

ORDINANCE NO. Insert No.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
ADDING CHAPTER 11.30 TO TITLE 11 OF THE MENIFEE MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR THE OPERATIONS OF BURGLAR ALARM
SYSTEMS.**

WHEREAS, the Meniffee Police Department (“MDP”) desires to be proactive in minimizing false alarm calls from residential and commercial burglar alarms within the City of Meniffee (“Meniffee”). A false alarm can be caused by several reasons, such as faulty/malfunctioning equipment, user error, poor installation, or the lack of maintenance to the equipment. Once an alarm is triggered, the alarm company notifies MPD dispatch to report the activation. Each activation requires an emergency response from MPD. Each false alarm pulls from law enforcement resources, which could lead to longer response times to legitimate concerns, including crimes and other emergencies.

WHEREAS, MPD have analyzed false alarm data and have determined that there is a significant cost associated with responding to false alarms. The average time spent responding to and handling a false alarm varies between 30 minutes to one hour, occasionally longer depending on the incident type. All alarm calls require a minimum two officer response for officer safety. The approximate average fiscal impact is \$200.00 per response. This includes the officers’ salary and benefits, dispatch services, vehicle fuel and maintenance, and related clerical duties. In addition to the fiscal impact, there is lost officer productivity whenever officers are dispatched to respond to a false alarm.

WHEREAS, the City Council desires to adopt Chapter 11.30 of the Meniffee Municipal Code, establishing regulations for the operations of burglar alarm systems, including fees to reimburse the City for providing responses to false alarms, and permit fees, in such amounts established by resolution of the City Council.

WHEREAS, on July 7, 2021 the City Council held a duly noticed public meeting concerning the fees proposed to be established herein at which time members of the public had the opportunity to review the documents presented to the City Council and provide oral comments to the City Council concerning fees set forth.

NOW, THEREFORE, the City Council of the City of Meniffee, California does ordain as follows:

Section 1. Based upon a review of the data, information, analysis, and oral and written documentation presented by City Staff, and any public input received at the public hearing referenced above, concerning this matter, the fees set forth in Resolution No. [insert no.] attached hereto and incorporated by reference herein, do not exceed the estimated, reasonable costs to the City in providing the services to which each such fee applies.

Section 2. Burglar Alarm Systems. The new Chapter 11.30 is hereby added to Title 11 of the Meniffee Municipal Code to read as follows:

CHAPTER 11.30 BURGLAR ALARM SYSTEMS

CHAPTER 11.30

BURGLAR ALARM SYSTEMS

Sections:

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11.30.040	Automatic telephone dialing devices prohibited
11.30.050	Alarm System Standards
11.30.060	Requirements for audible alarms
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11.30.010	Definitions.

For the purposes of this chapter, the following definitions shall apply.

"Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or upon land, or for alerting others of the commission of an unlawful act within a building, structure or facility or upon land; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, automatic telephone dialing devices, hard lines, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected land, building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

"Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.

"Automatic telephone dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or digital signal an emergency message indicating a need for emergency response.

"Chief of Police" is the Chief of the Police Department of the City of Menifee, California, or his or her designee.

"Communications center" means the center that receives calls for service from the community, resulting

in dispatching police, fire, or rescue resources as required.

"False alarm" means a report received by the police department from any source resulting in a response by the police department to the premises on which an alarm system is located, where an emergency situation does not exist. This includes any hold-up or robbery alarm improperly activated for the purpose of obtaining police response when a hold-up or robbery is not in progress. This further shall include mechanical failure, accidental tripping, misoperation, malfunction, misuse, or neglect of the alarm system by the owner or lessee of the alarm system or by his or her employees or agents. It shall not include alarms caused by earthquakes, high winds, verifiable utility failures or external causes beyond the control of the owner or lessee.

"First and initial false alarm" means the first occurrence in which the police department responds to the premises and there is a false alarm as defined in this chapter.

"Hard line" means a telephone or other line leading directly from the premises protected by an alarm device, or from an alarm central station to the police department's communication center where the line is used solely to report the existence of circumstances necessitating police response.

"Person" means any individual, partnership, firm, company, association, organization or corporation.

"Police department" means the Police Department of the City of Menifee, California.

"Premises" means any private, residential, commercial, or industrial land and/or buildings located within the city (excluding land or buildings owned, rented, or leased by the federal, state or local government) except school districts.

"Proprietor alarm" means an alarm which is not serviced by an alarm business.

"Responsible party" means any person, firm partnership, company, association, or corporation, or school district, or any owner or lessee of premises on which an alarm system is installed or maintained, or the agent or representative of the above, which or who utilizes an alarm system on premises located within the city.

"Three hundred sixty-five-day period" means the period of time commencing upon the occurrence of a first and initial false alarm, and terminating three hundred sixty-five (365) consecutive days thereafter.

11.030.20 Exemption

This ordinance shall not apply to hand-held or portable personal safety devices and medical alert devices.

11.30.030 Regulation by Chief of Police.

The Chief of Police may regulate the number of approved alarm systems terminating directly into the police department when, in the Chief of Police's judgment, such devices would interfere with the effective and efficient operations of the police department. The Chief of Police shall also have the power to make and enforce such rules and regulations as may, in his or her discretion, be necessary to implement the provisions of this chapter. This may include a no response policy on the part of the police department to locations which maintain a nuisance alarm as defined in this chapter.

11.30.040 Automatic telephone dialing services prohibited.

It is unlawful for any person to use or cause to be used any electrical or mechanical device or attachment to a telephone that automatically reports a taped or other recorded message of a police or

fire emergency directly to the communications center. Any person who violates any provision of this section shall be deemed guilty of a misdemeanor. Each call shall be deemed a separate violation. This section shall not be applicable to handicapped individuals who have requested and received a waiver from the Chief of Police.

11.030.50 Alarm System Standards

All Alarm Systems and appurtenant equipment installed and used within the City of Menifee shall meet or exceed industry standards and applicable laws at the time of installation. Upon the effective date of this ordinance, the alarm businesses shall, on new installations or equipment replacements, use only security alarm control panel(s) which meets Security Industry Association (SIA) Control Panel Standard CP-01 for security Alarm Systems or Underwriter's Laboratory (UL) or approved listing agency. Fire alarm systems and components shall be listed and approved by the California State Fire Marshal in accordance with California Code of Regulations, Title 19, Division 1. The approved listing agency shall be as determined by the City Building Official for security alarm systems and the City Fire Marshal for fire alarm systems.

11.30.060 Requirements for audible alarms.

A. No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for air raid/disaster warnings.

B. Every audible alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of the person or company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. Upon request of the police department, the owner or person responsible for maintaining an alarm system shall provide a list of persons able to respond to an alarm site if needed.

C. Every audible alarm installed after the adoption of this chapter shall have a timing device which automatically shuts off the alarm within fifteen (15) minutes after the alarm is activated. Every audible alarm installed prior to the adoption of this chapter without such a timing device shall be required to have such a device installed if any activated alarm is not deactivated within a thirty minute time limit. The alarm business or person responsible for the maintenance of the system and the owner of the audible alarm shall be responsible for deactivating any alarm within thirty (30) minutes after notification that such alarm is activated and ringing, or within thirty (30) minutes after reasonable efforts have been made to provide such notification.

11.30.070 Response service charges

- A. A service charge shall be assessed against any responsible party within the city, to defray costs incurred in providing law enforcement services in response to a false alarm for each second and subsequent police response made to those premises during any three hundred sixty-five-day period. The service charge is set, and amended from time-to-time, by City Council resolution.
- B. On the first false alarm, a letter shall be sent to the responsible party for the premises, advising him or her that a service charge shall be imposed for each subsequent false alarm during the three hundred sixty-five-day period. The Chief of Police shall have authority to waive the above noted charges at his or her discretion.
- C. The service charge imposed by this chapter is in addition to, and not in lieu of, any other penalties, fines, or charges under other applicable laws and regulations.
- D. In addition to any other action that may be taken pursuant to this chapter, the Chief of Police may discontinue responding to alarms at any location if the Chief of Police has responded to six (6) or more false alarms at that location during any three hundred sixty-five-day period. The period of nonresponse shall be determined by the Chief of Police, but shall not exceed six (6)

months. This shall apply to permit holders as well as persons who are unlawfully operating an alarm system without a permit or with a permit that has been suspended. The Chief of Police may terminate the period of nonresponse upon receipt of satisfactory evidence that the problem(s) creating the false alarms has been corrected. The Chief of Police may discontinue response if any false alarm service fees remain unpaid sixty (60) days after invoice, until such time as such fees are paid, plus an additional five (5) business days in order to allow sufficient time to process payments.

- E. Any person may appeal the assessment of a false alarm service fee by filing a notice to appeal with the Chief of Police within fifteen (15) days of the mailing of the service fee invoice. The service fee invoice shall advise on whom the fee is assessed the right to appeal. The notice of appeal shall state all reasons why the appealing party believes that the fee was improperly assessed and shall be accompanied by any documentary evidence that the appealing party wishes to be considered. The appeal and all documentation shall be reviewed by the Chief of Police. The decision of the Chief of Police shall be final. If it is determined that the false alarm fee was improperly assessed, the fee shall be canceled.

11.30.080 Collection procedures for delinquent accounts

A. The service charge shall be a civil debt owing the city from the owner, occupant or person in possession, charge or control of the location of the alarm unit.

If an invoice for the service charge is unpaid sixty (60) days after mailing, a penalty of ten percent (10%) shall be charged, and an additional one and one-half percent (1.5%) per month shall be charged until the charges and penalties are paid in full.

If court action is taken to enforce nonpayment of charges, the user or property owner shall pay all reasonable attorney's fees incurred by the city.

B. Any charges authorized pursuant to this chapter which remain unpaid after the delinquent date as set forth may be collected thereafter by the city as provided in this section.

1. The City Council shall cause a report of delinquent charges to be prepared periodically. The City Council shall fix a time, date and place for hearing and report and any objections or protests thereto.
2. The City Council shall cause notice of hearing to be mailed to the property owners listed on the report not less than fifteen (15) days prior to the date of the hearing.
3. At the hearing, the City Council shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The City Council may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.
4. The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of such delinquent charges plus administrative costs. A certified copy of the confirmed report shall be filed with the City Clerk, or auditor appointed by the City Council, for amounts of the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the Riverside County Recorder's office, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of city ad valorem property taxes shall be applicable to such assessment.

11.30.090 Nuisance alarms

- A. An alarm shall be deemed a nuisance alarm and a public nuisance when it has been emitting sound continuously for at least one hour, or intermittently for two hours, and has been reported to the police department as an annoyance by a person in the vicinity of the alarm, and its owner

is not available to silence the alarm or to cause it to be silenced.

1. Any officer or police aide of the police department is authorized to enter on exterior private property area, and into vehicles on private property or public streets, for the purpose of silencing a nuisance alarm. Forcible entry may be made into exterior alarm equipment boxes, and attics and crawlspace vents, in order to accomplish this purpose. Actions may be taken to silence vehicle alarms, including the towing of the vehicle, as prescribed in the California Vehicle Code.
2. Neither the city, nor its police officers or police aides, nor any officer or employee of the city or of a private alarm service contractor engaged by the police shall be liable for damages to the owner of a nuisance alarm for silencing the nuisance alarm or for entry on the owner's property for the purpose of silencing a nuisance alarm or for any damage resulting from a reasonable effort to silence the nuisance alarm.
3. An alarm system shall be deemed a nuisance alarm and a public nuisance if such alarm system actuates excessive false alarms. Four false alarms in any ninety-day period is found and determined to be an excessive number of false alarms at any given location.
4. An alarm system shall be deemed a nuisance alarm and a public nuisance if such an alarm system has been intentionally activated at least once to summon the police to an incident for which the alarm system was not intended. This may include, but not limited to, a robbery alarm being intentionally activated for an incident which is not a robbery, or an alarm which is intentionally activated merely to see what police response would result.
5. An alarm system shall be deemed a nuisance alarm and a public nuisance if, upon request of the police department, the responsible party for such a system refuses to provide a list of persons to be contacted should the alarm be activated, or upon request of the police department, refuses to respond to the site of the alarm.

B. No Response Status.

1. If an alarm system has fallen into the category of a nuisance alarm as defined in subsection A of this section, the Chief of Police may, upon the next activation of that alarm, send a notice of no response to the owner or person responsible for the nuisance alarm. This notice shall indicate that the police department shall not respond to future activations of the nuisance alarm unless a alleged violation of the law is personally reported to the department by a witness at the scene of the alarm.
2. The no response status shall remain in effect until such time that the owner or person responsible for the nuisance alarm has provided adequate evidence to the Chief of Police that the problems causing the alarm to become a nuisance have been satisfactorily corrected.

11.30.100 Permit

- A. Except as otherwise provided in this chapter, it shall be unlawful for any person to connect, operate, or cause to be connected or operated an alarm system in the city on an alarm site without a valid alarm system permit. Alarm system permits issued under prior county ordinances shall cease to be valid after September 1, 2021.
- B. The application for an alarm system permit shall contain an agreement, which the applicant must sign before a permit is issued, whereby the applicant/permittee agrees to reimburse the city for costs incurred by the city resulting from excessive numbers of false alarms.
- C. Persons owning or in possession of property which an alarm system is intended to protect shall be responsible for securing the proper alarm system permit, and such permit shall be issued only

to the person who owns or is in possession of the property which the alarm system is intended to protect.

- D. The Chief of Police shall issue the alarm system permit within a reasonable period of time following the receipt of a completed application, unless the alarm system does not comply with the specifications contained in this chapter, the applicant has failed to comply with the required fee, the applicant has had an alarm permit suspended or revoked and the violation causing the suspension or revocation has not been corrected, the applicant has an unpaid false alarm service fee, or the application contains a misrepresentation of fact.
- E. If the Chief of Police denies the permit to an applicant for any of the reasons set forth in subsection D of this section, the applicant shall have the right to a hearing concerning the denial pursuant to sections 11.30.160 through 11.30.180.
- F. Any person who operates an alarm system without a permit shall apply for a permit within sixty (60) days of the Chief of Police's mailing of a notice to obtain the permit and shall pay the fee provided for in section 11.30.130. Failure to apply for a permit within the required time shall result in an additional fee in an amount set by resolution of the City Council.
- G. A service fee invoice shall be mailed to the alarm operator within thirty (30) days following the assessment of the fee. Fees shall be due and owing no later than thirty (30) days after the date of mailing the invoice. The date of mailing shall appear on the invoice. Fees received after the due date shall be subject to a late fee of \$25.00. Fees received more than sixty (60) days after the due date shall be subject to an additional late fee of \$25.00.

11.30.110 Application

- A. Application for an alarm system permit shall be filed with the Chief of Police on such forms as the Chief of Police may prescribe.
- B. An application and permit is required for each alarm site.

11.30.120 Required information

- A. Each alarm system permit application must contain the following information:
 - 1. The names, addresses, and telephone numbers of the person(s) who will be the permit holder and of the person(s) responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter.
 - 2. For each alarm system located at the alarm site, the purpose of the alarm system; i.e., burglary, robbery, or panic.
 - 3. Other information as may be reasonably required by the Chief of Police.
- B. The information furnished and secured pursuant to this section shall, to the extent permitted by law, be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that public interest, by not disclosing the information to the public, clearly outweighs the public interest served by disclosing the information.

11.30.130 Fee

There is no fee for the alarm application or permit; however, if an alarm site is found to not have a valid alarm permit, there will be a penalty fee in an amount set by resolution of the City Council. Upon the expiration of the alarm system permit, a renewal application shall be completed.

11.30.140 Permit duration, permit renewal and information changes

- A. Any alarm system permit issued in accordance with this chapter shall be valid only as to the person named on the permit and only for the particular address specified on the permit. The alarm system permit will expire twelve (12) months from the date of issuance. The permittee can renew an alarm system permit by submitting a renewal application.
- B. If a permittee wishes to renew his, her, or its permit issued pursuant to this chapter, the permittee shall submit an application form to the Chief of Police no later than thirty (30) days prior to the expiration of the existing permit. The permittee shall follow the procedure set forth in this chapter for original license applications. If the application complies with the provisions of this chapter, the Chief of Police shall extend the term of the immediately preceding permit during the period of processing the permit renewal.
- C. If the permittee's name is legally changed, the permittee shall so inform the Chief of Police within ten (10) days of such change and no fee shall be assessed to revise the permit accordingly.
- D. The permittee shall inform the Chief of Police of any other general information changes to the application within ten (10) days after such change, and no fee shall be assessed for changing the Chief of Police's records accordingly.

11.30.150 Suspension

When grounds as provided in this chapter exist, the Chief of Police may determine to suspend an alarm system permit. Suspensions of permits shall be for a maximum of three hundred sixty-five (365) calendar days. Use of the alarm system during a suspension of the permit shall be a violation of this chapter. The following shall constitute grounds for suspension of an alarm permit:

- 1. The violation of any of the sections of this chapter.
- 2. A false statement on the permit application.
- 3. Failure to pay any fine assessed by a court of competent jurisdiction pursuant to section 11.30.070.
- 4. Failure to pay any false alarm service fee pursuant to section 11.30.070 or any other service fee pursuant to this chapter.
- 5. Six (6) or more false alarms during any three hundred sixty-five-day period.

11.30.160 Hearing Rights

- A. If an application for an alarm system permit is denied or a permit is to be considered for suspension pursuant to section 11.30.150 shall serve on the applicant or permittee a written notice of the proposed action, including, for suspension, the length of the proposed suspension and of the right to a hearing on the matter. Service shall be by certified/registered mail to the applicant's or permittee's last known address. Service shall be considered complete five (5) days after such mailing. The applicant or permittee may, within ten (10) calendar days after service of the notification, file a request for a hearing. Such request shall be in writing and mailed to or deposited with the Chief of Police and shall be accompanied by a filing fee of \$25.00 to cover the cost of processing the appeal. The filing fee shall be refunded to the applicant or permittee if the applicant or permittee prevails at the hearing. If no request for a hearing is filed within the time and in the manner prescribed in this section, the right to a hearing on the proposed denial or suspension shall be deemed to have

been waived, and the Chief of Police may proceed to deny or suspend the permit according to the terms of the original notice of the proposed action.

- B. Upon receiving a written request for a hearing, the Chief of Police shall serve on the applicant or permittee, by first class mail, a notice of the time and place of the hearing. Service shall be made at least ten (10) calendar days prior to the date set for the hearing.
- C. Upon the receipt of a written request for a hearing for a suspension, the Chief of Police shall take no further suspension action until a hearing has been held pursuant to section 11.30.180 and the Chief of Police has the written decision of the hearing officer.

11.30.170 Hearing Officer

The hearing described by section 11.30.180, shall be conducted by an individual who is designated by the City Manager to serve as the Hearing Officer. The individual may be an employee of the city who is not assigned to the Police Department or otherwise subordinate to the Chief of Police, or an individual who is not an employee, retained pursuant to a contract to provide such services.

11.30.180 Hearing

- A. If a request is made for a hearing by the applicant or permittee, pursuant to this chapter, a hearing shall be conducted by the Hearing Officer. The Chief of Police shall carry the burden of proof that grounds exist for denial or suspension. The standard of proof shall be the preponderance of the evidence. The applicant or permittee may appear, present evidence and examine and cross examine witnesses. If the applicant or permittee fails to appear at the time, date and place appointed for the hearing, the hearing shall be conducted in the absence of the applicant or permittee, and the Hearing Officer shall render a decision based upon evidence presented during the hearing. For good cause, the hearing may be continued upon request of either the Chief of Police or applicant or permittee. The hearing shall be audio recorded, and all documents presented as evidence shall be maintained as part of the record of the hearing. At the request of either the Chief of Police or applicant or permittee, the City Clerk shall, on behalf of the City Council, issue subpoenas for attendance of witnesses at the hearing.
- B. At the conclusion of the hearing, the Hearing Officer shall issue a written decision, including findings of fact and conclusions. For a permit suspension, the decision shall determine the length of the suspension. The decision of the Hearing Officer shall be final as to all parties.

11.30.190 Limitation on liability of city

The city is under no obligation or duty to any alarm user or any other person by reason of any provision of this chapter or the exercise of any privilege by any alarm user hereunder, including, but not limited to, any defects in a police or fire alarm system, any delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding or failure to respond to any alarm by any city officer, employee, or agent.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional,

without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

This Ordinance was introduced and read on the 7th day of July, 2021 and APPROVED AND
ADOPTED THIS Day DAY of MONTH USING CAPS, Year.

Bill Zimmerman, Mayor

Attest:

Sarah A. Manwaring, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney