

Revised 7/28/82

ORDINANCE NO. 1995

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 9 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING
THERETO A NEW CHAPTER 9.06 RELATING TO SECURITY
ALARM SYSTEMS

The City Council of the City of Chula Vista does hereby
resolve as follows:

SECTION I: That Title 9 of the Chula Vista Municipal
Code be, and the same is hereby amended by adding thereto a new
Chapter 9.06 to read as follows:

CHAPTER 9.06 SECURITY ALARM SYSTEMS.

Sec. 9.06.010 Short Title.

This chapter shall be known and may be cited as the
"Chula Vista Security Alarm Ordinance".

Sec. 9.06.020 Purpose and Intent.

The Chula Vista City Council finds and declares that:

- (a) Inadequately regulated security alarm systems present a growing danger to the health, safety and welfare of the residents of the City of Chula Vista;
- (b) The volume and frequency of nuisance alarms are conditions which have persisted so as to become hazardous and causing a serious drain upon limited police services and equipment needed at other locations;
- (c) The unnecessary waste of tax dollars through responses to nuisance alarms must be reduced;
- (d) Every residence and business property is entitled to the safety and protection afforded by local law enforcement;
- (e) The necessity for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of public policy in the pursuance of security and promoting the public health, safety and welfare of the City of Chula Vista and its residents.

Sec. 9.06.030 Definitions.

For purposes of this chapter, the following words and phrases shall be construed as set forth in this section unless it is apparent from the context that a different meaning is intended:

(a) "Alarm system" is any device designed for the detection of an unauthorized entry on the premises or for alerting others of the commission of an unlawful act or both, and when activated emits an audible or silent signal or message to which police are expected to respond. It shall include those devices which emit a signal within the protected premises only and supervised by the proprietor of the premises where located, and otherwise known as a proprietary alarm. Auxillary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system are not included in the definition.

(b) "Person" shall mean a person, firm, corporation, association, partnership, individual, organization, company or a governmental political unit.

(c) "Alarm agent" shall include any person who is self-employed or employed directly or indirectly by an alarm business operator whose duties include, but are not limited to: selling, maintaining, installing, monitoring, demonstrating or causing others to respond to an alarm in or on any building, place or premises. This definition shall not apply to local safety officers as defined in Government Code Section 20019.4.

(d) "Alarm business operator" shall mean and include any business operated for any consideration whatsoever, engaged in the installation, maintenance, alteration, or servicing of alarm systems or which responds to such alarm systems. "Alarm business operator", however, shall not include a business which merely sells from a fixed location or manufacture alarm systems unless such business services, installs, monitors or responds to alarm systems at the protected premises.

(e) "Alarm user" means any person who owns, leases, rents, uses or makes available for use by its agents, employees, representatives or immediate family an alarm system in the City of Chula Vista.

(f) "Audible alarm" means an alarm system designed to emit an audible sound outside of the protected premises to alert persons of an unauthorized entry on the premises or of the commission of an unlawful act.

(g) "Direct Dial Device" means a device which is connected to a telephone line and upon activation of the alarm system automatically dials a predetermined telephone number and transmits a message or signal indicating a need for emergency response.

(h) "False Alarm" means the activation of an alarm system through mechanical failure, accident, misoperation, malfunction, misuse, or the negligence of either the owner or lessee of the alarm system or any of their employees or agents. False alarms shall not include alarms caused by acts of God, the malfunction of telephone lines, circuits or other causes which are beyond control of the owner or lessee of the alarm system.

(i) "Issuing Officer" shall mean the Director of Public Safety.

(j) "Residential" means premises used as dwelling units which includes apartments and lodging houses.

(k) "Business" means any non-residential use.

Sec. 9.06.040 Registration.

(a) It shall be unlawful for any person, partnership, corporation or firm to own, manage, conduct or carry on an alarm business within the City of Chula Vista without first having registered with the Police Department; provided, however, such registration shall not be required for any business which only sells or leases said alarm systems from a fixed location unless such 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, the number of the license issued by the State Director of Consumer Affairs for the alarm business, and the name and business address of the manager of operations for the area which includes the City of Chula Vista.

(b) Alarm Agents. It shall be unlawful for any person, including the owners of an alarm business, to act as an alarm agent within the City of Chula Vista without first having registered his or her name and filed with the Director of Public Safety a copy of the alarm agent registration card issued to him by the State Director of Consumer Affairs pursuant to the provisions

C-1975

of Section 7514(g) of the California Business and Professions Code; provided, however, nothing herein 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, and further provided, nothing herein shall require a person to so register who is merely a salesperson for any business not required to obtain an alarm business permit under the provisions of this section if such salesperson does not engage in any other activities related to alarm systems apart from selling.

Sec. 9.06.050 Alarm User's Permit.

(a) No person shall install, or cause to be installed, use, maintain, or possess an alarm system on any business or residence owned or in the possession or control of such person within the City of Chula Vista without first having obtained an alarm user's permit from the Director of Public Safety in accordance with this section. The application for an alarm user's permit shall be filed with the Director of Public Safety. The Director of Public Safety shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application.

(b) The permit application as required under paragraph (a) of this section shall state: the number of alarm systems and specific purpose for which the alarm system or systems shall be used; the alarm user's name; the address of the premises in or upon which the alarm system has been or will be installed; user telephone number; the alarm business operator or operators selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system; and, the name and telephone number of at least two (2) persons who can be reached at any time, day or night and who are authorized to respond to an alarm signal and who can open the premises in which the system is installed.

(c) An alarm permit shall be valid for an indefinite period unless there is a change in alarm user, address location of the alarm system, type of alarm permit or unless an alarm permit is revoked under the provisions of Section 9.06.150 in which case a new permit is required by filing a renewal application within ten (10) days from the date such change or revocation occurs and the appropriate fees paid.

e-1995

(d) Where an alarm system is in operation prior to the effective date of this ordinance, the alarm user shall be responsible for contacting the Issuing Officer and obtaining a permit within ninety (90) days after the effective date of this ordinance.

(e) If such alarm business or agent uses an alarm system to protect its premises, it shall obtain a user permit as required in this section.

Sec. 9.06.060 Correction of Information.

Whenever any change occurs relating to the written information as may be required in Section 9.06.050, Alarm User's Permit, the permit holder or his designate shall give written notice of such change to the Director of Public Safety within five (5) working days.

Sec. 9.06.070 Alarm System Standards.

All alarm systems and appurtenant equipment installed on any premises shall meet or exceed those standards which may hereafter be established by resolution of the City Council of the City of Chula Vista. The City reserves the right to inspect all alarm systems subject to all applicable laws including Code of Civil Procedure Section 1822.50 et seq.

Sec. 9.06.080 Alarm System Regulations.

(a) Alarm Deactivation - Audible Alarms.

Audible residential alarms shall be equipped with an automatic shut off mechanism capable of terminating the audible annunciator after activation within a maximum of fifteen (15) minutes. Audible commercial alarm systems shall be equipped with an automatic shut off mechanism capable of terminating the audible annunciator after activation within a maximum of thirty (30) minutes. Those audible alarms installed prior to the effective date of this section not capable of turning off the annunciator shall have until ninety (90) days after this section becomes effective to comply.

(b) Maintenance Notification.

The alarm user shall contact the Police Department's communication supervisor prior to any service, test, repair, maintenance, alteration, or installation of an alarm system which might produce a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm.

6-1995

(c) Power Supply.

Alarm systems shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of normal utility electricity will not activate the alarm system. The power supply must be capable of at least four (4) hours of operation.

(d) Repairs.

When any false alarm caused by a malfunction of an alarm system has occurred, the alarm user shall cause the alarm system to be repaired to eliminate the malfunction. The alarm system annunciator shall be disconnected while repairs are made.

Sec. 9.06.090 Purpose of Alarm System.

It shall be unlawful to use an alarm system other than for purposes specifically stated in the application as required by Section 9.06.050(b) of this ordinance.

Sec. 9.06.100 Direct Dial Telephone Device.

No alarm system shall be equipped with either a Direct Dial Device or any direct line equipment which when activated will automatically dial a telephone number in or signal directly any office of the Police Department.

Sec. 9.06.110 Alarm Business and Alarm Agent Responsibility.

It shall be the responsibility of the alarm business operator or the alarm agent or both to inform their respective alarm system users of the provisions of this chapter. An alarm business operator may obtain the necessary permits for the alarm user.

Sec. 9.06.120 Repairs.

For every audible alarm system, the owner shall post the names and telephone numbers of persons to be notified to render repairs or service 24-hour a day.

Sec. 9.06.130 False Alarm Penalty Assessment.

When any emergency alarms, messages, signals, or notices are received by the Police Department showing that an alarm user has failed to meet any of the requirements of this chapter, the Director of Public Safety is authorized to demand that the user of that alarm system disconnect the system until it is made to comply with said requirements.

0-1995

Any person having an alarm system which results in a police response in which the alarm proves to be a false alarm, shall pay a penalty assessment fee to the City of Chula Vista as follows:

(a) False alarms received by the Police Department from alarm systems which are in existence at the time of the adoption of this chapter and which are in excess of the maximum allowable number, as set forth below, shall result in a penalty assessment as follows:

More than two (2) in any thirty (30) day period, or more than three (3) within any ninety (90) day period; or more than four (4) within any one hundred eighty (180) day period; or more than six (6) in any one (1) year period shall result in a penalty assessment of twenty-five dollars (\$25.00).

Each additional alarm after the twenty-five dollars (\$25.00) penalty assessment for any given time period shall result in a penalty assessment of fifty dollars (\$50.00).

(b) Commencing with the date of a new alarm installation and for six months thereafter, there shall be no charge for the first through third false alarms. For the fourth and subsequent alarms in such six (6) month period, there shall be a penalty assessment of twenty-five dollars (\$25.00) per false alarm. At the expiration of the six (6) month period, the penalty assessment shall be governed by the provisions contained in subsection (a) above.

Sec. 9.06.140 Right to Discontinue Response.

The Director of Public Safety reserves the right to discontinue response by police officers to any location of a silent or audible alarm when (1) the alarm user has been given written notice and assessed six (6) penalty assessments within a one year period, or (2) the alarm user has failed to pay any such penalty assessment. Reinstatement may occur when the alarm user has taken steps to eliminate or correct the problem(s) and has documented the corrective action in writing to the Director of Public Safety and paid any penalty assessments that are due.

Sec. 9.06.150 Suspension/Revocation of Permits.

If at any time it shall come to the attention of the Director of Public Safety that the holder of an alarm user's permit under this chapter has violated any

provisions of this article, or rules, or regulations made pursuant to this chapter, including but not limited to, false alarms which exceed the numbers permitted pursuant to Section 9.06.130 or has failed or refused to pay the false alarm penalty assessment fee as provided in said section, the Director of Public Safety may suspend or revoke the permit. If an alarm user's permit is to be suspended or revoked, as provided hereunder, the Director of Public Safety shall notify the holder of the permit in writing of his intention to revoke such permit seventy-two (72) hours before the effective hour of the suspension or revocation.

Sec. 9.06.160 Appeals.

Any alarm user aggrieved by the decision of the Director of Public Safety to assess any penalty or to suspend or revoke said permit may appeal to the City Council.

Sec. 9.06.170 Criminal Penalties.

Any person who violates any provision of this chapter excluding the provisions of Section 9.06.130, Penalty Assessments, shall be guilty of an infraction, and upon conviction thereof shall be punished in accordance with the California Penal Code regarding infractions. Such persons shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this chapter is committed, continued, or permitted by such persons.

Sec. 9.06.180 Limitations of Liability.

The City of Chula Vista shall be under no duty or obligation to a permittee or any other person by reason of any provision of this chapter.

Sec. 9.06.190 Severability of Provisions.

If any section of this ordinance, or any part thereof, is determined invalid or unconstitutional, such determination shall not invalidate the remaining portions.

Sec. 9.06.200 Other Alarm Systems.

The provisions of this chapter do not apply to alarm systems used by the Federal Deposit Insurance Corporation insured institutions, or to alarm systems affixed to automobiles, boats, boat trailers, recreational vehicles and aircraft.

Sec. 9.06.210 Governmental Entities.

The provisions of this chapter do not apply to municipal, county, state and federal agencies.

Sec. 9.06.220 Confidentiality.

To the extent authorized by State law, the information furnished and secured pursuant to this chapter shall be confidential in character and 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.

SECTION II: This ordinance shall take effect and be in full force and effect on the thirty-first day from and after its adoption.

Presented by



W. J. Winters, Director
of Public Safety

Approved as to form by



George D. Lindberg, City
Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
(' OF CHULA VISTA, CALIFORNIA, HELD August 3 . 19 82 , AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD August 10 ,
19 82 , BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen Moore, Scott, Cox, Malcolm
NAYES: Councilmen None
ABSTAIN: Councilmen None
ABSENT: Councilmen McCandliss

Raymond R. Cox
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 1995 , and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

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AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 9 OF THE CHULA VISTA MUNICIPAL CODE BY
ADDING THERETO A NEW CHAPTER 9.06 RELATING TO
SECURITY ALARM SYSTEMS

By a unanimous vote of those present (Councilwoman
McCandliss was absent), the City Council placed
the ordinance on its second reading and adoption.

Basically, the ordinance requires a permit for
security alarm systems, provides a penalty for
excessive false alarms, and allows a 90-day grace
period for existing companies to register along
with a 6-month grace period for new installations
to have their systems operating properly before a
penalty will be assessed.

Copies of the ordinance are available at the
office of the City Clerk, City Hall, 276 Fourth
Avenue, Chula Vista.

Dated: August 12, 1982


Jennie M. Fulasz, CMC, City Clerk