

ARTICLE 8. GENERAL CLAUSES

8.80.801 Severability

If any provisions, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and other chapters, shall not be affected and shall continue in full force and effect.

8.80.802 City's Right of Revision

The Mayor and Common Council may establish by ordinance and/or resolution more stringent limitations and requirements related to discharges into the City's storm water drainage system, if deemed necessary.

(Ord. MC-1168, 3-08-04; Ord. MC-1167, 3-02-04; Ord. MC-731, 6-04-90)

Chapter 8.81 SECURITY ALARM SYSTEMS

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8.81.010 Purpose

The purpose of this Chapter is to provide minimum standards and regulations applicable to alarm systems and to provide for punishment for violations of the provisions of this Chapter.

(Ord. MC-773, 3-12-91)

8.81.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. "Alarm agent" means any person who is self-employed or employed either directly or indirectly by an alarm business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing an alarm system in or on any building, place or premises.
- B. "Alarm business" means any person, firm or corporation conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in or on any building, place or premises. A business which only sells or leases alarm devices from a fixed location and does not service, install, monitor or respond to alarm systems at the protected premises or call upon police to do so is not an "alarm business" for the purposes of this Chapter.
- C. "Alarm system" means any device arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond.
- D. "Alarm user" means any person who has an alarm system installed at his or her place of business or residence.
- E. "Audible alarm" means a device designed for the detection of the unauthorized entry on or attempted entry into a premise or structure or for alerting others of the commission of an unlawful act or both, and which, when actuated, generates an audible sound.
- F. "Automatic dialing system" means any device which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded message indicating the existence of a hazard requiring urgent attention and to which police are expected to respond.
- G. "False alarm" means an alarm system signal which necessitates or causes response by police when an emergency does not exist. This does not include alarms caused by acts of nature.

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- H. "Intrusion alarm" means an alarm system signaling an entry or attempted entry into the area protected by the systems.
- I. "Panic alarm" means an alarm system by which the signal transmission is initiated by the direct action of a person.
- J. "Robbery alarm" means an alarm system signaling a robbery or attempted robbery.
- K. "Subscriber" means any person who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system.
- L. Common Cause. A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms, all of which occur within a 72 hour period. The series of false alarms shall be counted as one false alarm only if the cause of the series of false alarms is repaired before it generates additional false alarms beyond the 72 hour period, documentation of the repair is provided to the Police Chief, and during the 30-day period following the repair, the alarm system generates no additional false alarms from the documented cause.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.030 Non-applicability

The provisions of this Chapter are not applicable to audible alarms affixed to automobiles, unless the vehicle alarm is connected to a central monitoring system.

(Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

8.81.040 Alarm business registration

It is unlawful for any person, partnership, corporation or firm to own, manage, conduct or carry on an alarm business within the City of San Bernardino without first having registered with the Police Department. Registration is not required for any business which only sells or leases alarm systems from a fixed location unless the business services, installs, monitors or responds to alarm systems at the protected premises. Registration shall be accomplished by furnishing such information as may be required by the Police Department, including but not limited to, the full name of the business and a copy of its State issued license. The Police Department shall notify the alarm business at the time of such registration that a City business license is required.

(Ord. MC-773, 3-12-91; Ord. MC-236, 12-21-82; Ord. MC-125, 1-07-82)

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8.81.045 Alarm Businesses Installation and Transfer Fees

Alarm businesses shall notify the Police Department of each new alarm system installed, or when assuming monitoring services in the City.

- A. Alarm businesses shall pay a one-time fee for each new alarm system, residential or commercial, installed in the City.
- B. Alarm businesses shall pay a one-time fee for each alarm monitoring service transfer, residential or commercial, within the City.
- C. Fees will be charged at a rate set by resolution of the Mayor and Common Council.

(Ord. MC-1166, 3-02-04)

8.81.050 Alarm agent registration required

It is unlawful for any person, including the owners of an alarm business, to engage directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of an alarm system in or on any building, place or premises within the City without first having registered his or her name and filed with the Police Chief a copy of the alarm agent registration card issued by the State. Nothing in this section shall require a person to so register in order to install, service, repair, alter, replace or move an alarm system on the premises owned or occupied by that person. Nothing in this section shall require a person to register who is merely a salesman for any business not required to obtain an alarm business permit under the provisions of Section 8.81.040, if the salesman does not engage in any other activities related to alarm systems apart from selling. No fee shall be charged, nor shall any application form be required by the City. The alarm agent shall be notified at the time of filing his or her State issued identification card with the Police Department that a City business license is required.

(Ord. MC-236, 12-21-82; Ord. MC-125, 1-07-82)

8.81.060 Notification of change

Any alarm business registered with the Police Department shall immediately report to the Police Chief any change of address or ownership of the business or the name or business address of the manager of operations for the area which includes the City.

(Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

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8.81.070 Alarm system permit

A. No person shall install or use an alarm system without first applying for an alarm system permit from the Chief of Police, nor shall a person use an alarm system unless the alarm system permit remains valid and in effect. The application for an alarm system permit shall be submitted on a form as prescribed by the Chief of Police and shall include the address of the premises wherein the system is to be located and the name, address and telephone number of the applicant and the person or business who will render service or repair during any hour of the day or night, and the type or types of systems to be utilized.

B. Separate alarm permits shall be required as follows:

1. A single alarm system permit may be granted to any single-family residence. The permit may authorize intrusion, panic and/or robbery coverage. The permit may include the primary residence and any outbuildings (such as garages, sheds or hobby shops) on the parcel that are not used for commercial purposes.

A separate permit must be issued for any buildings on the property that are used for commercial purposes. If the residence and the outbuildings are on separate parcels, separate permits are required for each parcel.

2. A single alarm system permit may be granted to any single unit of any multi-family residential complex (such as an apartment, a condominium or a mobile home). The permit may authorize intrusion, panic and/or robbery coverage. The permit may include the primary residential unit and any outbuildings (such as stand-alone garages, sheds or hobby shops) used exclusively by the applicant that are not used for commercial purposes. A separate permit must be issued for any outbuildings that are used for commercial purposes. If the residence and the outbuildings are on separate parcels, separate permits are required for each parcel.

3. A single alarm system permit may be authorized to any commercial business. The permit may authorize intrusion, panic and/or robbery coverage. The permit may authorize these types of coverage for any structures used by the applicant on the parcel. If a commercial business operates on more than one land parcel, the business must have a separate permit for each parcel of land.

4. If the commercial business is a mall, strip mall or other commercial building complex, a single permit may be used to provide coverage for any vacant units, unless they are on separate parcels. If located on separate parcels, separate permits are required for each parcel. Each commercial unit rented, leased or sold to another commercial business must be covered by a separate permit.

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5. Each permit is subject to a registration fee and annual fees. Each permit has its own false alarm count. All structures covered under one permit use the same false alarm count.

C. An annual permit fee will be charged at a rate set by resolution of the Mayor and Common Council.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-460, 5-15-85;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.080 Audible alarm requirements

A. No person shall install or maintain any audible alarm or other alarm system which upon actuation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes.

B. An audible alarm shall contain a means to effect an automatic turnoff of the alarm within fifteen (15) minutes after it is first activated.

C. If an audible alarm has emitted an alarm signal in excess of thirty (30) minutes in any one-hour period, and the alarm business or responsible person for the protected premises has been notified and does not respond, or reasonable efforts of notification have been made to no avail, the alarm may be declared a nuisance and the police department may cause such alarm to be disconnected by a registered alarm agent, the cost thereof to be charged payable by the alarm user.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.090 (Repealed by Ord. MC-1037, 12-22-98)

(Ord. MC-1037, 12-22-98; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.100 False alarm

The City shall charge false alarm fees at a rate set by resolution of the Mayor and Common Council. Each permit has its own false alarm count. All structures covered under one permit use the same false alarm count.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.110 Notice of name of service or occupant

- A. Every alarm user shall file with the police department a notice containing the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any time the alarm is actuated. In addition, such notice may be posted. If posted, such notice shall be placed near the front door of the premises or gate if fenced, and this notice shall be posted in a position that is clearly visible.
- B. In the event that the responsible person for the protected premises is requested by the Police Department to respond to the premises to render necessary service, such response and service shall be accomplished promptly.
- C. Alarm users shall pay to the City reasonable costs, as determined and assessed by the Police Chief or Fire Chief, or his/her designee, respectively, for expenses incurred in securing premises where a burglar alarm or fire alarm has been activated, whether or not the activation is a false alarm. The assessment shall be satisfied by the alarm user within fifteen days after the alarm user has been notified of the assessment and the grounds for the assessment. This section shall apply only to instances where the alarm user has failed to reasonably respond to notification that an alarm has been activated on premises owned, occupied or controlled by the alarm user. If the expenses set forth in the assessment are not paid within 15 days, the alarm user may be placed on a no response status. The alarm user will be notified by first class mail of the no response status at the address on the alarm permit. An additional amount of 10% of the amount of the expenses per month, not to exceed 100%, shall be added to the expenses until paid. This assessment in this subsection shall be instituted to cover escalating costs incurred to pursue delinquent assessments requiring extended enforcement action.
- D. Where the Police Chief or Fire Chief, or his/her designee, respectively, is required to cause the assessment of costs pursuant to the provisions of this section, he or she shall keep an accounting of the costs thereof, including administrative expenses for the abatement. The term "administrative expenses" includes but is not limited to the actual expenses and costs of the City in the preparation of notices, specifications and contracts, inspection of the work, office overhead, filing fees, and the costs of printing and mailings required under this Chapter. Upon conclusion of the assessment, he or she shall submit his or her itemized statement of costs in a Report to the Hearing Officer and set the same for a hearing before the Hearing Officer. Notice of the time and place of the hearing and a copy of the Report shall be given by the respective department to the alarm permit holder to which the assessments relate, and to any other interested person requesting the same, by first-class mail, postage prepaid,

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addressed to the person at his or her last known address at least five days in advance of the hearing. The hearing shall be heard before the Hearing Officer in the Council Chambers at City Hall, 300 North "D" Street, San Bernardino, California, at such date and time as provided by resolution.

- E. Hearing by the Hearing Officer. At the time set for hearing, the Hearing Officer shall hear and consider all objections or protest to the assessment and may continue the hearing from time to time. Upon the conclusion of the hearing, the Hearing Officer shall allow or overrule any or all objections. The decision of the Hearing officer is final.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82;
Ord. MC-125, 1-07-82)

8.81.120 Monitoring services

Every alarm business which monitors an alarm system located within the City shall maintain on file a current listing of all such alarm systems including the alarm permit number and the name, address and telephone number of the individual or individuals from whom entry to the premises may be obtained. Said information shall be available to the police department upon request of any authorized representative thereof. The alarm permit number assigned to an alarm system by the police department shall be given to the police/fire dispatcher at the time an alarm is reported to the police/fire communications center by an alarm company, a central monitoring station, a telephone answering service or any other business that monitors and reports alarms.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

8.81.130 Alarm agents - Registration in possession

Every person engaged in installing, repairing, servicing, altering, replacing, moving or removing an alarm system or an audible alarm system as defined in this Chapter on any premises within the City, other than those owned or occupied by said person, shall carry on his person at all times while so engaged a valid State alarm agent registration card and shall display such card to any police officer upon request.

(Ord. MC-125, 1-07-82)

8.81.140 Automatic dialing and taped message alarm systems

It is unlawful for any person to install, use or cause to be used any telephonic device which is activated to automatically select a public telephone line of the city to reproduce a prerecorded message to report anything requiring urgent attention and to which police are expected to respond.

(Ord. MC-773, 3-12-91; Ord. MC-460, 5-15-85; Ord. MC-125, 1-07-82)

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8.81.150 Grounds for revocation of permit - Notices, surrender of permit, reinstatement

- A. The following shall constitute grounds for revocation of permit:
1. The failure to observe any of the regulations or other provisions of this Chapter.
 2. If the alarm system for which the permit is issued emits ten (10) or more false alarms within any consecutive three hundred and sixty-five day period.
 3. If the responsible person for a protected premises refuses to respond promptly when requested by the Police Department.
 4. The permittee, his employee or agent has knowingly made a false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed as prescribed by the provisions of this Chapter.
 5. If the fees established by this section are not paid within fifteen days from the date of the invoice rendered for such fee.
- B. The Police Chief shall serve the permittee with a written order of revocation. The order shall state the reason for revocation and shall be effective immediately if personally served, or forty-eight hours after it is deposited, Certified Mail - Return Receipt Requested, with postage prepaid in the United States mail.
- C. The permittee shall surrender the permit to the Police Chief upon notification of revocation. Any alarm system shall be forthwith disconnected and cease operating, and shall not be put into operation until a new permit is issued.
- D. Reinstatement of revoked permit may be granted after compliance with one of the following:
1. Full correction of the deficiencies in the alarm system, that correction documented in writing and submitted to the Chief of Police showing that:
 - a. Mechanical malfunctions have been corrected, proof being from the alarm business, or
 - b. User errors have been corrected, proof being from the alarm user, or
 - c. Installation of a new alarm by a different alarm business, proof being from the new alarm business.

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2. In the case where the correction is made as set forth in subsection (l)(a) or (l)(b) of this section, the Chief of Police will order a technical inspection by a qualified person to determine whether the deficiencies have been corrected, in which event a one hundred dollar (\$100) inspection fee shall be paid prior to the grant of a new permit at that location.
3. A formal appeal of the order of revocation may be made within fifteen days of the date of revocation by filing a Notice of Appeal with the office of the City Administrator, City Hall, 300 No. "D" Street, Sixth Floor, San Bernardino, California, 92401. The City Administrator shall render a decision on the appeal within ten days following receipt of the appeal, with notice to the appellant and Police Chief. The City Administrator's decision on the revocation shall be final and nonappealable.

E. Upon reinstatement, a new alarm system permit shall be issued as set forth in Section §8.81.070 of this Chapter.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.160 Enforcement

- A. Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code. Revocation of a permit is not a defense against prosecution.
- B. The Police Chief shall have the authority to institute an immediate no response policy for violation of any portion of this ordinance. Such no response policy will be taken only after written notice has been given to the alarm user.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.170 Fines

The fines assessed in this Chapter shall be made payable to the City of San Bernardino. The Finance Department shall be responsible for account maintenance and collection.

(Ord. MC-773, 3-12-91)

8.81.180 Permit not transferable

No alarm permit issued under the provisions of this Chapter shall be assignable or transferable.

(Ord. MC-773, 3-12-91)

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