

ORDINANCE NO. 918-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF THOUSAND OAKS REGULATING THE USE OF  
BURGLARY AND ROBBERY ALARMS WITHIN THE CITY

Part 1

Section 5-13.01 through Section 5-13.06 of the Thousand Oaks Municipal Code are hereby repealed.

Part 2

Chapter 13 of Title 5 of the Thousand Oaks Municipal Code is hereby amended to read as follows:

Sec. 5-13.01. Purpose.

Many businesses and residents throughout the City have purchased and installed private burglary alarm systems to secure their premises. When a quality alarm system is properly installed, maintained and used, it helps protect the owners and occupants of the premises from injury or loss and contributes to overall crime prevention in the community. When alarm systems are of inferior quality, are not maintained or used properly, they are a threat to community safety and the safety of its police officers; tend to reduce the level of service police maintain, and create a risk of accidents. Problem alarm systems also represent a significant cost factor in terms of personnel time, vehicle fuel wasted and general wear and tear on public equipment. The City Council finds that there is a need to reduce the incidence of false alarm calls within the community and to balance the legitimate right of citizens to utilize alarm systems against the public's right to regulate the use of poorly designed, installed, or maintained alarm systems.

Sec. 5-13.02. 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 a person employed by an alarm business, either directly or indirectly, whose duties include all or any of the following: selling, leasing, altering, installing, maintaining, moving, repairing, replacing, servicing, responding to, or monitoring an alarm system, or a person who manages or supervises a person employed by an alarm business to perform any of the duties described herein.

(b) "Alarm subscriber" shall mean the person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family, an alarm system.

(c) "Alarm system" shall mean any mechanical or electrical device or assembly of equipment and devices designed or used for the detection of an unauthorized entry into a building or facility, or to signal the presence of a hazard requiring urgent attention and which, when activated, emits a sound or transmits a signal or message, to an alarm business, to which the police are expected to respond. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms, but shall not include devices not designed to register audible, visible or perceptible alarms outside of the protected building or audible alarms affixed to automobiles.

(d) "Audible alarm" refers to a characteristic of an alarm system that generates an audible sound on or about the premises when it is activated.

(e) "False alarm" shall mean an alarm signal activated by causes other than the commission or attempted commission of an unlawful act or a hazard requiring urgent attention which the alarm system is designed to detect necessitating response by the police for which an emergency situation does not exist. A determination as to whether an alarm signal was a false alarm or actual alarm shall be made by the Chief of Police. "False alarm" shall not include those alarms activated by extraordinary meteorological, atmospheric, or other conditions or means as determined by the Chief of Police.

(f) "Direct dial service" shall mean a device which is connected to a telephone line and upon activation of an alarm system, automatically transmits a message or signal indicating the need for emergency response.

(g) "Person" shall mean a natural person, firm, partnership, association or corporation but shall not include the city, county or other governmental agency.

(h) "Proprietor alarm" shall mean an alarm which is not serviced by an alarm business.

#### Sec. 5-13.03. Alarm requirements.

(a) Subscriber Responsibility. It shall be the duty of the alarm subscriber to properly use the alarm system and to maintain it mechanically and technically to insure safe and responsible operation and minimize the number of false alarms. If the Chief of Police determines that the system lacks in quality, components, servicing, or is improperly used by the alarm subscriber, the Chief may require modifications be made to the system to comply with this chapter. The Police Chief, from time to time, may establish minimum standards for the operation, maintenance, and servicing of alarm systems.

(b) Audible alarm systems. An audible alarm shall automatically terminate its operation within fifteen (15) minutes and the audible alarm system shall reset automatically within thirty (30) minutes of being activated, however, there shall be no automatic reset on the bell or other audible device.

(c) Direct Dial Alarms. No person shall install, use or cause to be used, any device which, when activated, automatically dials a public telephone line of the City or the Police or Fire Department. Any automatic telephone dialing system shall dial to and the message shall be received by a live answering service, such as a private alarm dispatch center.

(d) Simulated Alarms. No person shall operate or use any alarm system that emits a sound similar to that of an emergency vehicle, siren or civil defense warning system or activates for any purpose other than detecting and reporting an unauthorized entry upon the premises protected by such alarm system or to signal the presence of a hazard requiring urgent attention.

#### Sec. 5-13.04. Reporting requirements.

A written report shall be filed with the Chief of Police for each alarm transmitted to the Police Department. The report shall contain the name, address, and telephone number of the subscriber and any additional information or data as required by the Chief of Police. In addition, the report shall indicate whether or not the alarm was a "false alarm" as defined in this article. These reports shall be confidential and exempt from disclosure under the Public Records Act (Government Code §6550, et. seq.).

#### Sec. 5-13.05. Alarm agents: Permits and possessions.

Every alarm agent shall carry on his or her person at all times while engaged in the business of being an alarm agent, a valid alarm agent permit as issued by the State of California and shall display that permit to any police officer upon request.

Sec. 5-13.06. Enforcement: Violations and penalties.

(a) Violations. Any violation of the provisions of this article shall be punishable as a violation of this code or pursuant to the provisions of this article. 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.

(b) Penalties. A fine of twenty-five dollars (\$25.00) shall be paid to the City by each alarm subscriber or property owner or lessor for a third response made to the location of a false alarm by the Police Department during the same calendar year. A fine of fifty dollars (\$50.00) shall be similarly paid to the City upon the fourth response made to the location during the same calendar year, and a fine of one hundred dollars (\$100.00) shall be similarly paid to the City upon the fifth and each subsequent response made to the location during the same calendar year. The Police Chief shall cause to be issued a monthly bill for the unpaid fines accrued during any monthly billing period and any prior periods. Such bill shall be due and payable within thirty (30) days after the billing date.

(c) Late penalty. A penalty of ten percent (10%) shall be added to the fines required by this section in connection with any fines not paid in the time and manner set forth in section (b) above.

(d) Fines and penalty, a civil debt. The amount of any fine and late penalty assessed pursuant to this article shall be deemed a debt to the City and an action may be commenced in the name of the City in any court of competent jurisdiction in the amount of the delinquent debt pursuant to Section 1-2.06 of this code. Payment of any fine shall not prohibit criminal prosecution for the violation of any other provisions of this chapter.

Sec. 5-13.07. Public nuisance alarms: Notice to repair or disconnect.

(a) Maximum false alarms. Any alarm system that emits more than five (5) false alarms in any one location within a calendar year is hereby declared to be a public nuisance.

(b) Notice to repair or disconnect. The Chief of Police may notify any alarm subscriber or property owner or lessor or person who has caused such a system to be installed that the alarm system shall be repaired or disconnected pending repairs when the system is found to be a public nuisance. If the notice is to repair only, the notice shall indicate a maximum time period for repairs to be made, after which the system must be disconnected. If the notice is to disconnect, the notice shall indicate that the system shall not be reconnected until necessary repairs or maintenance of the system have been made to the satisfaction of the Chief of Police to reduce the number of false alarms to less than five in any calendar year. All such notices shall inform the subscriber, property owner, or lessor of the right to appeal such determination to the City Council pursuant to Section 1-4.01. The notice shall include applicable time limits.

(c) Appeals. Any person receiving a notice to repair or disconnect may file an appeal pursuant to Section 1-4.01 of this code, however, no appeal shall be deemed timely filed and no hearing shall be held unless, within the time period to file the appeal, the appellant deposits with the City Treasurer the amount of any unpaid fines and penalties due under this article. If as a result of the appeal hearing it is determined that the City is not entitled to the fines and penalties in the amount of deposit, the City shall refund to the appellant the amount of the excess fees. The imposition of a fine or fines is reviewable by the Chief of Police but is not appealable to the City Council.

Sec. 5-13.08. Nonliability.

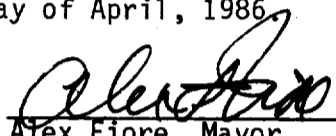
Nothing in this chapter shall create or be construed to create a duty upon the Police Department or City to respond to any alarm whether or not the alarm was false. An alarm, like any other request for service from the Police Department, may be responded to within the resources of the Police Department at the time of the alarm.

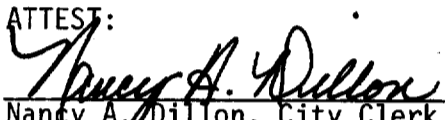
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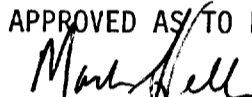
The "alarm requirements" set forth in Section 5-13.03 shall apply to all alarm systems installed after the effective date of this ordinance and to all other systems upon the expiration of six (6) months from the effective date of this ordinance.

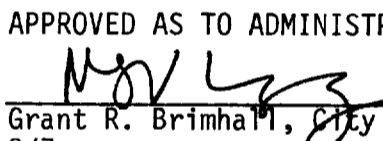
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PASSED AND ADOPTED this 15th Day of April, 1986

  
\_\_\_\_\_  
Alex Fiore, Mayor  
City of Thousand Oaks, California

ATTEST:  
  
\_\_\_\_\_  
Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:  
  
\_\_\_\_\_  
Grant R. Brimhall, City Manager  
8/7

CERTIFICATION


STATE OF CALIFORNIA )  
COUNTY OF VENTURA ) ss.  
CITY OF THOUSAND OAKS )

I, NANCY A. DILLON, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 918-NS, that was introduced by said City Council at a regular meeting held April 8, 1986, and adopted by said City Council at a regular meeting held April 15, 1986, by the following vote:

- AYES: Councilmembers Schillo, Laxdal, Schaefer and Mayor Fiore
- NOES: None
- ABSENT: None
- ABSTAINED: Councilmember Horner

I further certify that said Ordinance No. 918-NS was published as required by law in the NEWS CHRONICLE, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

  
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Nancy A. Dillon, City Clerk  
City of Thousand Oaks, California