



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/07/06

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Police Chief
SUBJECT: Alarm Ordinance

RECOMMENDATION:

It is recommended that City Council introduce the attached ordinance repealing Chapter 4, Article 7 of the Hayward Municipal Code and enacting a new ordinance relating to alarms; and introduce the attached resolution amending the Master Fee Schedule.

BACKGROUND:

The alarm ordinance was last amended in 1993, when annual alarm permit and false alarm fees were instituted. Since that time these fees have remained unchanged.

In 2004, the department responded to 4,942 alarms, of which 97.5% were false. 126 of the alarm calls were valid and the result of some criminal or attempted criminal activity.

Intrusion/burglary alarms, which are designed to detect unlawful entries into a premise, account for 91.98% of all alarms received. Panic/duress alarms, which are designed for manual activation by a user when faced with an immediate threat of violence, account for 4.42%. Robbery/hold-up alarms, which are designed for manual activation of the user in the case of a robbery in progress, account for the remaining 3.60%.

Alarms received from residential areas accounted for 31.5% of the total alarm calls and alarms received from commercial areas accounted for the remaining 68.5%.

2004 FALSE ALARM RATES

	Burglary Alarms	Panic/Duress Alarms	Robbery Alarms
City wide	97.44 %	99.54 %	94.94 %
Residential areas	99 %	99 %	100 %
Commercial areas	97 %	100 %	95 %

Responding to false alarms in 2004 wasted over 4942 hours of patrol officers' time, the equivalent of at least 3.12 full time patrol officers. Translating the officers' time into a dollar figure results in about \$490,000 being spent on responding to false alarms.

In 2005, police responded to 4,856 alarms, of which 96.15 % were false.

2005 FALSE ALARM RATES

	Burglary Alarms	Panic/Duress Alarms	Robbery Alarms
City wide	96.03 %	99.43 %	95.70 %
Residential areas	99 %	99 %	100 %
Commercial areas	96 %	100 %	96 %

Responding to false alarms in 2005 wasted over 4669 hours of patrol officers' time, the equivalent of at least 2.95 full time patrol officers. Translating the officers' time into a dollar figure results in about \$483,000 being spent on responding to false alarms.

The proposed ordinance incorporates the use of interconnected and interrelated strategies identified by the False Alarm Reduction Association and which appear to be appropriate for use inclusion as elements in a false alarm reduction program for the City of Hayward.

The proposed amendments to the alarm ordinance will have minimal impact on responsible alarm users. They are designed to reduce the incidence of false alarms originating in the city, to reduce the costs associated with responding to false alarms, to recover costs from irresponsible alarm users, to increase the availability of officers to respond more appropriately to actual instances of criminal activity and emergencies, and to improve officer safety. The amendments also are designed to make alarm users more responsible for the use and maintenance of their alarm systems and to make alarm companies more accountable for ensuring proper and appropriate installation of alarm systems and training alarm users on the proper use of their alarm systems.

The ordinance would streamline the process of handling disputes originating from the assessment of fines against alarm users and alarm companies as well as for suspending or revoking alarm user permits and placing alarm sites on a verified response status.

The resolution would retain the \$25 initial alarm permit fee, but eliminates the discounted fees for the annual renewals. Maintaining the database of alarm user information is critical to the management of the false alarm reduction program and to providing contact information of people who can respond to an alarm site if an alarm is received.

Previously, alarm users with monitored alarms received a discounted renewal rate based on the assertion of the alarm monitoring companies that they would maintain responsible party contact information to provide to the police as necessary. Our experience is, however, that frequently when the need for a person to respond to an alarm site arises, the alarm companies are not able to contact or locate anyone to respond.

The ordinance would make it unlawful to install any alarm system at any premise in the city without first obtaining an alarm permit, and requires the posting of an issued identification tag with the alarm permit number at the entrance to the premise.

The ordinance would require the names of two responsible parties to be designated as responders to alarms sounding. It also requires that the central monitoring station telephone number is readily available to the alarm user, that alarm companies provide training to alarm users and their employees in commercial applications, and that the alarm business submit written confirmation from the alarm user documenting the training on newly installed alarm systems.

The ordinance would make installation of certain types of activation devices a crime and requires alarm businesses to update certain types of activation equipment within 180 days of the effective date of the ordinance.

The ordinance would require that alarm systems have a backup power supply capable of automatically assuming operation of the alarm system for a minimum of four hours.

In 2004, police officers responded to 2,773 different addresses in the city on alarm calls. A single response was made to 1,462 addresses which accounted for 52.72% of the address but only 21.99% of the total alarms received. Police officers responded to 616 addresses twice which accounted for 22.21% of the addresses or 18.53% of the alarms received.

The remaining 695 addresses had between three and 39 false alarms. 25.07% of the addresses that police officers responded to on alarms accounted for 59.48% of the false alarms received.

The ordinance would establish an enhanced verification standard for monitored alarms requiring alarm monitoring companies to make at least two independent attempts to verify an alarm before reporting it to the police to initiate a police response. The ordinance would further require that alarm businesses maintain records on all alarm dispatch requests for two years and that the records be made available to the alarm administrator within 21 days of a request. Alarm businesses failing to follow the enhanced verification standards would be subject to a fine of \$250 per occurrence.

Inclusion of an enhanced verification standard was made on the recommendation of the East Bay Chapter of the California Alarm Association and is embraced on a national basis by the alarm industry.

The ordinance would modify the false alarm period from 180 days to one year.

The resolution would modify the false alarm fee schedule from \$100 to \$150 for the third false alarm, from \$150 to \$300 for the fourth false alarm, and create a new fee category for the fifth and each subsequent false alarm at \$500.

The ordinance would add a fine for improper activation of a duress, panic, robbery, or hold-up alarm with fines of \$150 for the first offense, \$250 for the second offense, \$350 for the third offense, \$450 for the fourth offense, and \$550 for the fifth and each subsequent offense.

In 2005, the police responded to a number of alarm sites for which no valid permit existed. In each case a letter was mailed to the alarm user notifying them of the requirement to obtain an alarm users permit. Between January 1 and November 30, 2005, there were 302 alarm users who failed to obtain the required permit after notification.

The ordinance would establish a fine for operating an alarm system without a valid permit of \$250 per false alarm. A portion of the first false alarm fine could be waived if an alarm permit were obtained within 30 days.

The ordinance would establish a fine of \$250 for any alarm agent or alarm business that installs any alarm system in the city without first having obtained an alarm permit as required by the ordinance.

The ordinance would require that any alarm user whose alarm system transmits two false alarms in any 30 day period must submit proof of system service and problem resolution by a licensed and registered alarm business within 30 days. Failure to comply with this section would advance the false alarm fine for all subsequent alarms to the maximum allowable rate.

On January 3, 2006, staff met with representatives of alarm companies from throughout the area, a representative of the East Bay Alarm Association, as well as a representative of the California Alarm Association to discuss the proposed amendments to the ordinance. The alarm companies made several recommendations regarding the ordinance which have been included in the proposal. Those recommendations included requiring control panels meeting ANSI standards for false alarm reduction, requiring monitoring companies to use enhanced call verification, and requiring a one week adjustment period on new alarm installations where alarm signals may not be reported to the police. None of the representatives present objected to the changes in the proposed ordinance.

Prepared by:

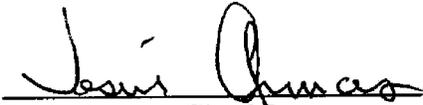


Robert Weldon, Community Policing Lieutenant

Recommended by:


Lloyd Lowe, Chief of Police

Approved by:


Jesús Armas, City Manager

Attachment: Draft Ordinance
Draft Resolution

DRAFT

NH
1/31/06

ORDINANCE NO. _____

ORDINANCE REPEALING ARTICLE 7 OF CHAPTER 4 OF
THE HAYWARD MUNICIPAL CODE AND ENACTING A
NEW ORDINANCE RELATING TO ALARMS IN THE CITY
OF HAYWARD

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
DOES ORDAIN AS FOLLOWS:

Section 1. Upon the adoption of this ordinance, Article 7 of Chapter 4 of the Hayward Municipal Code is hereby repealed and, in substitution thereof, a new Article 7 of Chapter 4 of the Hayward Municipal Code is hereby enacted to read as follows:

“SEC. 4-7.00 TITLE. This Article shall be known as the “Alarm Ordinance.”

“SEC. 4-7.01 PURPOSE. The purpose of this Article is to promote the responsible use of security alarm systems in the City of Hayward in order to facilitate effective and efficient response to alarms by the Hayward Police Department; as well as reduce the number of false alarms requiring a law enforcement response. This will increase officer safety, ensure proper attention and response to actual crimes in progress, and increase available preventive patrol and increase patrol enforcement time, thereby furthering the health, safety, and welfare of the citizens of Hayward.

It is the further purpose of this Article to reduce the costs to the City of Hayward of responding to false alarms and to impose such costs on the alarm users causing false alarms. Any fee authorized by this Article is for the sole purpose of defraying the actual cost and expense to the City of Hayward of administering the regulations herein, so as to accomplish the purposes of this Article; this Article is not enacted pursuant to the City’s power to license or tax businesses for revenue purposes. It is not the intention of this ordinance to interfere with the contractual obligations between alarm businesses and alarm users or to supersede any provisions of State law.

“SEC. 4-7.02 FINDINGS. The City Council of the City of Hayward hereby finds as follows: There is a substantial number of alarms requiring response by the Hayward Police Department. These alarms average in excess of ten per day. Most of the alarms are false alarms. It is the policy and practice of the Hayward Police Department to respond to all alarms, except alarms which are countermanded or known to be false, and to report on all alarms, genuine or false. As a result of the high incidence of false alarms, the City of Hayward incurs substantial cost and expense in responding to and reporting on false alarms and the ability of the Hayward Police Department to respond to genuine alarms and other emergencies is reduced.

“SEC. 4-7.03 DEFINITIONS.

- “(a) ‘Alarm administrator’ means any person designated by the Hayward Police Chief to administer, control, and review alarm applications, permits, or alarm dispatch requests.
- “(b) ‘Alarm agent’ means any person employed or hired by an alarm business and whose duties include altering, installing, maintaining, moving, repairing, replacing, or servicing an alarm system, or responding to same.
- “(c) ‘Alarm business’ means any individual, partnership, corporation or other entity who, for any consideration, engages in the selling, leasing, installation, maintenance, alteration, repairing, replacing, moving, monitoring or servicing of alarm systems or which responds to such alarm systems.
- “(d) ‘Alarm dispatch request’ means a notification to the Hayward Police Department that an alarm, either manual or automatic, has been activated at a particular site, whether that notification be made by an alarm business or by any other person, or by the direct observation of a law enforcement employee.
- “(e) ‘Alarm site’ means a single premise or location served by an alarm system or systems.
- “(f) ‘Alarm system’ means any mechanical or electrical device designed or used for the protection against an unauthorized entry into a building, structure, or facility by alerting others of the commission of an unlawful act within a building, structure, or facility, and which emits a sound or transmits a signal or message when activated, including, without limitation, duress alarms, robbery alarms, hold up alarms, and panic alarms.
- “(g) ‘Alarm user’ means any person, firm, partnership, or other entity who receives a law enforcement response as the result of the activation of an alarm system.
- “(h) ‘Alarm user permit’ means the approval document from the Hayward Police Department issued to the alarm user.
- “(i) ‘Audible alarm’ means any mechanical or electrical device or system which, when activated, is capable of being heard within the premises and the immediate area thereof.
- “(j) ‘Automatic dialing system’ means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, or by radio or other communication system, a pre-recorded voice message indicating the

existence of an emergency situation that the alarm system is designed to detect.

- “(k) ‘Central station’ means an office to which monitored alarm and supervisory signaling devices are connected, where operators supervise the circuits, and which are listed by Underwriters' Laboratory.
- “(l) ‘Cross-zone structure’ means a system design that ensures coverage of zones by multiple devices, to minimize potential false alarms.
- “(m) ‘Duress alarm’ means a silent alarm signal generated by the entry of a designated code into an alarm device in order to signal that the Alarm User is being forced to turn off the system, and requires law enforcement response.
- “(n) ‘False alarm’ means any activation of an alarm system which results in a law enforcement response and where no emergency exists. A false alarm includes, but is not limited to, improper activation due to negligent acts or omissions or to equipment malfunction. False alarms which occur as a result of violent acts of nature (i.e., earthquake, severe windstorms, floods, etc.), shall not constitute a false alarm.
- “(o) ‘Manually activated burglar alarm’ or ‘panic alarm’ means an audible or silent Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- “(p) ‘Monitored alarm system’ means an alarm signaling system which, when activated by an alarm device, transmits a signal from an alarm signaling device to a central location where appropriate action is taken to investigate and respond to the signal.
- “(q) ‘New installation means new physical installation of an alarm system, change of alarm service provider, or change in alarm user for a particular alarm site.
- “(r) ‘Robbery alarm’ or ‘hold-up alarm’ means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- “(s) ‘Verified response status’ means that the Hayward Police Department will not respond personnel to an alarm site based solely on the activation of the alarm system, and will require verification that the alarm is not a false alarm.

“SEC. 4-7.05 STANDARDS AND ADMINISTRATION.

- “(a) Except as authorized by law, it shall be unlawful for any person to sell, buy, install, or operate any alarm system which does not meet the minimum standards set forth in Sections 4-7.17 and 4-7.18, and 4-7.19 of this Article, or to cause, permit, or suffer any alarm system to emit more than two false alarms within any thirty-day period.
- “(b) The provisions of this Article shall be administered and enforced by the Chief of Police. The Chief of Police, or his or her authorized representative, is authorized to make inspections of alarm systems and of the premises whereon said systems are located, and to make and enforce such rules and regulations as are necessary to implement the provisions prescribed in this Article.

“SEC. 4-7.10 ALARM BUSINESS REGISTRATION. It shall be unlawful for any person to engage in, conduct, or carry on any alarm business within the City of Hayward unless he or she, possesses a valid license or permit as required and issued by the State of California, a business license as may be required by Chapter 8, Article 1 of the Hayward Municipal Code, and has first registered his or her intention to engage in such alarm business with the Hayward Police Department.

“SEC. 4-7.11 ALARM PERMITS.

“(a) **Permit Required.**

“(1) **Alarm User.** No person shall install, connect, or operate any alarm system as defined in this Article within the city limits of the City of Hayward without first obtaining a permit from the Chief of Police in accordance with the provisions of this Article. Any installation, connection, or operation of any alarm system without a valid permit is an infraction punishable by a fine not exceeding \$500.00.

“(2) **Alarm Businesses.**

“(i) No alarm business shall perform any installation, connection, or maintenance of any alarm system as defined in this Article for which a valid permit has not been issued. It is incumbent on the alarm company to verify the existence of a valid permit either by inspecting the actual permit in possession of the alarm user, or by confirming the permit with the Hayward Police Department. Any installation, connection, or maintenance of any alarm system by an alarm company for which no valid permit has been issued is an infraction punishable by a fine not exceeding \$500.00.

“(ii) Any alarm company notified by the Hayward Police Department that an alarm system user’s permit has been suspended, revoked, or not renewed, shall discontinue any and all service on such system within fifteen days of notification.

“(b) Permit Application.

“(1) Alarm users shall apply with the Hayward Police Department for a permit to operate any alarm system as defined in this Article, on an application form to be provided by the Hayward Police Department.

“(2) The City shall establish by resolution a nonrefundable application fee, which shall be paid at the time of the application. This fee shall reimburse the City for costs associated with the application processing, alarm site inspection, and permit issuance.

“(3) The information contained on the application form and any subsequent inspection or investigation notes, reports, or files pertaining to the alarm user, business, or alarm business shall be confidential and not open to public inspection. It is declared that this information is critical to the safety and security of the alarm user, his agents and employees, and law enforcement personnel, and that the public interest served by not disclosing such information to the public clearly outweighs the public interest served by disclosing such information.

“(c) Renewals, Reapplications.

“(1) A permit shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application and a permit renewal fee to the Alarm Administrator. The Hayward Police Department shall notify each alarm user of the need to renew thirty days prior to the expiration of the permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date.

“(2) Alarm users shall reapply for an alarm permit under any of the following conditions:

“(i) Whenever a permit has been revoked pursuant to this Article;

“(ii) Whenever a permit has expired and no renewal has been applied for within fifteen days prior to the expiration date;

“(iii) Whenever additional systems are added to the premises, business, or property; or

“(iv) Upon moving or relocation of the alarm site.

“(d) Issuance of Permit.

“(1) All permits issued pursuant to this Article shall be approved by the Chief of Police or his or her designee, and shall remain valid for a period of one year from the date of issuance unless otherwise revoked or suspended as provided in this Article.

“(2) Upon issuance of an alarm user permit, the Hayward Police Department will provide the alarm user with a summary of the alarm ordinance with a schedule of the false alarm fees and penalty amounts in effect at that time.

“(3) The permits issued pursuant to this Article shall be kept on the premises where the alarm system is located. The Hayward Police Department may issue an appropriate identification tag and establish requirements for its posting.

“(4) No person shall use an alarm system without posting the alarm system permit number at the front entrance of the premises served by the alarm system. Such number shall be clearly visible and readable from the exterior of the premises.

“(5) Alarm permits issued under the provisions of this Article shall not be assignable or transferrable.

SEC. 4-7.12 SUSPENSION AND REVOCATION OF PERMIT.

“(a) Suspension of Permit. The Police Chief or his designee may suspend an alarm user permit, for a period of time up to fifteen days, under any of the following conditions:

“(1) When the alarm user has failed to pay the false alarm service fee within thirty days of billing;

“(2) When the alarm user has violated any provision of this Article; or

“(3) When the alarm user, or his or her agent or representative, fails to respond to the alarm site upon activation of the system, when requested

to do so by the Hayward Police Department, or because no one could be contacted by phone, on three consecutive occasions.

- “(b) Revocation of Permit. The Police Chief or his or her designee may revoke an alarm user’s permit under any of the following conditions:
- “(1) When the alarm user has furnished false information on the alarm system permit application;
 - “(2) When the alarm user has had three or more suspensions in any twelve-month period and has failed to correct the condition(s) leading to the suspension;
 - “(3) When the alarm user has failed to pay any fee or charge imposed under this Article; or
 - “(4) When an alarm user fails to satisfy a judgment of a court of law as a result of a conviction of any provision of this Article.
- “(c) Effect of Suspension or Revocation. Upon notice of a permit suspension or revocation, the alarm user and alarm site will be placed on verified response status.
- “(d) Suspension and Revocation Hearings.
- “(1) No alarm system permit may be suspended or revoked under sections (a) or (b) of this section until a hearing has been held by the Chief of Police or his representative. Written notice of the time and place of such hearing shall be served on the alarm user, and upon the person who renders service or repairs to the alarm user’s alarm system as designated on the alarm user’s application. Such notice shall be given at least ten days prior to the date set for the hearing. The notice of hearing shall include the date, time, and location of the hearing, and a brief statement of the grounds upon which the proposed suspension or revocation will be based. Notice may be given either by personal delivery thereof to the persons to be notified or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the last address known to the issuing authority. Upon a showing of proof of service by mail, the failure of any person to receive such notice shall not affect the validity of any proceedings taken under this Article.
 - “(2) The proposed permit revocation shall be heard by the Chief of Police or by a person designated by the Chief of Police to act as the hearing officer.

“(3) The Alarm Administrator and the alarm user or their authorized representatives shall be heard and may present evidence, including oral, documentary, and other evidence, and may examine and cross-examine witnesses. The Chief of Police or hearing officer may conduct such inquiries and investigations as he or she deems proper, and shall not be bound in the conduct thereof by the common law or statutory rules of evidence and procedure, but he or she may make such inquiry and investigation, through oral, documentary, and other evidence, which is best calculated to ascertain the substantial rights of the public and parties. After the hearing, the Chief of Police shall take one of the following actions:

- “(i) Issue an order of revocation of the permit if appropriate grounds therefor exist;
- “(ii) Issue an order of suspension of the permit for a reasonable time to correct conditions which are in violation of this Article; or
- “(iii) Decline to revoke or suspend the permit, if the evidence indicates that there are no grounds for such revocation or suspension.

The decision of the Chief of Police or hearing officer shall not be invalidated because of the admission into the record and the use as any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence and procedure.

“SEC. 4-7.15 NOTIFICATION OF INSTALLATION OF AN ALARM SYSTEM – TRAINING AND CERTIFICATIONS.”

“(a) Alarm businesses shall notify the Hayward Police Department each time the business sells, installs, or initiates operation, maintenance, or monitoring of an alarm system within the City of Hayward. This notification shall be in writing on a form proscribed by the Chief of Police, and shall be made within ten days of each such sale, installation, or initiation of operation, maintenance, or monitoring and shall include the following information:

- “(1) The name, address, and telephone number of the alarm business or its alarm agent.
- “(2) The name of the alarm user and his or her business address and telephone number and residential address and telephone number.

- “(3) The name of at least two other persons responsible to respond to the alarm site and their business addresses and telephone numbers, and residential addresses and telephone numbers.
- “(b) Any central station, monitoring company, telephone answering service, or alarm business that relays messages to the Hayward Police Department, and requests the dispatch of police officers to respond to an activated alarm, shall maintain and provide the following information to the Hayward Police Department, at the time the alarm dispatch request is made:
 - “(1) The name of the alarm user;
 - “(2) The address of the alarm site; and
 - “(3) The alarm permit number.
- “(c) Each alarm business, at the time of installation or service of any monitored alarm system, will confirm that the alarm user has readily available the twenty-four hour telephone number of the central monitoring station.
- “(d) Within thirty days of a request, the alarm business shall provide the Alarm Administrator with an electronic data file containing the name, complete address, and account number of each alarm user serviced by the alarm business in the City of Hayward. This proprietary information shall be confidential and not open to public inspection. It is declared that this information is critical to the safety and security of the alarm user, his agents and employees, and law enforcement personnel, and that the public interest served by not disclosing such information to the public clearly outweighs the public interest served by disclosing such information.
- “(e) Each alarm business shall provide group training for commercial installations, including false alarm prevention.
- “(f) Each alarm business shall obtain written confirmation from an alarm user or lessee documenting the training on newly installed alarm systems. The confirmation shall be submitted by the alarm business along with the notification of the installation of the alarm system required in subsection (a) above.
- “(g) Within thirty days of the sale or assignment the alarm business’s contractual obligation to service an alarm user, the alarm business shall notify the Hayward Police Department, in writing, of the transfer of such obligation.

SEC. 4-7.17 STANDARDS FOR ALL ALARM SYSTEMS.

- “(a) The alarm user or his or her representative shall respond to the scene of an activated alarm within forty-five minutes of the alarm activation after being notified by the alarm business or the Hayward Police Department. This response shall include, when necessary, the opening of the premises so they may be searched.
- “(b) Every audible alarm system shall have a timing device which automatically shuts off the alarm within fifteen minutes when the alarm system is located on a residence and within thirty minutes when the alarm system is located on other types of premises after the alarm is activated. If the alarm system has an automatic shut-off with a re-arming phase, the re-arming phase must be able to distinguish between an open or closed circuit, and, if the circuit is open, the system shall not re-arm.
- “(c) Notwithstanding the installation of an automatic timing device, it shall be unlawful for any alarm business or alarm user to cause, permit, or allow an audible alarm system to be activated for a period in excess of thirty minutes.
- “(d) Only UL listed equipment shall be installed. Installation of new or replacement alarm components shall adhere to the manufacturers’ installation guidelines.
- “(e) From and after the effective date of this ordinance, installation of control panels must meet or exceed ANSI/SIA CP-01, Control Panel Standards – Features for False Alarm Reduction, as may be amended from time to time. All control panels in existence prior to the effective date of this ordinance that are not in compliance with these standards shall be replaced with a control panel in compliance with such standards, within five years after the effective date of this ordinance.
- “(f) All alarm systems shall have a standby backup power supply which will automatically assume the operation of the alarm system for a minimum of four hours should any interruption occur in power to the system. The transfer of power from the primary source to the backup source, must occur in a manner which does not activate the alarm.

SEC. 4-7.18 AUDIBLE ALARM SYSTEM STANDARDS.

- “(a) It shall be unlawful to buy, sell, install, or operate within the City of Hayward an audible alarm system which, upon activating, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. For the purpose of this section, any electronic sounding device that produces a variable pitch-tone shall be considered similar to an emergency vehicle siren. This section shall not

apply to sirens mounted inside a building which cannot be heard from outside of the building.

“SEC. 4-7.19 STANDARDS FOR MONITORED ALARM SYSTEMS – DURESS ALARMS – ROBBERY ALARMS. The provisions prescribed in this section shall apply to all monitored alarm systems whether operated as a silent alarm, audible alarm or a combination of both.

“(a) **Monitored Alarm Systems.**

- “(1) Alarm systems terminating in the Communications Center of the Hayward Police Department shall be restricted to those alarm users who are considered to be subject to exceptionally high risk of crime by the Chief of Police, and who receive prior approval for such alarms from the Chief of Police.
- “(2) It shall be unlawful to buy, sell, install, or operate any alarm system which, when activated, causes an automatic dialing system to dial the 9-1-1 operator or any telephone number of the Hayward Police Department.
- “(3) It shall be unlawful for anyone to advertise, sell, or install an automatic dialing device with the intent or instructions that said device may be utilized or operated as part of an alarm system to directly call the Hayward Police Department.
- “(4) Persons owning or leasing or operating any monitored alarm or automatic dialing system may have that alarm or system interconnected to a central station, so long as they meet with the minimum standards set forth in this Article.
- “(5) Any alarm business or alarm agent which operates a monitored alarm, shall respond to the scene of an activated alarm within forty-five minutes, if requested by the Hayward Police Department.

“(b) **Duress and Robbery Alarm Activating Devices.**

- “(1) It shall be unlawful for any person to sell or install a device for activating a duress or robbery alarm for use in any non-residential application which has a single action, non-recessed button. Violation of this section shall result in a fine of \$150.00.
- “(2) Each alarm business shall ensure that all duress and robbery alarm activating devices in any non-residential application are upgraded to meet the standards of subsection (b) (1), above, within one hundred eighty days of the effective date of this ordinance. Violation of this section shall

result in a daily fine of \$150.00 against the alarm business for each and every device in use which is in non-compliance.

“SEC. 4-7.20 ENHANCED VERIFICATION REQUIRED. An alarm business performing or contracting monitoring services shall have written procedures to ensure efforts are made to verify every alarm signal activation, except duress, robbery, or robbery alarms, prior to making a police dispatch request to the Hayward Police Department.

- “(a) For alarm signals received from a commercial burglar alarm system or a residential burglar alarm system, except duress or panic, the following procedures shall be followed:
- “(1) Call #1. The monitoring facility shall attempt telephone verification to the protected premises (alarm site) after receipt of the alarm signal.
 - “(2) Call #2. If a monitoring facility operator gets a busy signal, no answer, or an answering machine or voice mail on the first call to the alarm site, a second call shall be made to an alternate phone number such as a cellular, work, or second number at the alarm site.
 - “(3) Answering Machines. If the first call or second call reaches an answering machine or voice mail, a message shall be left clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.
 - “(4) Person on Premises Without Proper Code. If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code, then the operator shall attempt to reach others on the call list to verify the authenticity of the person on the alarm site. If this process fails to resolve the issue, then the operator should notify the Hayward Police Department.
 - “(5) Scheduled Events. If an alarm signal is received in connection with an abort/cancel event, then the operator will not contact the police department
 - “(6) Verified False. If the alarm is verified a being false during the first, second, or succeeding call as a result of getting a valid pass code, the operator shall cancel any previous alarm dispatch request to the specific signal being worked.
 - “(7) Notification Call. Notify the police department and initiate a police dispatch request.
 - “(8) Call Lists and Priority. Following notification to law enforcement authorities, attention shall be placed on completing the entire call list with

priority to achieve a cancellation of the police dispatch request if it is verified that no emergency exists. Subsequent to dispatch of a sworn police officer, the priority of notification calls to the numbers in a customer's database shall first be to numbers where there is a high probability of reaching an alarm user. The succeeding calls shall be made to neighbors, then to non-premises people such as relatives or secondary key holders.

- “(9) Additional Methods. Audio verification, video verification, or cross-zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this section.
- “(b) No alarm dispatch request shall be made by an alarm company for an alarm site for the first seven days immediately following the installation of a new alarm system, unless the alarm company has verified that a valid emergency exists that requires law enforcement response. The purpose of this section is to allow for an “acclimation period” for the benefit of the alarm user, alarm business, and alarm monitoring company in preventing false alarms because of equipment problems, user error, or other circumstances.
- “(c) The central monitoring station shall notify the alarm user, in writing, of each alarm dispatch request within two days of such request.
- “(d) Each alarm business performing or contracting monitoring services shall maintain written records of all alarm signals received and all steps taken in compliance with this section and the results of all attempts at verification as required herein. The required records shall be maintained for a period of not less than two years.
- “(e) Each alarm business performing or contracting monitoring services shall provide to the alarm administrator a copy of any and all records pertaining to any alarm signal originating for any premises in the City of Hayward within 21 days of such request.
- “(f) Any alarm business performing or contracting monitoring services who shall fail to keep such required records or which fails, refuses, or is unable to provide such records when requested by the alarm administrator shall be subject to a fine of \$250 for each and every incident in violation of this section.

“SEC. 4-7.25 FALSE ALARM FEES, VIOLATIONS AND FINES. The Chief of Police is authorized to implement such procedures and policies as may be reasonably necessary to reduce false alarms as defined in this Article. These include, but are not limited to, the following:

- “(a) The Hayward Police Department will monitor all false burglary and robbery alarms within the City.
- “(b) False alarms activated within any one year period shall be subject to the fees established by resolution of the City Council. Alarm dispatch requests which are cancelled by the originator of the alarm dispatch request prior to the arrival of Hayward police officers at the alarm site will not be counted as false alarms.
- “(c) Whenever an alarm user has two false alarm activations within a thirty-day period, the alarm user shall submit proof of system service and problem resolution by a licensed and registered alarm business within thirty days. Failure to comply shall advance the false alarm fine for all subsequent false alarms to the maximum allowable rate.
- “(d) After the Hayward Police Department has recorded more than two false alarms within any thirty-day period, and after the alarm user has been notified by first-class mail that the false alarms have been activated, the Alarm Administrator may authorize that the alarm user's site be put on a verified response status, effective date will be fifteen days from the date of mailing of the notification. The verified response status will remain in effect until such time as the Hayward Police Department is satisfied that adequate measures have been taken to correct any problem causing the false alarms. Once the Hayward Police Department has approved the measures taken to eliminate the problem causing the false alarm, the verified response status will be lifted, and regular response to an activated alarm at the alarm site shall resume.
- “(e) Any person operating a non-permitted alarm (whether expired, suspended, revoked, or where a permit was never acquired) will be subject to a fine of \$250.00 for each and every false alarm dispatch. The alarm administrator may waive \$115.00 of the fee for one false alarm dispatch if the alarm user submits a permit application within thirty days of the initial activation.
- “(f) Activation, within a one-year period, of a duress, panic, hold-up or robbery alarm for an event not consistent with the elements of section 211 of the California Penal Code or life threatening situations such as shootings, stabbings, carjackings, kidnappings, or confirmed medical emergencies, shall be considered a violation of this section and will result in a fine as follows:
 - “(a) First offense \$150.00
 - “(b) Second offense \$250.00
 - “(c) Third offense \$350.00

- “(d) Fourth offense \$450.00
- “(e) Fifth offense \$550.00

“SEC. 4-7.30 APPEAL PROCESS.

- “(a) Any alarm user or alarm business wishing to appeal any action, decision, or sanction imposed under this Article shall first appeal to the Chief of Police. A letter of appeal must be filed with the Chief of Police within fifteen days of the date of the letter of notification of proposed action. While the appeal is pending, the action proposed by the Hayward Police Department shall not be implemented. This initial appeal shall be informal and a written decision shall be prepared. Failure to file a timely appeal shall constitute a waiver of the alarm user’s or alarm business’s right to appeal; provided, however, that the Chief of Police may, in his or her sole discretion, waive the fifteen-day limit if good cause is shown or there is cause to believe that it might encourage substantial cooperation from the alarm user. There shall be no rights to appeal the decision of the Chief of Police to not waive the fifteen-day time limit for appeal.
- “(b) If the alarm user or alarm business is dissatisfied with the decision of the Chief of Police, the appeal may be considered by the City Manager, or his or her designee. A copy of the Police Chief’s decision shall be submitted with the appeal request. The appeal must be filed with the City Manager within fifteen days of the mailing of the letter of notification of the Police Chief’s decision. While the appeal is pending, the action proposed by the Hayward Police Department shall not be implemented. Failure to file a timely appeal shall constitute a waiver of the alarm user’s or alarm business’s right to appeal. The decision of the City Manager shall be final.

SEC. 4-7.35 NUISANCE TO PEACE AND SAFETY.

- “(a) Alarm systems which are not properly installed, maintained, or operated create a nuisance to the peace and safety of the community. Said alarm systems also cause excessive and unnecessary use of police services in responding to assumed emergencies. This Article is a measure which is necessary to establish standards for, and reduce the abuse of, alarm systems which are operated within the City.
- “(b) If the user of an audible alarm system has been placed on a verified response status due to excessive alarms as referred to in section 4-7.25(d), or causes, permits, or allows his or her audible alarm system to operate in violation of the provisions of Sections 4-7.17, 4-7.18, or 4-7.19 above, and does not take adequate measures to correct the problem or violation, the Alarm Administrator may order that the audible alarm be disconnected and no longer operated. This order shall be necessitated by the nuisance caused to a neighborhood by an

audible alarm system.

“SEC. 4-7.36 EXCEPTIONS.

- “(a) No provision of this Article shall be deemed, whether directly or indirectly, to authorize or require or permit any act which is otherwise prohibited by law of the State of California, nor shall any provision of this Article be deemed, whether directly or indirectly, to prohibit any act which is otherwise permitted by any law of the State of California.
- “(b) The provisions of this Article are not applicable to alarms affixed to vehicles subject to the California Vehicle Code, ships or boats, or railroad cars.

SEC. 4-7.37 INFRACTION. Except as otherwise expressly provided herein, any person violating any provision of this Article shall be guilty of an infraction. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in Government Code Section 36900. After the third conviction for a violation of this Article within any twelve-month period, any subsequent violation within the twelve-month period may be punished as a misdemeanor.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2006, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2006, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

UH 2/2/06

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION AMENDING THE MASTER FEE SCHEDULE
TO REFLECT THE CHANGES RELATING TO ALARM
FEES IN THE CITY OF HAYWARD**

BE IT RESOLVED, by the City Council of the City of Hayward that the Master Fee Schedule is hereby amended to reflect changes in the Alarm Fees as follows:

- 6. Alarm Permit Fee (New and Annual Renewal) \$ 25.00
- 7. False Alarm Fees (for instances of false alarms within any one-year period):
 - a. First False Alarm Fee No charge
 - b. Second False Alarm Fee \$ 50.00
 - c. Third False Alarm Fee \$100.00
Penalty \$ 50.00
 - d. Fourth False Alarm Fee \$100.00
Penalty \$200.00
 - e. Fifth and Each Fee \$100.00
Subsequent False Alarm Penalty \$400.00

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

AYES: CITY COUNCIL:
MAYOR:

NOES: CITY COUNCIL:

ABSTAIN: CITY COUNCIL:

ABSENT: CITY COUNCIL:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward