

Chapter 5.46 REGULATIONS OF ALARM SYSTEMS

5.46.010 Title.

This chapter shall be known as the 'Public Safety Alarm System Ordinance.'

(Ord. No. 1575 , § 1, 10-12-21)

5.46.020 Purpose.

The purpose of this chapter is to set forth regulations governing burglary, robbery, fire, and medical assistance alarm systems within the city, to reduce false alarms, to require registration of alarm systems through an alarm permit system, and to provide the authority to establish fees for permits and false alarms as provided in this chapter.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Alarm agent" means any person who is registered as an alarm agent with the Bureau of Collection and Investigative Services, pursuant to the provisions of the California Alarm Company Act, § 7590, et seq., of the Business and Professions Code and doing business as such within the corporate limits of the City of Banning.

"Alarm company operator" means any person licensed as an alarm company operator by the Bureau of Collection and Investigative Services pursuant to the provisions of the California Alarm Company Act, § 7590, et seq., of the Business and Professions Code and doing business as such within the corporate limits of the City of Banning.

"Alarm officer" means the Chief of Police of the City of Banning with regard to burglary or robbery alarm systems, and the Fire Chief of the City of Banning with regard to fire or medical assistance alarms, or their respective designees.

"Alarm permit coordinator" means the officer or employee of the city, designee thereof, or contractor, designated by the city manager as having direct authority and responsibility for administration of the provisions of this chapter, excepting only those functions specifically designated to be performed by the alarm officer.

"Alarm subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or contracts for the servicing or maintenance of an alarm system.

"Alarm system" means any mechanical or electrical device which is designed or used for the detection of burglary, robbery, fire, or need for medical assistance within a building, structure, or facility, or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility, which emits a sound or transmits a signal or message when actuated, and which is designed to elicit a response from the police department or fire department.

1. Alarm systems include, but are not limited to, direct-dial telephone devices, audible alarms, and proprietary alarms. Devices which are not designed or used to register alarms that are audible, visible

or perceptible outside the protected building, structure or facility are not included within this definition.

2. An alarm system includes all of the necessary equipment designed and installed for the detection of burglary, robbery, fire, need for medical assistance, or other hazard in a single building structure, or facility, or for alerting others to the commission of an unlawful act within a building, structure, or facility.

"Audible alarm" means a device designed for the detection of unauthorized entry on certain premises that generates a ringing bell or other sound audible at or on the exterior of such premises when it is actuated.

"Emergency" means any condition which results in, or which could result in, the response of police or fire personnel or any condition which jeopardizes or could jeopardize public safety.

"False alarm" means an alarm signal generated by any alarm system that is responded to by personnel of the police department or fire department and for which no emergency situation exists or existed as determined by the responding personnel. False alarm shall not include an alarm for which personnel of the police department or fire department do not actually arrive at the alarm location, or any alarm caused by earthquakes, severe storms or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm subscriber.

"Non-response status" means that status of police or fire service whereby the police department or fire department, as applicable, will not respond to a specified alarm system.

"Proprietary alarm" means an alarm that is not serviced by an alarm agent or alarm company operator.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.040 Alarm system permit.

- A. Permit required. No alarm subscriber shall install, replace, maintain, or operate an alarm system within the city, excepting government and public school buildings, without applying for and receiving an alarm system permit in accordance with the provisions of this section. Following thirty days' prior written notification, any alarm system which has been installed, replaced, maintained, or operated without a valid permit may be placed on non-response status by the alarm officer according to the procedures set forth in Section 5.46.110 of this chapter until a permit has been issued or alarm system information has been updated as required.
- B. Applications. Applications for an alarm system permit shall be filed with the alarm permit coordinator on forms provided by the alarm permit coordinator. The application shall be signed and verified by the alarm subscriber and shall contain such information as the alarm permit coordinator may deem necessary. If the alarm permit coordinator finds the application is complete and the information is true and correct, and the applicant is otherwise in compliance with all provisions of this code, a permit shall be issued. Permits for alarm systems shall not be transferable. Applications for alarm system permits and the information contained thereon shall be confidential and the alarm officer and alarm permit coordinator shall not release such application or the information contained thereon to any person except as may be necessary in the administration and enforcement of the provisions of this chapter, or otherwise as provided by law.
- C. Fees. An alarm subscriber applying for a new alarm permit, or renewing an alarm system permit, shall pay the fee established by resolution of the city council. Such fee shall not exceed the cost to the city in processing the application and administering the permit. Payment of all such fees, including penalties for non-payment, shall be subject to the provisions of Section 5.46.100. B.
- D. Alarm contact information. The alarm subscriber shall supply on the application for permit the names, addresses, and phone numbers of at least two persons to notify in the event of an alarm activation. Provided the alarm subscriber has entered into a service contract with an alarm company operator, or any other

service company, which provides responses on a twenty-four-hour basis, emergency telephone numbers of such company shall be deemed to satisfy this requirement. The name, address and twenty-four-hour telephone number of the alarm subscriber's alarm company operator shall be provided.

- E. Permit term. Each permit issued pursuant to this chapter shall remain valid for one-year unless and until (i) the alarm system is no longer being operated; or (ii) the system permit is revoked by the alarm officer as provided herein.
- F. Display of permit. The permit shall be kept on the premises and posted where the alarm system is located, or elsewhere as required by regulations promulgated by the alarm permit coordinator.
- G. Rules and regulations. The alarm permit coordinator may promulgate additional rules and regulations implementing the provisions of this chapter. Such rules and regulations may include, but are not limited to, establishing criteria for the waiver of fees consistent with the intent and purpose of this chapter.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.050 Required response; silencing alarm systems.

Upon notification by the alarm officer that an alarm system is activated, the alarm subscriber, or the representative or alarm agent of the alarm subscriber, shall immediately proceed to the location and silence the alarm. The silencing shall be completed within thirty minutes after notification when the alarm system is protecting a residential structure or within forty-five minutes when the alarm system is protecting a commercial or industrial structure. Alternately, the alarm system may be equipped with an automatic shut-off device which shall silence the alarm within fifteen minutes after activation when the alarm system is protecting a residential structure or within thirty minutes of activation when the alarm system is protecting a commercial or industrial structure, thus eliminating the need for personal responses otherwise required by this section. The failure of an alarm subscriber to comply with the response and alarm silencing time limits set forth herein shall be chargeable as a false alarm.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.060 Alarm businesses and agents.

All alarm company operators performing physical services related to alarm systems in the City of Banning shall obtain a city business license, and all such operators and alarm agents shall register their name and file a copy of their state identification card, license, or permit with the alarm permit coordinator. Such services include installation and servicing of alarm systems, and otherwise physically responding to alarm system locations. Each alarm agent while engaged in the duties of an alarm agent shall carry on such agent's person at all times the state identification card, license, or permit and shall display same to the alarm officer when requested. No alarm system may be installed by anyone other than the owner of the alarm, alarm agent, or alarm company operator.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.070 Notice of change.

Whenever any change occurs relating to any application or other information required by this chapter, the person required to provide such information shall give written notice thereof to the alarm permit coordinator within ten days of such change.

(Ord. No. 1575 , § 1, 10-12-21)

(Supp. No. 50, 12-21)

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5.46.080 Alarm system standards.

All alarm systems shall conform with the provisions of Chapter 15.08 of the Banning Municipal Code (the City's Construction Codes), if applicable. No alarm system shall be operated unless the alarm subscriber has entered into a service contract with an alarm company operator providing for service twenty-four hours per day. Every alarm system shall be equipped so that it shall not activate in the event of a power outage unless there exists an emergency situation for which the alarm was designed to detect.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.090 Maintenance and inspections.

- A. Maintenance. Each alarm subscriber shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.
- B. Inspections. The alarm officer may, prior to placing an alarm on non-response status and/or as a condition of re-issuance of an alarm permit, require an alarm subscriber to have a nuisance alarm system under the subscriber's control inspected at the subscriber's expense, by the company providing the alarm subscriber's alarm services, or other person qualified to inspect and service such equipment. Inspections shall be complete enough to detect any likely malfunctions and shall include testing of the equipment. Particular attention shall be paid to the conditions that have the potential of causing false alarms. The person making the inspection shall provide a written report to the alarm subscriber and the alarm officer, detailing measures taken to eliminate the likelihood of further false alarms caused by the alarm system. The report shall be kept on the premises for two years, and shall be subject to inspection by the alarm officer upon request.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.100 Fee for false alarm responses.

- A. Each alarm subscriber shall pay a false alarm fee to reimburse the city for the cost of the police or fire department personnel and equipment response to false alarms of the alarm subscriber's alarm system, in such amounts as established and amended from time to time by resolution of the city council. It is a violation of this section to fail to pay any such fee when due.
- B. False alarm fees are due and payable upon receipt of an invoice therefor from the city. Any such fee is delinquent if unpaid thirty days after the date of the invoice. Any fee that becomes delinquent shall be subject to a monetary penalty as follows:
 - 1. Thirty-one days after the date of invoice, a penalty of ten percent of the fee shall be added, plus, commencing each month thereafter, an additional penalty of ten percent of the original fee shall be added, up to a maximum penalty amount not to exceed the original invoiced amount.
 - 2. Failure to pay any invoice, with all accrued penalties, within ninety days of the date of the invoice shall authorize the Alarm Officer to deem the applicable alarm system to be a nuisance alarm subject to the remedies and procedures set forth in Section 5.46.110 of this chapter, including placing of the subject alarm system on nonresponse status and/or revocation of the alarm permit.
 - 3. The city shall be authorized to utilize any and all legal means available to collect a past due invoice, including accrued penalties, and the same shall be deemed to be a debt on a written contract. In the event the city is required to institute any legal action to recover such costs, it shall be entitled to recover its reasonable attorney's fees and all other costs of collection.

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(Ord. No. 1575 , § 1, 10-12-21)

5.46.110 Maintaining a nuisance alarm.

- A. A false alarm fee shall be paid in accordance with Section 5.46.100 upon the third false alarm and for each false alarm thereafter, occurring within any twelve consecutive month period. An alarm system which generates five or more false alarms within any twelve consecutive month period may be deemed by the alarm officer to be a nuisance alarm.
- B. Any alarm system operated or maintained in violation of this chapter, or having excessive false alarms as referenced in subsection "A", above, shall be deemed a public nuisance and shall be referred to in this chapter as a "nuisance alarm." Any nuisance alarm shall be subject to being placed on non-response status as provided herein, and/or the permit for such alarm system may be revoked after notice and a hearing by the city manager or designee.
- C. In addition to any other remedy available to the city, including the collection of any false alarm charge fee required or permitted by this chapter, the alarm officer may, in such officer's discretion, place an alarm system deemed to be a nuisance alarm, or otherwise operated or maintained in violation of this section, on non-response status according to the procedures delineated in this section. Furthermore, the alarm officer may, consistent with the procedures herein, place an alarm system on non-response status when accrued false alarm charges have been outstanding for over ninety days.
- D. Notice. The alarm officer shall provide the alarm subscriber ten day's written notice of non-response status. The non-response status shall not become effective unless the notice period has lapsed and no request for review has timely been made.
- E. Review. The alarm subscriber may request the alarm officer to review and reconsider the decision to place an alarm system on non-response status. In the event a request for review is filed during the ten-day notice period, non-response status shall not become effective until the fifth day following the provision of notice of an adverse decision by the alarm officer. The request for review shall contain all pertinent information and evidence the alarm subscriber deems appropriate for the alarm officer's consideration.
- F. Compliance. An alarm system shall remain on non-response status until such time as the alarm subscriber provides a written report, and such other evidence as the alarm officer deems adequate, describing the causes of the false alarms which resulted in the alarm system being placed on non-response status and the action taken to terminate or remedy such causes. Non-response status shall not terminate until the alarm officer finds that repair and corrective action adequate to remedy the causes for the false alarms has been effected and the alarm subscriber has paid all required fees. The alarm officer may impose conditions upon reactivation of active status. Active status may also be restored, with or without conditions that may include payment of a deposit, upon payment of all delinquent alarm charges.
- G. Revocation of alarm permit. In any case where the alarm officer finds, based on substantial evidence, that an alarm subscriber who has been placed on non-response status within the previous twelve months has not taken steps sufficient to remedy continued false alarms, or has repeatedly failed to pay delinquent false alarm charges, or has deliberately activated a false alarm, the alarm permit may be revoked for up to six months, in addition to being placed on non-response status, following the provision of notice and review, if requested, pursuant to the procedures set forth in subsections D and E of this section. Following the period of revocation, an alarm subscriber may reapply for an alarm system permit in accordance with the provisions of this chapter.

(Ord. No. 1575 , § 1, 10-12-21)

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5.46.120 Exempt alarms.

- A. Automobile alarms. The provisions of this chapter shall not apply to audible alarms affixed to automobiles.
- B. Alarm officer. The provisions of this chapter shall not apply to any alarm system installed or maintained in or upon any property owned or leased by the city, or any alarm that is otherwise exempted by law from the provisions of this chapter.
- C. Telephone systems. The provisions of this chapter shall not apply to any auxiliary device installed by a telephone company to protect telephone company systems that might be damaged or disrupted by the use of an alarm system.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.130 Prohibited alarm systems.

- A. Audible alarm systems similar to sirens. It is unlawful to install or maintain on the exterior or interior of any building, an alarm system which upon actuation emits a sound which is similar to sirens in use on emergency vehicles or vehicles used for civil defense purposes.
- B. Miscellaneous. It is unlawful to install, use, maintain or deliberately activate any alarm system designed to detect burglaries or robberies for any purpose other than reporting such burglaries, robberies, or other crimes involving risk of personal harm or property damage. Deliberately activating an alarm for any purpose other than a condition for which the alarm is intended to alert the police department or fire department, is a misdemeanor.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.140 Penalties and enforcement.

- A. Except as provided in Section 5.46.130 B, the first violation of any provision of this chapter occurring within a one year period shall be punishable as an infraction. Each violation thereafter within such one-year period shall be punishable as a misdemeanor.
- B. The conviction of any person for violation of any provision of this chapter shall not release such person from paying any business taxes, charges, fees, permit fees, or false alarm fees and charges due and unpaid at the time of such conviction, nor shall payment of any fee including any fee for false alarms prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.150 Limitation of liability.

Nothing in this chapter shall be deemed to impose any liability on the part of the City of Banning as to any alarm subscriber or to any other person, as a result of any defect in an alarm system, failure of the city to receive an alarm, or failure of the city to respond to any alarm regulated by this chapter, whether false or not. The city council declares that it shall be entirely within the discretion of each police officer receiving a report of an alarm activation, as to whether or not to respond to such alarm, and that the City of Banning assumes no duty to respond to any alarm as a result of the enactment of this chapter or the issuance of any permit hereunder.

(Ord. No. 1575 , § 1, 10-12-21)

5.46.160 Civil remedies.

In addition to the other remedies provided in this chapter, the violation of any of the provisions of this chapter hereby adopted shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

(Ord. No. 1575 , § 1, 10-12-21)