

ORDINANCE NO. 2457

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHAPTER 9.06 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO SECURITY ALARMS

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Section 9.06.030 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.030 Definitions.

For the 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 agent" means and includes any person who is self-employed or employed directly or indirectly by an alarm business operator whose duties include, but are 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.
- B. "Alarm business operator" means and includes 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.
- C. "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 includes 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. Auxiliary 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.
- D. "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.

- E. "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.
- F. "Business" means any nonresidential use.
- 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 the control of the owner or lessee of the alarm system.
- I. "Issuing officer" shall mean the chief of police.
- J. "Person" shall mean a person, firm, corporation, association, partnership, individual, organization, company or a governmental political unit.
- K. "Residential" means premises used as dwelling units which includes apartments and lodginghouses.

SECTION II: That Section 9.06.050 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.050 Alarm user's permit; fee.

- 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 without first having obtained an alarm user's permit from the Issuing Officer. The Issuing Officer shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. A non-refundable fee in the amount established by the City Council by resolution in the Master Fee Schedule shall accompany each application.
- B. The permit application as required under subsection A of this section shall state:
  - 1. The number of alarm systems and specific purpose for which the alarm system or systems shall be used;

2. The alarm user's name;
  3. The address of the premises in or upon which the alarm system has been or will be installed;
  4. User telephone number;
  5. The alarm business operator or operators selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system; and,
  6. The name and telephone number of at least two 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 twenty-four months, but a separate permit shall be obtained for each separate business, separate place of business, change of ownership or change in type of permit.

SECTION III: That Section 9.06.060 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.060 Correction of information.

Whenever any change occurs relating to the written information required by Section 9.06.050, the permit holder or designee shall give written notice of such change to the Issuing Officer within five working days.

SECTION IV: That Section 9.06.080 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.080 Alarm system regulations.

- A. Alarm Deactivation - Audible Alarms. Audible residential alarms shall be equipped with an automatic shutoff mechanism capable of terminating the audible annunciator after activation within a maximum of fifteen minutes. Audible commercial alarm systems shall be equipped with an automatic shutoff mechanism capable of terminating the audible annunciator after activation within a maximum of thirty minutes.
- 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.

- 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 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.
- E. Permit Number. Every alarm system user whose alarm system is monitored by an alarm response company shall provide that company with their alarm system permit number, once it is issued by the Issuing Officer. When such responding company calls the Police Department to report activation of an alarm system they monitor, they shall provide the permit number to the police dispatcher for the police log entry.

SECTION V. That Section 9.06.130 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.130 False alarm penalty assessment.

- A. 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 Issuing Officer is authorized to demand that the user of that alarm system disconnect the system until it is made to comply with the requirements.
- B. 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 in the amount established by the City Council by resolution in the Master Fee Schedule for each false alarm, message or signal in excess of two activations in any twelve month period.
- C. The Issuing Officer shall cause to be issued a monthly bill for the unpaid fees accrued during any monthly billing period and any prior periods. Such bill shall be due and payable within thirty (30) days of the billing date.
- D. A late fee of fifteen percent (15%) of the false alarm assessment shall be added to the unpaid balance of any assessments required by this section not paid within thirty days of the billing date.

- E. The amount of any penalty assessment fee and late fee assessed pursuant to this Section shall be deemed a debt to the City, and an action may be commenced by the Issuing Officer in the name of the City in any court of competent jurisdiction in the amount of the delinquent debt. Payment of any penalty assessment fees and late charges shall not prohibit criminal prosecution for the violation of any provisions of this chapter.

SECTION VI. That Section 9.06.140 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.140 Right to discontinue response.

The Issuing Officer 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 penalty assessments within any twelve-month 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 Issuing Officer and paid any penalty assessments that are due.

SECTION VII. That Section 9.06.150 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.150 Suspension/revocation of permits.

If at any time it comes to the attention of the Issuing Officer that the holder of an alarm user's permit under this chapter has violated any provisions of this chapter, 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 whether or not the holder has failed or refused to pay the false alarm penalty assessment fee as provided in this chapter, the Issuing Officer may suspend or revoke the permit. If an alarm user's permit is to be suspended or revoked, as provided hereunder, the Issuing Officer shall notify the holder of the permit in writing of the intention to revoke such permit seventy-two hours before the effective hour of the suspension or revocation, along with notice of the opportunity for administrative review of the proposed action.

SECTION VIII. That Section 9.06.160 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 9.06.160 Appeals.

Any alarm user aggrieved by the decision of the Issuing Officer to

assess any penalty or to suspend or revoke the permit may appeal to the City Council by filing an appeal with the City Clerk within ten (10) days of receipt of notice of the Issuing Officer's decision. The City Clerk shall thereupon set the matter for hearing at the next regular City Council meeting.

SECTION IX: That Section 9.06.170 of the Chula Vista Municipal Code is amended to read as follows:

9.06.170 Criminal penalties.

Any person who violates any provision of this chapter 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 provision of this chapter is committed, continued or permitted by such persons.

SECTION X: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



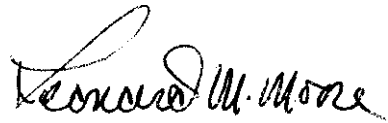
William J. Winters  
Chief of Police



D. Richard Rudolf  
Assistant City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 23rd day of July, 1991, by the following vote:

AYES: Councilmembers: Grasser Horton, Malcolm, Moore, Rindone  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Nader  
ABSTAIN: Councilmembers: None



Leonard M. Moore  
Mayor Pro-Tempore

ATTEST:

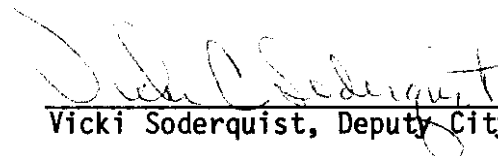


Vicki Soderquist, Deputy City Clerk

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

I, Vicki Soderquist, Deputy City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2457 had its first reading on June 18, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 23rd day of July, 1991.

Executed this 23rd day of July, 1991.



Vicki Soderquist, Deputy City Clerk