

ORDINANCE NO. 800 – C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA
AMENDING ARTICLE 1, SECTIONS 02, 04, 05, 06, & 08 TO TITLE 5,
CHAPTER 16, OF THE PACIFICA MUNICIPAL CODE CONCERNING
INTRUSION DETECTION AND ROBBERY ALARM SYSTEMS**

WHEREAS, the City Council wishes to encourage the proper and effective use of alarm systems by setting forth regulations governing intrusion and robbery alarms within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 5-16.02, Article 1, Chapter 16 of Title 5 of the Pacifica Municipal Code is amended to state in its entirety as follows:

Sec. 5-16.02. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Alarm agent" shall mean any person who is employed by an alarm company, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on any building, place, or premises any alarm system.

(b) "Alarm company" shall mean any person engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, maintained, serviced, repaired, altered, moved, or installed an alarm system in or on any building, place, or premises.

(c) "Alarm holder" shall mean a person, or firm, who purchases, rents, or leases an alarm system to protect his property.

(d) "Alarm system" shall mean any device designed for the detection of an unauthorized entry on the premises or for alerting others of the commission of an unlawful act and, when activated, emits a sound and/or transmits a signal.

(e) "Audible alarm" shall mean a device designed for the detection of unauthorized entry on premises and, when activated, generates an audible sound on the premises.

(f) "False alarm" shall mean an alarm signal necessitating response by the Police Department or Fire Department where an emergency situation does not exist.

(g) "Silent alarm" shall mean a device designed for the detection of an unauthorized entry of the premises, or a robbery alarm which does not generate an audible sound on the premises when it is activated but transmits a signal directly to the Police Department or to an alarm company's central office.

(h) "Subscriber" shall mean a person contracting with an alarm company for the leasing, servicing, or maintaining of an alarm system.

(i) "Vehicle alarm" shall mean any alarm system which is designed expressly to be connected to any motor vehicle to detect the unauthorized use or entry of such vehicle.

SECTION 2. **Section 5-16.02**, Article 1, Chapter 16 of Title 5 of the Pacifica Municipal Code is amended to state in its entirety as follows:

Sec. 5-16.04. Alarm system permits: Fees: Terms: Nontransferable.

There shall be an initial fee to cover the administrative costs associated with the issuance of the permit. Every year thereafter, the alarm holder shall pay an annual fee to cover the ongoing administrative costs. Permits shall remain valid until suspended, revoked, or until the alarm is deactivated. No permit issued pursuant to this chapter shall be transferable by operation of law or otherwise. The initial fee and the annual fee shall be established by resolution of the city council.

SECTION 3. **Section 5-16.05**, Article 1, Chapter 16 of Title 5 of the Pacifica Municipal Code is amended to state in its entirety as follows:

Sec. 5-16.05. Alarm system permits: Revocation: Appeals.

(a) In addition to any other remedy provided by law, the Chief of Police may revoke an alarm system permit upon a finding that the alarm system does not comply with the provisions of this chapter or for the failure of the alarm holder to prevent false alarms or to pay service charges assessed for false alarms.

(b) The Chief of Police, at least seventy-two (72) hours prior to ordering the suspension or revocation of any such permit, shall notify the alarm holder of such intended suspension or revocation. The Chief of Police, at his discretion, may allow the alarm holder to retain the permit should the alarm holder present sufficient mitigating circumstances.

(c) An alarm holder aggrieved by the decision of the Chief of Police may appeal pursuant to the provisions of Chapter 4 of Title 1 of this code.

(d) A suspended or revoked permit may be reinstated when the Chief of Police finds, upon verified evidence, that the cause of the suspension or revocation has been corrected.

SECTION 4. **Section 5-16.06**, Article 1, Chapter 16 of Title 5 of the Pacifica Municipal Code is amended to state in its entirety as follows:

Sec. 5-16.06. Alarm system requirements.

(a) Every person maintaining an alarm system shall provide the Chief of Police with the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night the alarm system is activated. It shall be the responsibility of every person maintaining an alarm system to ensure that the names and telephone numbers provided to the Police Department are kept current. Should police officers be unable to contact anyone on the list, they may call an alarm business of their choice to respond and disable the offending alarm at the alarm holder's expense.

(b) No person shall have installed an audible alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles.

(c) No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within fifteen (15) minutes after it is activated.

(d) Alarms shall be powered by a back-up power supply capable of maintaining the system for a period of four (4) hours in the event of a power failure.

(e) No person shall use, or cause or permit to be used, any telephone device or attachment which automatically selects a public primary telephone trunk line of the communications center of the City and then reproduces any prerecorded message to report any robbery, burglary, fire, or other emergency.

SECTION 5. Section 5-16.08, Article 1, Chapter 16 of Title 5 of the Pacifica Municipal Code is amended to state in its entirety as follows:

Sec. 5-16.08. False alarms: Service charges.

A person shall not knowingly turn in a false alarm. This section shall not prohibit a test of an alarm system when advance notice is provided to the Police Department.

(a) Whenever a false alarm is received by the Police Department and the cause is determined to be either equipment malfunction or the negligent conduct of the alarm holder or his or her agents or employees, there shall be a service charge to defray costs to the City for the second and each succeeding false alarm thereafter within a calendar year. The service charge shall be established by resolution of the city council.

(b) Any service charge shall be billed to the alarm holder and shall be due and payable within thirty (30) days after the date of billing. A basic penalty of fifty (50%) percent shall be added to any service charge not paid within thirty (30) days. Failure to pay the service charge within the required time will result in a revocation of the alarm system permit.

SECTION 6. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 7. The City Clerk shall cause this Ordinance to be published once within fifteen days after its passage in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica in accordance with Government Code Section 36933, and shall cause this Ordinance to be entered in the Pacifica Municipal Code.

SECTION 8. This Ordinance shall become effective thirty days after its final passage.

The foregoing Ordinance was introduced on June 23, 2014 and passed and adopted at a regular meeting of the City Council of the City of Pacifica held on the 14th day of July, 2014 by the following vote:

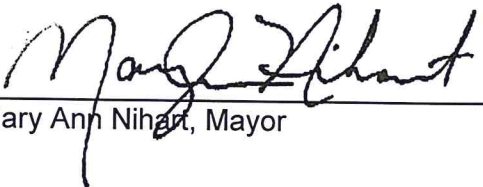
AYES, Councilmembers: Stone, Digre, Ervin, Nihart

NOES, Councilmembers: None

ABSENT, Councilmembers: O'Neill

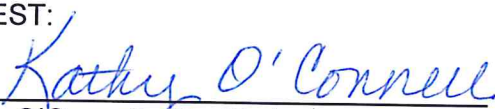
ABSTAIN, Councilmembers: None

APPROVED AND ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 14th day of July, 2014.



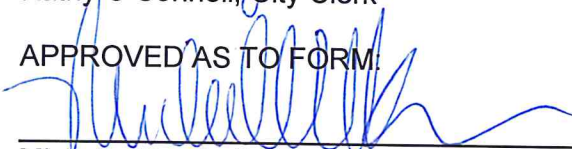
Mary Ann Nihart, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney