



AGENDA REPORT

Meeting Date: October 18, 2010
Item Number: G-7
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS MODIFYING
ALARM REGULATIONS AND AMENDING THE BEVERLY HILLS
MUNICIPAL CODE
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

INTRODUCTION

This ordinance amends the existing false alarm program to add false fire alarms and makes other revisions to the Municipal Code regarding alarm systems and false alarms.

DISCUSSION

At the City Council meeting of October 5, 2010, the City Council conducted a first reading of this ordinance.

FISCAL IMPACT

There are no additional costs to implement the proposed modifications. As a result of the proposed changes, the City's projected cost recovery rate for false security alarms will increase to 100% and will recover over \$500,000 in costs. The projected cost recovery rate for repeat fire alarm offenders is 100% and will recover over \$70,000 in costs. Cost recovery amounts are projected to diminish as alarm users become educated on the proper use of their systems and reduce the total number of false alarm responses.


Laurence S. Wiener, City Attorney

Attachment 1

ORDINANCE NO. 10-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
MODIFYING ALARM REGULATIONS AND AMENDING
THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. Article 1 of Chapter 4 of Title 4 is hereby amended to read as follows:

“Article 1. Alarm Systems and False Alarms.

4-4-101. Purpose.

The purpose of this Article is to protect the public health, safety and general welfare by regulating alarm systems and discouraging false alarms.

4-4-102. Exemptions.

The provisions of this article shall not be applicable to audible alarms affixed to motor vehicles.

4-4-103. Definitions.

The following definitions shall apply for purposes of this article:

A. “Alarm agent” means any person who is employed by an alarm business, 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 dispatch request” means a notification to police or fire personnel that an alarm system has been activated.

C. “Alarm business” means any person who is engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, monitoring, moving, or installing any alarm system or causing to be sold, maintained, serviced, repaired, altered, replaced, monitored, moved or installed an alarm system in or on any building, place or premises.

D. "Alarm system" means an assembly of equipment and devices designed for the detection of smoke, fire, or an unauthorized entry on premises or for alerting others of the commission of an unlawful act, which device, when actuated, emits a sound beyond the business premises or residential unit or dwelling protected by such device or transmits a signal or message to another location. "Alarm system" includes without limitation the following: audible alarms; automatic

dialing systems; commercial alarms; intrusion alarm systems; fire alarm systems; manual holdup alarm systems; and robbery alarm systems.

E. “Audible alarm” means an alarm system that, when activated, emits an audible sound designed to be heard at or about the site where the alarm system is installed.

F. “Automatic dialing system” means an alarm system that automatically sends over telephone lines a message or signal indicating the existence of an emergency situation.

G. “Central station” means a facility to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of messages by a live voice to the police or fire department.

H. “Commercial alarm” means an alarm system installed on non-residential premises.

I. “False alarm” means an alarm dispatch request as to which responding police or fire personnel find no evidence of a fire, criminal offense or attempted criminal offense after completing an investigation of alarm site. A false alarm does not include the activation of an alarm system due to tornadoes, earthquakes, or other violent, uncontrollable acts of nature.

J. “Fire Department” means the City of Beverly Hills Fire Department.

K. “Intrusion alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.

L. “Manual holdup alarm system” means an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.

M. “Police Department” means the City of Beverly Hills Police Department.

N. “Robbery alarm system” means an alarm system signaling a robbery or attempted robbery or other crime in progress, which involves potentially serious bodily injury or death. For purposes of this definition, a robbery alarm system includes duress, panic, hold-up and robbery-in-progress alarms.

O. “Subscriber” means any person that owns, leases, rents, uses an alarm system or makes available for use by his agents, employees, representative or family, an alarm system.

4-4-104. Alarm System Regulations.

A. Audible alarms shall automatically turn off within fifteen (15) minutes of activation.

B. Each subscriber having an audible alarm affixed to real property shall post a notice containing the name and telephone number of the person to be notified to render repairs or turn off the alarm when the alarm system is activated. Such notice shall be conspicuously posted near the alarm system in such a position as to be legible from the ground adjacent to the building.

C. It shall be the duty of the alarm subscriber to properly use the alarm system and to maintain it mechanically and technically to insure it is in proper working order at all times.

D. The alarm business or subscriber shall provide to the Police and Fire Department or their City authorized designee the name and address of the subscriber including the telephone number at which the subscriber may be reached at any time of the day or night or any other emergency contact information. Changes occurring in any names, addresses or telephone numbers provided shall be immediately communicated in writing to the Police and Fire Department or their City authorized designee.

E. The alarm business and/or subscriber shall be responsible for deactivating any alarm system within one hour after notification or after reasonable efforts have been made to notify such alarm business and/or subscriber that such alarm system has been activated and is ringing.

F. No person shall install, maintain or use an audible alarm that emits a sound similar to an emergency vehicle siren.

G. No person shall install, maintain or use an audible alarm that automatically resets the bell or other audible device.

H. No person shall install, maintain or use any alarm system that automatically dials the Beverly Hills Police or Beverly Hills Fire Department when activated.

4-4-105. Call Verification Response for Service.

A. No alarm business, central station or other answering service shall request a police department response to an alarm site until such time it has made two attempts to verify the need for service by telephonic means by contacting the alarm subscriber. Verification is not required for robbery alarm system activation and other locations as determined by the Chief of Police.

B. At the time a response to an alarm site is requested, the alarm business, central stations or other answering services shall provide all information required by the Police or Fire Department dispatcher including but not limited to: the time, date and location of the alarm; the name, address and telephone number of the alarm subscriber or his or her designee; and the cause of the alarm.

4-4-106. Alarm Activation Notification.

Each alarm subscriber or alarm business shall notify the Police and/or Fire Department prior to any service, test, repair, maintenance, adjustment, alteration or installation that might activate a false alarm. For the purposes of this chapter, any alarm activated where such prior notice has been given shall not constitute a false alarm.

4-4-107. Back-up Power Supply.

Alarm systems shall be served by an uninterruptible back-up power supply that prevents activation of the alarm system due to failure or interruption of normal electric utility service. Such back-up power supply shall be capable of operating for at least four hours.

4-4-108. Public Nuisance.

A. It is declared to be a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property in the City to cause, or to permit, an alarm system on such property to be activated, other than by commission or attempted commission of an unlawful act or detection of smoke or fire which the alarm system is designed to detect. Any response from the Police or Fire Department with respect to such a false alarm shall constitute summary abatement of such a nuisance.

B. Any audible alarm shall be deactivated within fifteen (15) minutes of activation; provided further, failure to deactivate within a period of one hour shall be considered a public nuisance and such alarm noise may be summarily abated.

4-4-109. False Alarm Service Charge

A false alarm service charge shall be billed to and paid by each subscriber for the false alarms issued by the subscriber's alarm system within a calendar year. Should any service charge remain unpaid in excess of thirty (30) days, a late fee shall be assessed and paid by the subscriber. The service charge and the late fee shall be established by City Council resolution. The service charge shall be paid within thirty (30) calendar days following service of notice by mail by the City that the alarm system sustained a false alarm, unless the subscriber files an request for an administrative review pursuant to Section 4-4-110.

4-4-110. Contesting a False Alarm Service Charge; Appeal.

A. A subscriber may contest the imposition of a false alarm service charge by submitting a request for an administrative review in writing to the Chief Financial Officer within 30 calendar days of the notice imposing the service charge. The assessment of the false alarm service charge is stayed during the pendency of an administrative review, which is properly and timely filed pursuant to this section. The subscriber shall specify the grounds for contesting the service charge and such request shall be accompanied by a fee, if any, in the amount established by City Council resolution. Upon receipt, the City shall do all of the following: investigate with its own records and staff the circumstances of the service charge with respect to the contestant's written explanation of the reason or reasons for contesting the service charge. If, based on the results of that investigation, the City is satisfied that the violation did not occur or because legally supportable or mitigating circumstances as set forth in this Article warrant a dismissal, the City shall dismiss the service charge and make an adequate record of the reason or reasons for canceling the service charge. The City shall deliver the results of the investigation to the contestant within fifteen (15) days of receipt of the subscriber's request for an administrative review.

B. If the subscriber is not satisfied with the results of the investigation provided for herein, the subscriber may, within twenty one (21) calendar days of the delivery of the results of the initial investigation, deposit the amount of the service charge and the appeal as set by City Council resolution or provide proof of an inability to deposit the service charge, and request an appeal. An appeal shall be held within ninety (90) calendar days following the receipt of a request for an appeal. If the subscriber prevails at the appeal, then the full amount of the service charge deposited shall be refunded.

C. The appeal hearing shall be conducted by the City Manager or his designee. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal. Failure of any person to file a timely appeal shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice imposing the false alarm service charge.

D. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to each appellant by the City either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal. The decision of the City Manager or his designee shall be in writing and shall contain findings of fact and a determination of the issues presented.

E. The notice of decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be delivered to the parties personally or sent by certified mail to the address shown on the appeal. The decision shall be final when signed by the City Manager or his designee and served as provided in this section.

F. If the false alarm service charge is upheld, the service charge and any administrative costs shall be paid within thirty (30) days following service of the notice of decision. Administrative costs include any and all costs incurred by the city in connection with enforcement of this Article against the subscriber, including, but not limited to, investigation costs, staffing costs for preparing and conducting the administrative hearing and legal fees.

4-4-111. Intentional False Alarms; Penalties.

No person shall intentionally initiate a false alarm except for purpose of testing an alarm system and then only after having given the Police and/or Fire Department prior notice thereof. Any person who violates this section shall be guilty of a misdemeanor.

4-4-112. Possession of State Permit Required.

Every alarm agent, and every person engaged in the business of making, repairing, servicing, altering, replacing, removing or installing an alarm system shall carry on their person at all times

while so engaged a valid alarm agent permit as issued by the state and shall display such permit to any Police Department or Fire Department personnel upon request.

4-4-113. Nonliability.

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

Section 2. Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 3. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on January 1, 2011.

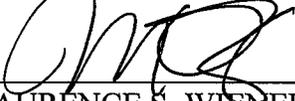
Adopted:
Effective:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

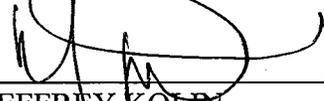
(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

 for JK

JEFFREY KOLIN
City Manager



TIMOTHY J. SCRANTON
Fire Chief



DAVID SNOWDEN
Chief of Police



SCOTT G. MILLER
Director of Administrative Services/Chief
Financial Officer