

ORDINANCE NO. 1164

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
ADDING CHAPTER 12.02, REGULATIONS GOVERNING PRIVATE
BURGLAR/ROBBERY/PANIC AND FIRE ALARM SYSTEMS AND RESPONSES
THERE TO, TO THE SAUSALITO MUNICIPAL CODE**

WHEREAS, a number of private residences and businesses in the City of Sausalito maintain private alarm systems; and

WHEREAS, false alarms generated by such alarm systems are a drain on vital City resources and divert essential police and fire safety personnel from other potentially life threatening and/or dangerous situations; and

WHEREAS, it is in the best interests of the citizens of the City of Sausalito to adopt comprehensive regulations governing the use and operation of private burglar, robbery, panic and fire alarm systems and responses thereto in order to minimize the number of false alarms generated and to provide for cost recovery.

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

Section 1. Chapter 12.02, Regulations Governing Private Burglar/Robbery/Panic and Fire Alarm Systems and Responses Thereto, is hereby added to the Municipal Code of the City of Sausalito as follows:

**REGULATIONS GOVERNING PRIVATE BURGLAR/ROBBERY/PANIC AND FIRE
ALARM SYSTEMS AND RESPONSES THERETO**

Sections:

- 12.02.010 Purpose of Chapter
- 12.02.020 Definitions
- 12.02.030 Alarm Permit
- 12.02.040 Alarm Terminal Facilities
- 12.02.050 Audible Terminal Facilities
- 12.02.060 Violations and Appeals Procedures
- 12.02.070 False Alarms

12.02.010 Purpose of Chapter. The purpose of this chapter is to encourage alarm system users and alarm companies to properly use alarm systems and to maintain such alarm systems in order to reduce or eliminate false alarms. False alarms unduly divert public safety officials from responding to more essential or life-threatening activities.

It is also the purpose of this chapter to provide requirements for registration, establish fees, provide for penalties for violations, establish a system of administration and set conditions for suspension or loss of registration.

12.02.020 Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

a. Alarm Company – Any person who sells, leases, maintains, services, repairs, alters replaces moves or installs any alarm system, or who causes any alarm system to be sold, maintained, serviced, repaired, altered, moved, installed, in or on any building, place or premises.

b. Alarm System – 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 for reporting a fire or medical emergency, which when activated emits a sound and/or transmits a signal.

c. Audible Alarm - A device designed for detection of unauthorized entry, or smoke or fire on the land, building, structure or facility of any alarm owner, and which generates sound audible outdoors when activated.

d. False Alarm – An alarm signal activated intentionally or through inadvertence or negligence, to which personnel of the police and/or fire department respond, when there is no need for such response, shall constitute a false alarm for the purposes of this ordinance.

e. Own – To purchase, rent or lease an alarm system.

f. Owner – The person or firm, who purchases, rents or leases an alarm system. “Owner” shall also mean and include the person or firm who owns the premises on which the alarm system is located.

12.02.030 Alarm Permit.

a. Permit – Required: The owner of any alarm system shall first obtain a permit as required by this ordinance. No alarm system may be operated without first obtaining a permit. The permit shall last for the duration of the alarm system unless suspended or revoked.

b. Application: Applications for all permits required hereunder shall be filed with the Police Department (robbery, burglary, panic), or Fire Department (fire, smoke, medical) and shall be accompanied by a one-time fee in an amount established by resolution of the City Council. The fee is established to cover the actual costs of processing the permit and is not refundable.

c. Transfer Prohibited: No permit issued under the provisions of this chapter shall be in any manner transferred or re-assigned.

d. Suspension or revocation: Any permit issued under the provisions of this chapter may be suspended or revoked by the Chief of Police, Fire Chief or his/her designee when the permittee has breached the terms and conditions thereof, or has failed to comply with the provisions of this chapter, or if the permit has been obtained by fraud or false pretenses. Prior to taking action to suspend or revoke a permit, notice and an opportunity to be heard shall be provided the permittee or successor owner of the alarm system.

e. Reinstatement: The Chief of Police, Fire Chief, or his/her designee is authorized to reinstate any alarm system permit suspended under this chapter, upon payment of any outstanding service charges together with any reinstatement fee in an amount established by resolution of the City Council.

f. Rules and regulations: The Chief of Police, Fire Chief, or his/her designee, is authorized and empowered to adopt such rules, as he/she may deem reasonably necessary to fulfill the purposes of this chapter. Such rules shall be in writing and shall be given to each permittee at the time of the issuance or reinstatement of such permits.

12.02.040 Alarm Terminal Facilities.

Prohibited telephone device: No person shall use or cause to be used any telephone device or telephone attachment on any telephone trunk line of the Police Department/Fire Department/Communications Center which reproduces any tone, signal or prerecorded message to report any burglary, robbery, panic, fire, medical or other emergency.

12.02.050 Audible Alarm Regulations.

a. Timing Device/Battery Back Up: Each audible alarm system shall be equipped with a timing device that will silence or turn off such audible signal within 10 minutes of activation. The owner of each audible alarm system that is not so equipped shall update the alarm system to comply with this regulation.

b. Each system shall also be equipped with a battery back up capable of powering the alarm for not less than four hours.

c. Sirens: It is unlawful to install or maintain any audible alarm which generates a sound similar to sirens used on authorized emergency vehicles or for civil disaster purposes.

12.02.060 Violations and Appeals Procedures.

a. Violation – Penalty: Any person who installs or causes to be installed any alarm system without first obtaining a permit as described herein or otherwise violates the terms of this chapter shall be guilty of a misdemeanor. Any alarm that is audible for longer than ten minutes will be deemed a nuisance and may be summarily abated and disabled by the Police and/or Fire Department. If disabled by the Police and/or Fire Department, all repairs will be the responsibility of the owner. In addition, the owner shall be required to reimburse the City for the actual costs incurred by the City in connection with the abatement of the nuisance.

b. Appeal Procedure: Any person aggrieved by the action of the Chief of Police or Fire Chief or his/her designated agent in denying a permit; imposing an application fee, alarm response fee, the abatement of an alarm system nuisance or in the suspension or revocation of any permit provided by this chapter, may appeal to the City Manager. The City Manager shall provide notice and an opportunity to be heard to the person aggrieved prior to rendering a final decision on the appeal.

12.02.070 False Alarms.

a. Violation: Each alarm system shall be allowed three (3) false alarms without a service charge during each fiscal year from July 1 through June 30. The alarm owner shall pay a service charge in an amount established by resolution of the city council for each subsequent false alarm during the remainder of the fiscal year.

The City of Sausalito Finance Director will send a violation notice and an invoice to the alarm owner at the alarm location. Failing to pay the required fees will result in suspension of an alarm permit.

b. Exceptions:

1. If the alarm system owner makes contact with the Police Department/Fire Department/Dispatch Center before responding units arrive at the location of the alarm, the owner will not be charged with a false alarm response.
2. In the event of a natural disaster, i.e. earthquake, power outage, etc. the false alarm generated as a result of this occurrence will not be charged as a false alarm response.

c. Notification: In the event a false alarm is activated by any alarm system within the City, a notice will be issued by the Police Department. The notice shall set forth the time and nature of the false alarm. The notice will be mailed to the alarm owner by regular United States mail, postage prepaid, to the address at which the alarm system is installed or by other suitable means as deemed appropriate by the Chief of Police or Fire Chief.

d. Excessive False Alarms: In the event any alarm system within the city activates more than ten false alarms within any one-fiscal year period, such alarm system shall be suspended until written verification by an alarm company proving that the alarm system has been inspected and that the problem has been corrected.

Section 2. Severability. If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and its title and each section, subsection, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. Publication and Effective Date. This Ordinance shall go into effect 30 days after the date of its adoption and within 15 days after its adoption shall be published in a newspaper of general circulation, published and circulated in the City of Sausalito.

The foregoing Ordinance was duly and regularly introduced, with reading waived, at a meeting of the City Council of the City of Sausalito held in said City on October 29, 2002, and thereafter adopted at a meeting of the City Council held in said City on November 19, 2002, by the following vote, to wit:

AYES: Councilmembers: Albritton, Belser, Bushmaker, Keller, Mayor Roberts
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DEPUTY CITY CLERK