

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADDING CHAPTER 9.60 TO THE TEMECULA MUNICIPAL CODE ESTABLISHING REGULATIONS FOR THE OPERATIONS OF PUBLIC SAFETY ALARM SYSTEMS

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Chapter 9.60, “Regulation of Alarm Systems”, is hereby added to Title 9 of the Temecula Municipal Code to read as follows:

“CHAPTER 9.60

REGULATION OF PUBLIC SAFETY ALARM SYSTEMS

Sections:

9.60.010	Title
9.60.020	Purpose
9.60.030	Definitions
9.60.040	Alarm system standards
9.60.050	Fire alarm operating permit, maintenance, and inspections required
9.60.060	False alarm response reimbursement fee
9.60.070	Maintaining a nuisance alarm
9.60.080	Exempt alarm systems
9.60.090	Prohibited alarm systems
9.60.100	Penalties and enforcement
9.60.110	Limitation of liability
9.60.120	Appeals

9.60.010 Title.

This Chapter shall be known as the ‘Public Safety Alarm Ordinance.’

9.60.020 Purpose.

The purpose of this Chapter is to (i) set forth regulations governing burglary, robbery, fire, and medical assistance alarm systems within the City of Temecula; (ii) reduce false alarms; and (iii) authorize false alarm fees.

9.60.030 Definitions.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **Alarm System** means any mechanical or electrical device which is designed or used for the detection of burglary, robbery, fire, within a building, structure, or facility, or on any premises, or for alerting others to a hazard or need for medical assistance, or to the commission of an unlawful act within a building, structure or facility, which emits a sound and/or transmits a signal or message when actuated, and which is designed to elicit a response from law enforcement, fire, and/or medical personnel.

Alarm System includes, but is not limited to, every automatic dialing device, direct-dial telephone device, audible alarm, and proprietor alarm. Devices which are not designed or used to register or activate alarms that are audible, visible or perceptible outside the protected building, structure, facility or premises are not included within this definition.

B. **Audible Alarm** means any alarm system that generates an audible sound at its location when it is actuated.

C. **Emergency** means any condition which results in, or which could result in, the immediate response of law enforcement or fire personnel or any condition which jeopardizes or could jeopardize public safety.

D. **False Alarm** means the notification to the City's Police or Fire Department from the alarm system's central monitoring company of the activation of an alarm system or from a member of the public reporting the audible alarm when:

1. There is no evidence of a crime or other activity that warrants the assistance of the City's Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the occupant or property owner, and no individual who was on or near the premises or who viewed a video communication from, or live-monitored the premises called for the dispatch or confirmed a need for police response; or

2. There is no indication or presence of a fire or medical or other emergency situation on the premises, that warrants a call for assistance from or investigation by the City's Fire Department, and no individual who was on or near the premises or who viewed a video communication from, or live-monitored the premises requested the response or confirmed a need for emergency response; or

3. The alarm system activation is caused by electrical or mechanical failure, malfunction, improper installation or lack of proper maintenance, alarm owner error, or by a cause that cannot be determined.

'**False Alarm**' shall not include any alarm caused by earthquakes, severe storms or other extraordinary circumstances determined by the alarm system monitoring company to be beyond the reasonable control of the alarm system owner.

E. **Fire Department** means the Riverside County Fire Department or such other fire agency under contract to provide fire services, emergency services and emergency medical service to the City.

F. **Nuisance Alarm** means a nuisance alarm as defined in Section 9.60.070.

G. **Police Department** means the Riverside County Sheriff's Department or such other police agency under contract to provide police services to the City.

H. **Fire Watch** means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

9.60.040 Alarm system standards.

No alarm system, not including automatic dialing device alarms or other alarm systems exempt from this chapter, shall be operated unless the alarm owner has entered into a service contract with an alarm company providing for monitoring service twenty-four (24) hours per day. Every alarm system shall be equipped so that it shall not activate in the event of a power outage unless there exists an emergency situation for which the alarm was designed to detect or alert.

9.60.050 Fire alarm operating permit, maintenance, and inspections required.

A. No person shall operate an alarm system in the City unless a City-issued alarm operating permit has been issued for the alarm as it is currently being operated.

B. **Maintenance.** Each alarm owner and alarm company shall maintain each alarm system under their control in good working order, and provide the service necessary to prevent malfunctions and false alarms. All fire alarm systems shall be regularly maintained, inspected and tested in accordance with NFPA 25 and NFPA 72 or any successor standards. All written reports for such testing will be kept on the premises and be readily available for review by Fire Department personnel when requested. Failure to comply with these testing and inspection requirements may result in additional fee assessments if false alarms occur.

C. **Inspections.** The Police Chief or Fire Chief, or their designees, shall be authorized to require any nuisance alarm system to be inspected by the alarm company at the owner's expense. Inspections shall be complete enough to detect any likely malfunctions and shall include testing of the equipment. Particular attention shall be paid to the conditions that have the potential of causing false alarms. The person making the inspection shall provide a written report to the alarm owner and the Fire Department and Police Department, detailing measures taken to eliminate the likelihood of further false alarms caused by the alarm system. The report shall be kept on the premises for two (2) years, and shall be subject to inspection by Fire Department or Police Department upon request.

9.60.060 False alarm response reimbursement fee.

To defray the cost to the City in responding to false alarms, alarm system owners shall pay any false alarm response reimbursement fee assessment in such amount as may be established by resolution to the City Council. The fee assessment shall be satisfied by the alarm system owner

within thirty (30) days after receiving the notice of the amount owed from the City of Temecula Fire or Police Department. The fee assessment will be mailed or given to the business/property owner, and said owner will be responsible for paying the false alarm fee assessment to the City of Temecula. The amount of the fees shall be deemed a contract debt to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of delinquent fees.

The Fire Department or Police Department shall issue the building/property owner a notice via mail of the fee assessment or given the notice at the time of the incident. If the alarm system owner fails to remit the fees within thirty (30) days from the date of the notice upon him or her, which shall be the date of mailing the invoice, a penalty of twenty-five percent (25%) of the amount of the fees in the notice shall be imposed, but not less than five dollars (\$5.00). When imposed, the penalty amount shall become part of the fee herein required to be paid. In addition to such fee assessment, the alarm system owner shall pay to the City all reasonable costs incurred by the City in collecting such overdue and unpaid fees, including reasonable attorney's fees and court costs, and interest at the rate of one and one-half percent per month [eighteen percent (18%) per annum], or the maximum legal rate, whichever is higher, on all unpaid fee amounts from the date payment was due.

9.60.070 Maintaining a nuisance alarm.

A. No alarm system owner shall operate or maintain an alarm system which generates more than three (3) false alarms in a ninety (90) consecutive day period.

B. Any alarm system operated or maintained in violation of this section is a nuisance and shall be deemed a 'nuisance alarm'. In addition to any other remedy herein, a nuisance alarm may be abated as a nuisance as provided in this Code.

9.60.080 Exempt alarm systems.

The provisions of this section shall not apply to audible alarms affixed to automobiles.

9.60.090 Prohibited alarm systems.

A. It is unlawful to install or maintain on the exterior or interior of any building, an alarm system which upon actuation emits a sound which is similar to sirens in use on emergency vehicles or vehicles used for civil defense purposes.

B. It is unlawful to install, use, maintain or deliberately activate any alarm system for any purpose other than reporting burglaries, robberies, or other crimes involving risk of personal harm or property damage, fires, or medical emergencies. Deliberately activating an alarm system for any purpose other than a condition for which the alarm system is intended to detect or alert is a misdemeanor.

9.60.100 Penalties and enforcement.

A. It shall be unlawful for any person to violate any provision of this chapter or to fail to comply with any provision of this chapter. Any person violating any such provision or failing to comply with any of the mandatory requirements of this chapter, shall be guilty of a misdemeanor unless the City Attorney or City Prosecutor elects to prosecute the violation as an infraction. In addition, any person violating any provision of this chapter shall be subject to the penalties and remedies set forth in Title 1 of this Code, including, without limitation, administrative citations and public nuisance abatement injunctions.

B. Neither the conviction of any person, nor the issuance of an administrative citation for violation of any provision of this chapter shall release such person from paying any business taxes, charges, fees, or payment false alarm or other fees authorized by this chapter, due and unpaid at the time of such conviction, nor shall payment of any fee or reimbursement for false alarms prevent criminal prosecution for violation of any of the provisions of this chapter. 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.

C. If an alarm is deemed out of service by the Fire Department and/or Police Department, the premises may be put on a 24 hour fire watch at the expense of the business/property owner until the alarm system is repaired to normal operating condition, and back to being monitored.

9.60.110 Limitation of liability.

Nothing in this section shall be deemed to impose any liability on the part of the City of Temecula or County of Riverside with respect to any alarm system owner or to any other person or entity, as a result of any defect in an alarm system, failure of the City to receive an alarm, or failure of the City or its Police or Fire Department to respond to any alarm regulated by this section, whether false or not. The City Council declares that it shall be entirely within the discretion of each Police Officer or Fire Department member receiving a report of an alarm activation, as to how or if to respond to such alarm.

By responding to an alarm, neither Police nor Fire personnel shall be deemed to have assumed any obligation to safeguard property at the alarm system location. At no time shall Police or Fire personnel have any duty to remain at the scene of an alarm pending arrival of the alarm system owner or representative. At all times the alarm system owner shall be responsible and liable for securing facilities covered by an activated alarm.

9.60.120 Appeals.

A. Any person or business aggrieved by any determination of the Police Department and/or Fire Department in connection with any alarm system regulated by this chapter, including the determination of a nuisance alarm, false alarm(s), or any fee assessment, may, within ten (10) days of receipt of an invoice, citation, notice of violation, or any other notice concerning

such determination, appeal the same by requesting, in writing addressed to the Police Department and/or Fire Department, one of the following:

1. Administrative review by a Police or Fire command staff member not involved with the original determination, of the facts surrounding the determination. The Police or Fire staff shall consider any written material or other relevant evidence submitted, including any City, Police or Fire reports or other documentation and within ten (10) days of receipt of the review request shall render a written decision either denying the appeal, or reversing the determination with or without modification; or

2. A hearing before a hearing officer using the same hearing procedures as provided for administrative citations pursuant to Sections 1.21.080 through 1.21.180 of the Temecula Municipal Code.

3. The decision of the Police or Fire command staff, or hearing officer, pursuant to subsections 1 or 2, above, shall be final.

Any person may seek a hardship waiver from imposition of a false alarm reimbursement fee assessment by following the process specified to obtain an advance deposit hardship waiver set forth in Section 1.21.090 of the Temecula Municipal Code provided, however, that the request shall be submitted to the Police or Fire Department, as applicable, and their decision shall be final.

Any person may request an extension of the due date for submittal of the fee assessment by submitting a written request to the Police or Fire Department, as applicable, not less than five (5) business days prior to the due date, therein setting forth facts establishing good cause for the request. The decision on the request shall be final.

B. Because the determination that an alarm was a false alarm is based on the professional judgment of first responders employing all facts known to the responders at the time of the alarm, the burden of proof in the hearing shall be on the appellant to establish that an alarm was not a false alarm.

Section 2. The adoption of this Ordinance shall not affect or excuse any violation of the Temecula Municipal Code occurring prior to the effective date of this Ordinance.

Section 3. 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 4. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this day of , 2019.

Michael S. Naggar, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 19- was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 11th day of June, 2019, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the day of , 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk