and the appeal fee, the Alarm Administrator shall immediately refer the notice of appeal to a hearing officer, who shall schedule a hearing within thirty (30) days after the notice of appeal is filed.

(B) The hearing officer shall provide the appellant at least ten (10) calendar days' notice of the time and place of hearing by personal service, or by depositing the notice in the United States mail, postage prepaid, addressed to the appellant at the address stated in the notice of appeal.

(C) The appellant may appear at the hearing in person or through a representative. The appellant may also submit a written statement of the appellant's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(D) The hearing officer shall determine all issues raised in the appeal. The hearing officer shall conduct the appeal in an informal manner, and shall not be bound by the technical rules of evidence. The hearing officer shall make a decision on the basis of the preponderance of the evidence.

(E) The Alarm Administrator shall first present evidence that the alarm system does not meet the standards established by this article. The appellant may then present evidence, by written statement or otherwise, that the alarm system does meet the standards established by this article.

(F) Within fourteen (14) calendar days of the conclusion of the appeal, the hearing officer shall issue and mail to the appellant a written decision containing a statement of the reasons on which the decision is based.

(G) The decision of the hearing officer shall be final and maybe reviewed only within the time and in the manner provided by California Code of Civil Procedure, Sections 1094.5 and 1094.6.

#### **SEC. 11-70.5. CHANGE IN APPLICATION INFORMATION.**

Whenever any change occurs in the information contained in the application, the alarm permittee shall give the Alarm Administrator written notice of the change within thirty (30) days of the date that the change becomes effective. Failure to do so may prompt a review of the permit's status by the Alarm Administrator.

### **DIVISION 3. SECURITY ALARM SYSTEM STANDARDS**

#### **SEC. 11-71. SECURITY ALARM SYSTEM STANDARDS.**

All security alarm systems and appurtenant equipment shall meet the standards contained in this article.

##### **SEC. 11-71.1. DEACTIVATION OF AUDIBLE ALARM.**

(A) Every audible alarm shall have a timer that automatically deactivates the alarm within fifteen (15) minutes after it begins to emit sound.

(B) If an audible alarm continues to emit sound after police personnel has been on the scene for at least forty-five (45) minutes, whether continuously or intermittently, police personnel may take reasonable measures to silence the alarm, and shall not be liable to the alarm user for any damage to the alarm system caused thereby, or for any other matter arising out of silencing the alarm.

**SEC. 11-71.2. EMERGENCY POWER SUPPLY.**

Alarm systems shall be equipped with an uninterruptible power supply so that the failure or interruption of utility electricity will not activate or deactivate the alarm system. The emergency power supply must be capable of at least four (4) hours of operation.

**SEC. 11-71.3. AUTOMATIC DIALING DEVICE.**

An alarm system shall not consist of or include an automatic dialing device.

**SEC. 11-71.4. AUDIBLE ALARMS.**

An alarm system shall not consist of or include an audible alarm that:

- (A) Sounds similar to the noise made by an emergency vehicle, siren, or civil defense warning system.
- (B) Activates for any purpose other than detection of an unauthorized entry into the alarm site, or a hazard requiring attention.

**SEC. 11-71.5. ACTIVATION OF ALARMS.**

- (A) Manual alarms installed on or after January 1, 2018 shall not be activated by means of a single-action, non-recessed button.
- (B) An alarm user shall not activate a manual alarm system for any situation other than an unauthorized entry into the alarm site or a hazard requiring attention.

**DIVISION 4. EXCESSIVE FALSE ALARMS**

**SEC. 11-72. EXCESSIVE FALSE ALARMS PROHIBITED.**

- (A) A false alarm generated by a security alarm system with two (2) or more false alarms during a twelve (12) month period is an excessive false alarm, and is a violation of this article.
- (B) The excessive false alarm fees and penalties referred to in Section 11-73 are civil penalties for which an alarm user is liable. If an alarm user does not timely pay the fees and penalties when billed in accordance with Section 11-74.2, the city may recover such fees and penalties by any legally enforceable means.
- (C) If an alarm user does not make payment within sixty (60) days for excessive false alarm fees and penalties referred to in Section 11-73, when billed in accordance with Section 11-74.2, the city shall suspend the alarm user's permit.

(D) A suspension of an alarm user's permit includes the cessation of police responses to burglary alarm calls to a specified alarm site.

(1) Absent the alarm user's written request to their alarm service and the Alarm Administrator that indicates otherwise, the suspension of an alarm user's permit will not discontinue dispatch responses to the alarm site for robbery, panic, and duress alarms.

(2) All police alarm dispatch responses to the alarm site whose permit has been suspended shall be treated and fined as the equivalent of a response to an excessive false alarm, regardless of circumstance or call disposition.

(E) If a security alarm system generates five (5) or more false alarms within a period of twelve (12) consecutive months, the city may revoke the permit for the alarm system, regardless of whether or not the alarm user has made timely payment excessive false alarm penalties.

(1) Absent the alarm user's written request to their alarm service and the Alarm Administrator that indicates otherwise, the revocation of an alarm user's permit will not discontinue dispatch responses to the alarm site for robbery, panic, and duress alarms.

(2) All police alarm dispatch responses to an alarm site whose permit has been revoked shall be treated and fined at an amount established by city council resolution, regardless of circumstance or call disposition.

(3) Revoked alarm permits that persist with five (5) or more false alarms following the permit's revocation shall be deemed a nuisance, and may be abated at the alarm user's cost.

(F) Sections 11-72 (A)(B) shall apply to "monitor it yourself" alarm sites.

#### **SEC. 11-73. FEES AND PENALTIES FOR EXCESSIVE FALSE SECURITY ALARMS.**

(A) Alarm related fees and penalties shall be established by city council resolution.

(B) An alarm user shall pay for each excessive false alarm, and its associated fees and penalties, amounts established by city council resolution.

(C) An alarm business shall pay fees and penalties established by city council resolution.

1) A false alarm includes an alarm activation directly caused by an onsite employee  
of an alarm business

a) A false alarm directly caused by an onsite employee shall be counted toward the number of excessive false alarms against the alarm business, and not counted against the alarm user.

b) The count toward the number of excessive false alarms against the alarm business is limited to the alarm site's location, and not count toward the overall operation of the alarm business.

(2) If a pattern of improper alarm call confirmation is established by an officer, the alarm business shall be issued a civil fine of one hundred dollars (\$100) per occurrence for failure to follow the required alarm call confirmation procedures, as prescribed in Section 11-64.1. Prior to the issuance of a civil fine, the Alarm Administrator shall first warn the alarm business in writing that improper alarm call confirmation was detected, cite the instance(s) in which the improper call confirmation occurred, and warn that additional lapses within twelve (12) months of the warning may result in a civil fine.

(3) If an alarm business employee, or alarm agent willfully makes a false statement concerning the inspection of an alarm site or the performance of an alarm system, the alarm business shall be issued a civil fine of one thousand dollars (\$1,000) per occurrence.

#### **SEC. 11-74. FALSE ALARM NOTICES, BILLS FOR FINES AND FEES; HEARING**

Sections 11-74.1 through 11-74.2 shall govern the security alarm application process for noticing false alarms, bills for fines and fees, and the hearing process.

##### **SEC. 11-74.1. FALSE ALARM NOTICES.**

(A) A retrievable record shall be generated for every alarm dispatch request to which police personnel respond.

(B) The Alarm Administrator shall prepare a notice of false alarm responses, including the date and time of response: an identification of the responding agency; a statement urging the alarm user to ensure proper operation of the alarm system in order to avoid fees and penalties; and the fees and penalties that are in effect for false alarms.

(C) The Alarm Administrator shall deposit such notice in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the Alarm Administrator shall address the bill to the owner of the alarm site, as shown in the records of the Ventura County Assessor.

**SEC. 11-74.2. BILLS FOR FINES, FEES AND PENALTIES; HEARING.**

- (A) The Alarm Administrator shall review each record prepared for alarm dispatch requests, and determine whether an alarm permit is required for the alarm site, and if so, whether an alarm permit is in effect for the alarm site. The Alarm Administrator shall determine if the permit was valid at the time of the alarm dispatch requests. If an alarm permit is required and is either not in effect or never existed, the Alarm Administrator shall mail to the alarm user an application form for an alarm permit and a bill for the fee and penalty referred to in Section 11-69 (B).
- (B) When the Alarm Administrator determines that an excessive false alarm has occurred, whether or not an alarm permit is required for the alarm site, the Alarm Administrator shall mail to the alarm user a bill for the prescribed fees and penalties.
- (C) The Alarm Administrator shall mail a bill to each alarm user that incurs a fine, fee or penalty
- (D) The fines, fees and penalties referred to in this article are cumulative. The Alarm Administrator may prepare a separate bill for each fine, fee and penalty, or may include in the same bill all or some of the fines, fees, and penalties incurred by an alarm user.
- (E) Each bill shall state that that the alarm user shall pay the bill with in thirty (30) days of the date the bill was mailed.
- (F) The Alarm Administrator shall deposit each bill in the United States mail, postage prepaid address to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the Alarm Administrator shall address the bill to the owner of the alarm site, as show in the records of the Ventura County Assessor.
- (G) The Alarm Administrator shall include with every bill such information that provides an overview of the process, including fees, fines and penalties if not timely paid.
- (H) If the fees, fines and penalties are not timely paid, the hearing officer shall hold a hearing and issue a decision as to whether imposition of the fees, fines and penalties is justified by this article. The hearing officer shall hold the hearing in the manner set out in Subsections 11-75.2 (C) through (F) of this article, whether or not the alarm user attends the hearing.

**DIVISION 5. SUSPENSION OR REVOCATION OF  
SECURITY ALARM PERMIT**

**SEC. 11-75. SUSPENSION OR REVOCATION OF SECURITY ALARM PERMIT;  
PROCEDURES**

Sections 11-75.1 through 11-75.3 shall govern the suspension and revocation of security alarm permits, and related procedures.

**SEC. 11-75.1 SUSPENSION OR REVOCATION OF SECURITY ALARM PERMIT**

(A) An alarm user's permit shall be suspended or revoked when an alarm system generates five (5) or more false alarms in a period of twelve (12) consecutive months.

(B) In accordance with the procedure contained in Section 11-72(C), a permit may be suspended or revoked if the permittee fails to make timely payment of false alarm dispatch fees, or false alarm fines or penalties.

(C) The city shall suspend burglary alarm call dispatches to alarm sites whose permit is in a suspended or revoked status.

1) Absent the alarm user's written request to their alarm business and the Alarm Administrator that indicates otherwise, the suspension of an alarm user's permit will not discontinue responses to robbery, panic, and duress alarms.

2) Regardless of circumstance or call disposition, all police alarm dispatches to the alarm site whose permit is under suspension shall be treated and fined as the equivalent of a response to an excessive false alarm, as prescribed in Subsection 11-72(1)(2).

3) Regardless of circumstance or call disposition, all police alarm dispatches to an alarm site with a revoked alarm permit shall be treated and fined at an amount established by city council resolution, regardless of circumstance or call disposition, as prescribed in Subsection 11-720 (2).

**SEC. 11-75.2. NOTICE AND HEARING.**

(A) The hearing officer shall give to the permittee written notice of the Alarm Administrator's recommendation for revocation or suspension of the permit. Such notice shall include the reason for the proposed revocation or suspension and the time, place and date of a hearing thereon, which date shall be no sooner than ten (10) days or longer than fifteen (15) days from the date of



the notice. Such notice shall be deposited in the United States mail, postage prepaid, addressed to the permittee at the mailing address stated in the application for the permit.

(B) The hearing shall be held before a hearing officer, who shall decide all issues raised by the proposed revocation or suspension. The permittee may appear at the hearing in person or through a representative. The permittee may also submit a written statement of the permittee's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(C) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The hearing officer shall make a decision based on the preponderance of the evidence presented at the hearing.

(D) The Alarm Administrator shall first present evidence of the basis for the recommended action. The permittee (or other person billed pursuant to Section 11-74.2) may then present evidence, by written statement or otherwise. The burden of proof by preponderance of the evidence is on the Alarm Administrator.

(E) Within fourteen (14) days of the conclusion of the hearing, the hearing officer shall issue and mail to the permittee (or other person billed pursuant to Section 11-74.2) a written decision containing a statement of reasons on which the decision is based. If the hearing was held pursuant to Subsection 11-74.2(H), and the decision is that imposition of the fees and penalties is justified by this article, the decision shall also add to the amount of the fees and penalties a fee for the hearing and provide that interest at the rate provided by resolution of the city council shall be added to the total amount until paid.

(F) The decision of the hearing officer shall be final and may be reviewed only within the time and in the manner provided by Cal. Code of Civil Procedure, Sections 1094.5 and 1094.6.

(G) A hearing not yet held or completed may be terminated or a suspension may be rescinded if the permittee proves to the satisfaction of the Alarm Administrator that action has been taken to resolve the basis for suspension.

### **SEC. 11-75.3. DUTIES AFTER SUSPENSION OR REVOCATION.**

After a permit is suspended or revoked, the Alarm Administrator shall not issue a new permit for the same type of alarm system for which the permit was revoked at the same alarm site unless the applicant:

(A) Submits a new application; and

(B) Pays the application fee. and all due fines and penalties, and

(C) Submits a signed letter from an alarm business, indicating that the alarm business has inspected the alarm system, and has found that the alarm system is in good operating condition, and complies with the standards contained in this article.

## **DIVISION 6. ENFORCEMENT**

### **SEC. 11-75.4. COLLECTION OF CIVIL DEBT.**

The fees, fines and penalties imposed by this chapter shall be deemed a civil debt owed to the city by the alarm user or alarm business. If legal action is brought by the city or its assignee against the alarm user or alarm business to enforce collection of such fees, fines or penalties, any judgment rendered in favor of the city shall include costs of suit incurred by the city or its assignee, including reasonable attorneys' fees.

## **DIVISION 7. CONFIDENTIALITY**

### **SEC. 11-76. CONFIDENTIALITY.**

In the interest of public safety, to the extent allowed by local, state and federal laws, information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the city, and by any third-party administrator or employees of a third-party administrator with access to such information.

## **DIVISION 8. GOVERNMENT IMMUNITY**

### **SEC. 11-77 GOVERNMENT IMMUNITY.**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of response resources, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.