ORDINANCE NO. 86-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO BURGLARY AND ROBBERY ALARMS.

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. Section 3-16 is hereby added to the Ridgecrest Municipal Code to read as follows:

"Section 3-16. Burglary and Robbery Alarms.

3-16.1. DEFINITIONS, As used in this Chapter:

a. 'Alarm Owner' means any person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family, any alarm system.

b. 'Alarm System' means any assembly of equipment and devices including audible alarms and proprietor alarms, arranged to signal the presence of fire, robbery, or unauthorized intrusion into or onto a building, structure, facility or premises, the signals from which are calculated to solicit or could reasonably cause the solicitation of urgent attention from safety personnel of the City. The following devices shall not constitute alarm systems within the meaning of this subsection:

1. Devices which do not register alarms that are audible, visible or perceptible outside the protected premises;

2. Panic alarms;

3. Alarm devices affixed to motor vehicles.

c. 'Audible Alarm' means an alarm system which generates a sound audible outside the protected premises.

d. 'Direct Dial Device' means a device which is connected to a telephone line and, upon activation of an alarm system, automatically dials a predetermined telephone number and transmits a message or signal.

e. 'Emergency' means a fire or the commission of or attempted commission of a robbery or burglary.

f. 'False Alarm' means an alarm signal calculated to solicit or which could reasonably cause the solicitation of the urgent attention of City safety personnel where an emergency does not exist. An alarm signal activated by violent conditions of nature or other extraordinary circumstances not subject to the control of the alarm owner shall not constitute a false alarm. Signals from defective alarm systems shall be deemed to be within the control of the owner.

g. 'Panic Alarm' means an alarm designated to be activated when assistance is needed because of illness, injury or any other reason not caused by fire, robbery or burglary.

3-16.2. CITY PERMIT REQUIRED - ALARM OWNER.

It shall be unlawful for any person to install, connect, operate, use or maintain, or to cause to be installed, connected, operated, used or maintained, any alarm system within the City, unless an alarm system permit has been issued therefore in accordance with the provisions of this chapter and such permit has not expired been revoked or suspended. The alarm owner or user shall post the permit number at the front of the business or residence and post the address of the premises at every street and alley entrance to the property.

3-16-3. APPLICATION FOR ALARM SYSTEM PERMIT.

a. Applications for alarm system permits shall be filed with the City Clerks Department of the City on forms provided by the City. The applications shall contain the names, addresses and telephone numbers of three (3) persons who

will respond to an alarm, open the premises and service or repair the alarm system during any hour of the day or night. The applications shall contain all additional information the Chief of Police reasonably deems necessary for the evaluation and proper processing of the permit application. The permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect.

b. No permit shall be issued without the express approval of the Chief or his representative.

c. Any person who operates or maintains more than one (1) alarm system at any particular location may apply for a single permit for that location or may apply for separate permits for each alarm system operated or maintained. If a person chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each permit requested.

3-16.4. EXPIRATION OF ALARM SYSTEM PERMIT.

All alarm system permits shall expire one (1) year after the date issued. Applications for renewals shall be filed not earlier than 30 days before expiration and no later than 30 days after the expiration of the permit. Permits lawfully renewed prior to the effective date of this provision shall expire one (1) year after the date of latest renewal.

3-16.5. PERMITS NON-TRANSFERABLE.

All permits issued under this Chapter shall be non-transferable.

3-16.6. DIRECT TELEPHONE LINES.

Under no circumstances shall anything be connected to a direct telephone line to the Police Department of the City unless it complies with the 'Standard for Safety,' Central Station Burglar Alarm Units and Systems (UL 611-1985) issued by Underwriters Laboratories, Inc. or with the 'Standard for Safety,' Central Stations for Watchman, Fire Alarm and Supervisory Services (UL 827-1982) issued by Underwriters Laboratories, Inc., as amended from time to time. Said standards are incorporated by reference and made a part of this Chapter. A copy of said standards shall be kept on file with the City Clerk and will be available for public inspection. The service provided may correspond to any of the several grades of service listed in the standards. Anything not in compliance with said standards which is connected to a direct telephone line to the Police Department of the City of Ridgecrest prior to the effective date of this provision shall have one (1) year to come into compliance with said standards or to be disconnected form all such lines.

3-16.7. PRESCRIBING RULES AND REGULATIONS BY CHIEF OF POLICE.

The Chief of Police of the City shall have the authority to prescribe rules and regulations consistent with the provisions of this Chapter and to implement and enforce this ordinance. The subjects covered by such rules and regulations may include, but are not limited to, the following:

a. Requirement for standby power supply.

b. Systems allowed to connect directly to the Communications Center of the Police Department.

c. Investigation and method of transmittal of alarms by Central Stations, alarm company operators or their agents.

d. Testing of alarm systems.

3-16.8. SUSPENSION AND REVOCATION OF ALARM SYSTEM PERMIT.

a. The following shall constitute grounds for suspension and revocation of an alarm system permit within any one (1) month period.

1. If an alarm owner has over six (6) false alarms on said permit within any one (1) month period.

2. Intentionally reporting or causing to be reported any false alarm, knowing that such alarm is false.

3. The violation of any of the provisions of this Chapter, any rule or regulation prescribed by the Chief of Police upon an alarm system permit.

4. Any fraudulent or willful misrepresentation or any false statement in an application for a permit.

5. Failure to pay any fees prescribed by this Chapter before they become delinquent.

b. No permit issued in th City shall be suspended until the right and opportunity for a hearing shall have been given the permittee by the Chief of Police. Notice of hearing shall be given in writing to the permittee and served at least seven (7) days prior to the date of the hearing. The notice shall state the reason for suspension and shall also state the time and place the hearing will be held. Said notice may be made by sending it by registered or certified mail to the permittee at the address of his place of business or employment. In the event service cannot be made upon the permittee in such manner, then service may be made by sending it by registered or certified mail to the place of business or residence stated in the permit. After any order or suspension has been issued by the Chief of Police and pending the outcome of any appeal, responses of safety personnel from the offending system may be stopped.

c. Any order of suspension ordered by the Chief of Police shall become a revocation fifteen (15) days after the effective date of the order of suspension, unless the permittee files an appeal from the order of suspension within the time and in the manner provided in this Chapter.

d. When an appeal is filed, the order of suspension shall not be stayed pending the determination of such appeal by the Alarm Appeals Board. Such suspension shall become a revocation of the permit if the decision of the Board upholds the order of suspension made by the Chief of Police. The suspension shall be dissolved if the decision of the Board reverses the order of suspension made by the Chief of Police.

3-16.9. ALARM APPEALS BOARD.

The Board shall consist of three (3) members appointed by the City Administrator to serve until replaced, one (1) of whom shall be an engineer in the Public Works Department, one (1) of whom shall be a representative of the Planning Department and one (1) of whom shall be a representative of the City Administrator's office. The Board shall adopt rules and regulations for the conduct of its business. All decisions of the Board shall be made in writing. The Board shall have jurisdiction to review all appeals of orders issued by the Chief of Police and his subordinates involving denials of applications or reapplications for alarm system permits. The Board may affirm, modify or set aside any such order or decision. All decisions of the Board shall be final and conclusive.

3-16.10. APPEAL PROCEDURE.

Any applicant for an alarm system permit whose application is denied by the Chief of Police or any permittee whose permit is suspended pursuant to an order of suspension made by the Chief of Police may appeal therefrom to the Alarm Appeals Board by filing with the City Clerk a notice of appeal within fifteen (15) days after such denial or order of suspension. The notice of appeal must set forth the decision and the grounds upon which the permittee deems himself/herself aggrieved thereby. An appellant must pay the sum of Ten Dollars ($10.00) to the City Clerk as a filing fee at the time of filing said Notice of Appeal. The City Clerk shall report the filing of such appeal to the Chief of Police. The Chief of Police shall, within seven (7) days, make a written report to the City Clerk setting forth the basis of his/her action denying the application for a permit or issuing the order of suspension. The City Clerk shall forward said written report to the Alarm Appeals Board. Following the receipt of said written report, the Board shall set the appeal for hearing, which shall be held not less than five (5) days nor more than fifteen (15) days thereafter, unless continued for good cause by the order of the Board.

3-16.11. REAPPLICATION AFTER REVOCATION.

Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with procedures set forth in this section.

a. All reapplications shall be submitted directly to the Chief of Police or to that person whom the Chief designates as the alarm officer on such forms as may be prescribed.

b. The Chief of Police or his designated representative shall investigate such reapplication to determine whether the grounds for the prior revocation have been eliminated or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on-sight examination of the alarm system and any specifications, diagrams or descriptions pertaining thereto. A test period of reasonable duration may also be Prescribed.

c. If the Chief of Police determines after investigation that the grounds for the prior revocation have been eliminated or are not likely to occur again in the future, an alarm system permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The Chief of Police may attach such conditions to the alarm system permit as he deems are reasonably necessary to insure that the permittee will comply with the provisions of this Chapter.

d. Any person whose reapplication for an alarm system permit is denied by the Chief of Police may appeal such denial to the Alarm Appeals Board in accordance with the procedure set forth in this Chapter.

3-16.12. DIRECT DIAL TELEPHONE DEVICE.

It shall be unlawful for any person to use any alarm system which is equipped with a direct dial device which, when activated, automatically dials a telephone number belonging to any government agency of the City.

3-16.13. AUDIBLE ALARM REQUIREMENT.

An audible alarm shall terminate its operation or shall automatically reset within fifteen (15) minutes if located within a residential zone or within thirty (30) minutes if located within a commercial or industrial zone.

3-16.14. PANIC ALARMS.

No person shall cause any alarm, including panic alarms, to be signalled by any alarm system to the Police Department other than a fire, robbery or burglar alarm.

3-16.15. REPORT ON FALSE ALARMS.

After any false alarm, and upon request of the Chief of Police or his representative, the alarm owner shall submit a written report to the Chief of Police describing actions taken or to be taken to eliminate the cause of the false alarm. This report shall be submitted within three (3) days of the date of request.

3-16.16. VIOLATION OF CHAPTER

a. Upon an alarm owner's forth (4th) false alarm registered against a permit, and upon each subsequent false alarm against that permit during the permit period, the owner shall be assessed a service fee as determined and approved by the City Council. The service fee shall become due and payable upon deposit in the mail of notice of the amount assessed. If the service fee is not paid within one (1) month after mailing of said notice, it shall be deemed delinquent and the permit may be suspended. The service fee will be adopted by resolution of the City Council and reviewed annually to insure that the Police Department is being reimbursed for the lost manpower and expenses caused by false alarms.

b. Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction and, upon conviction, shall be punishable by a fine not exceeding fifty dollars ($50.00) for a first violation within one (1) year and One Hundred Dollars ($100.00) for a second violation within one (1) year and Two Hundred Dollars ($200.00) for each additional violation within one (1) year.

c. The conviction or punishment of any person for violation of the provisions of this Chapter or for failing to secure a permit as required by this Chapter shall not relieve such person paying the false alarm and or service fees due and unpaid at the time of such conviction, nor shall payment of any false alarm fee or service fee 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 for the purpose of enforcing the provisions of this chapter. The amount of and false alarm or service fee shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of jurisdiction to recover the amount of any delinquent fee. All fees shall be deemed delinquent one (1) month after they are due and payable.

d. The sections, subsections, paragraphs, sentences, clauses and phrases of this Chapter are and are intended to be severable. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Chapter.

3-16.17. CONFIDENTIALITY.

The information furnished and secured pursuant to this Chapter shall be confidential in character, shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Chapter. It is hereby declared that the public interest served by not making the information public clearly outweighs the public interest that might be served by disclosure of the information.

3-16.18. APPLICABILITY TO EXISTING ALARM SYSTEMS.

The Provisions of this Chapter shall apply to all alarm systems which were installed, connected, operated, used or maintained on or prior to the date on which this ordinance becomes effective; provided, however, the permits required for such alarm systems not heretofore under any permit shall be obtained within ninety (90) days from and after the date on which this ordinance becomes effective.

3-16.19. USE OF REVENUE.

The revenue derived from this ordinance shall be utilized by the City and the Police Department for both administration of this ordinance and for business and residential crime prevention programs."

Section 2. Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED this 16th of April, 1986, by the following vote:

AYES: Mayor Mower, Councilmembers Pearson, Bergens, Corlett and Wiknich

NOES: None
ABSTAIN: None
ABSENT: None

Michael R. Mower

Michael R. Mower, Mayor

ATTEST:

Joyce M. Taft

Joyce M. Taft, City Clerk

SUPPLEMENTAL RULES FOR COMPLIANCE WITH CHAPTER III OF MUNICIPAL CODE:
ALARM SYSTEMS

Under the authority of the aforementioned chapter of the Municipal Code, the Chief of Police hereby establishes certain rules and regulations.

a. Requirement for standby power supply.

b. Systems allowed to connect directly to the Communications Center of the Police Department.

c. Investigation and method of transmittal of alarms to the Police Communications Center by any alarm company operator or their agents.

d. Testing of alarm systems.

REQUIREMENT FOR STANDBY POWER SUPPLY.

The following are minimum guidelines which will be adhered to by all alarm owners regarding the installing of alarm systems in accordance with Municipal Code, Chapter III:

a. Every alarm system located within the City of Ridgecrest will be equipped with a standby power supply sufficient for at least four (4) hours operation in the event of a power interruption.

GUIDELINES FOR ATTACHMENT OF BURGLARY ALARM SYSTEMS WITHIN THE POLICE COMMUNICATIONS CENTER FOR GOVERNMENTAL AGENCIES

A. The following are minimum guidelines which will be considered before any alarm company, will be authorized to bypass using a central station and tie directly to the alarm panel in the Communications Center.

1. Only State licensed and bonded alarm operators shall be permitted to connect alarms to the system.

2. Only alarm equipment which is adaptable and compatible with the present radio console may be used, there will be no deviations or alternate systems accepted without the written approval of the Chief of Police.

3. Any premise that has both a robbery and a burglary alarm must have a system that designates which one is tripped.

4. Each alarm must have the capability of differentiating between actual alarm or line trouble.

5. Any subscriber that has multiple alarms on the premise must have indicators of some type to indicate the actual location of the tripped alarm.

6. Participating alarm companies shall provide this department with a current roster of company employees authorized to respond as requested.

7. The participating alarm companies shall furnish this department with a current list of subscribers responsible for each alarmed location and able to respond upon request.

RULES AND REGULATIONS FOR ANY ALARM COMPANY OPERATORS OR THEIR AGENTS

The following rules and regulations are hereby established to be used as guidelines by any alarm company operators or their agents.

1. Robbery Alarms. A robbery alarm as opposed to a burglar alarm is that type of alarm which indicates that a person, through force or fear, is attempting to take valuables from a person or business. A robbery alarm implies that there is a danger to life as well as to property. In every instance where a robbery alarm is received, the police will be notified to respond immediately.

2. Burglar Alarms. A burglar alarm is that type of alarm which indicates forceful entry into a business or premises for the purpose of plundering same in the absence of owners, employees, etc. Employees of any alarm company operators or their agents responding to burglar alarms shall not do so in a manner which would endanger the lives or property of themselves or innocent persons and shall use the utmost judgment to preclude injury to themselves or innocent persons and damage to property. Employees responding to burglar alarms are not, nor should these rules and regulations imply that they are peace officers or have peace officer power.

a. When a burglar alarm is received, the alarm company operator or his agent will attempt to determine, where possible, either electronically, or by time of day or by past experience with that alarm, as to whether the alarm is in all probability false or real.

b. If the monitoring station has reasonable cause to believe that the alarm is false, it will then dispatch its employees to determine what was the cause of the false alarm and make necessary corrections and will not report such alarms to the Communications Center of the Police Department.

c. If it is determined that the alarm is in all probability real, or they are unable to make a determination that it is in all probability false, they shall immediately notify the Communications Center of the Police Department which will immediately dispatch Police Officers to the location.

d. If for some reason employees of a monitoring station respond to an alarm believed to be false and find that it was a legitimate alarm, they (1) immediately notify the Police; (2) make observations of vehicles, persons, etc., which might be suspects, taking notes of license numbers, descriptions, etc., to give to the police upon their arrival. The alarm company employees should not make any attempt to contact said suspects if they are on the premises until the arrival of the Police.

3. Investigation of Alarms. If the police are dispatched on what was believed to be a legitimate burglary or robbery alarm and after arrival and preliminary inspection determines that it was in all probability a false alarm, the police officers will remain at the scene of said alarm for a period of time not to exceed thirty (30) minutes to await the arrival of the alarm company operator's agent or the alarm owner or his agent if they desire to respond.

4. Transmittal of Alarms. Every report of an alarm from an alarm company operator or his agent will include the alarm system permit number assigned to the alarm owner or user, type of alarm (i.e. robbery or burglary; silent or audible).

5. Testing of Alarm Systems. When an alarm system is to be tested and such test could cause the response of emergency personnel, the police department will be notified prior to the test of the alarm system. It shall be the alarm companies responsibility to train their respective subscribers in the proper procedures for activating and deactivating their systems.