

**City of Newark, CA 94550
Municipal Code**

Chapter 8.20 ALARM SYSTEMS*

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* Prior ordinance history: Ords. 165, 179 and 309.

8.20.010 Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them in this section:

A. "Alarm agent" means any person involved in an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or causing others to respond to an alarm device.

B. "Alarm/alarm system" means any device or system designed to signal the presence of an unlawful activity by emitting a signal which can be perceived outside of the protected premises and/or at a remote location, with subsequent notification of such signal to the Newark police department and to which the police are expected to respond. Motor vehicle alarms not connected to an alarm system at premises, proprietary systems, and fire alarms, including smoke and/or heat detection devices are specifically excluded from the permit provisions of this chapter.

- C. "Alarm company" means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to an alarm system or which causes any of these activities to take place.
- D. "Alarm user" means any person on whose premises an alarm system is maintained within the city.
- E. "Audible alarm" means an alarm which when activated emits a sound which is capable of being heard within and/or outside of the protected premises.
- F. "False alarm" means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance, or operation; or the negligence of the owner, lessee or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent, uncontrollable acts of nature.
- G. "Proprietary system" means an alarm system which signals at a control center located within the protected premises only and under the supervision of the proprietor of the protected premises.
- H. "Suspended response" is an administrative status indicating the alarmed building would not receive a police response to a routine alarm. Any panic, duress, robbery, or verified criminal act alarm would receive prioritized police response, no matter the administrative status of an alarm owner.
- I. "Suspended response list" means a compiled list of alarm owner addresses who do not have an alarm permit, have not paid fines associated with alarm ownership, do not correct malfunctioning alarms, have continuous and routine false alarms with no attempt to correct the problem, or request that the police do not respond to their alarm.
- J. "Reactivation" means the alarm owner is placed back into an active police response status after the chief of police is satisfied the administrative processes have been satisfied by the alarm owner; i.e., permits, paid fees or fines, equipment malfunction corrections or a request by the alarm owner to reactivate from a self-selected suspended response status. (Ord. 418 § 1 (part), 2007)

8.20.020 Permit required.

No person shall install or operate an alarm system on any premises within the city without first applying for and then receiving an alarm user's permit, therefor, being in accordance with the provisions of this chapter. An alarm owner who refuses to obtain a permit or renewal as required by ordinance will be notified of the police department's intent to suspend police response to alarm activations. They will receive a waiver for their signature that indicates their preference not to participate in a reciprocal agreement with the City of Newark relative to their alarm and police response. A completed waiver will serve as sufficient action to place the alarm owner in a suspended response status. (Ord. 418 § 1 (part), 2007)

8.20.030 Permit--Application fee.

A. Written application shall be made on forms prescribed by the police department and accompanied by the established application fee. In addition to other required information, the application must contain the name, address, and telephone number of the person who will be responsible for the alarm system any time of day or night. The application fee shall be established by city council resolution.

B. All alarm users must renew their alarm permit biennially on or before the second anniversary of the issuance of the permit.

(Ord. 418 § 1 (part), 2007)

8.20.040 Permit--Approval and issuance.

The chief of police shall approve and issue the permit upon finding that the application contains the required information and that the established application fee has been paid. The permit shall be issued subject to the proper maintenance and operation of the alarm systems.

(Ord. 418 § 1 (part), 2007)

8.20.050 Permit--Nontransferable.

The permit shall not be transferable and shall terminate when there is a change of alarm user, change of location, or upon revocation or suspension.

(Ord. 418 § 1 (part), 2007)

8.20.060 Permit--Fee--Required upon reinstatement after revocation or suspension.

Upon reinstatement of a permit which was revoked, suspended, or placed on a suspended response status, the same fee shall be required as would be required for an original permit.

(Ord. 418 § 1 (part), 2007)

8.20.070 Permit--Fee--Exemption of governmental entities.

All governmental entities shall be exempt from fees for permits, but shall be subject to the other provisions of this chapter.

(Ord. 418 § 1 (part), 2007)

8.20.080 Permit--Posting on premises.

The alarm user's permit shall be kept on the premises where the alarm system is located. The police department may establish requirements for its posting.

(Ord. 418 § 1 (part), 2007)

8.20.090 Permit--Required for user's operating prior to adoption of ordinance.

Alarm users operating alarm systems installed prior to the adoption of the ordinance codified in this chapter shall be required to secure an alarm user's permit within ninety days of the effective date of the ordinance codified in this chapter.

(Ord. 418 § 1 (part), 2007)

8.20.100 Permit--Revocation or suspension--Request for hearing.

If the police chief has issued a notice of intent to revoke or suspend an alarm user's permit, the permittee may, within ten days of the issuance of notice thereof, submit a written request for a hearing before the police chief or his designee as hearing officer, setting forth the reasons why the permit should not be revoked or suspended. The date of execution of such notice shall be presumed to be the date of issuance. Whenever an alarm user properly notifies the chief of police of their intent to appeal the decision, any suspended response status will be delayed until that process is complete.

(Ord. 418 § 1 (part), 2007)

8.20.110 Permit--Revocation or suspension--Notice of hearing.

If, within the time prescribed in Section 8.20.100, the chief of police receives a written request for hearing, the chief of police or his designee shall set a hearing and shall serve a written notice of the time and place thereof on the permittee by certified mail, return receipt requested, at least ten days prior to the date of the hearing. If no hearing is requested within said ten-day period, the chief of police may revoke or suspend the alarm user's permit. Any such revocation or suspension would place the alarm user on a suspended response status until such time deemed appropriate by the chief of police.

(Ord. 418 § 1 (part), 2007)

8.20.120 Permit--Revocation or suspension--Hearing procedure--Action by police chief.

All hearings required by this chapter shall be conducted in the following manner:

- A. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. However, irrelevant or unduly repetitious evidence may be excluded.
- B. All persons present at the hearing shall identify themselves by signing an attendance log.
- C. All witnesses shall be sworn by the city clerk or a deputy city clerk.
- D. At the hearing, the party contesting the proposed action shall be given the opportunity to present evidence. The contestant may appear personally or through an attorney. Pre-hearing discovery is not authorized, but the subpoena of witnesses and documents shall be permitted as authorized by law.
- E. The failure of the alarm user to appear at the hearing or, in the alternative, to present written or demonstrative evidence, shall constitute an admission that the proposed action is lawful, reasonable, and appropriate as well as a failure to exhaust administrative remedies that may bar judicial review.
- F. The report(s) submitted to the chief of police regarding the status of the alarm system shall constitute presumptive evidence of the respective facts contained in those documents.

G. The hearing officer may continue the hearing and request additional information prior to issuing a written decision.

H. After the hearing, the hearing officer shall recommend that the chief of police take one of the following actions:

1. Issue an order for revocation of the alarm user's permit, having found that appropriate grounds therefor exist;
2. Issue an order for suspension of the alarm user's permit until such time as the chief of police is satisfied that the cause(s) of the false alarms have been eliminated;
3. Issue an order for suspension of the alarm user's permit until such time that the chief of police is satisfied that a timing device which automatically shuts off the audible alarm within fifteen minutes after the alarm is activated has been installed to comply with Section 8.20.190;
4. Decline to revoke or suspend the permit, having found from the evidence that there are insufficient grounds for such revocation or suspension.

I. In all hearings conducted under this title, the decision of the hearing officer is the final decision of the City of Newark.

(Ord. 418 § 1 (part), 2007)

8.20.130 Permit--Revocation or suspension--Decision of police chief when no hearing conducted.

The decision of the chief of police to revoke or suspend a permit, or place an alarm user on a suspended response status, where no hearing was conducted or required to be conducted, shall be the final and conclusive decision of the City of Newark and shall constitute an admission by the alarm user that the action is lawful, reasonable, and appropriate as well as a failure to exhaust available administrative remedies. The permittee shall be notified by certified mail, return receipt requested, of the decision.

(Ord. 418 § 1 (part), 2007)

8.20.140 Permit--Revocation or suspension--Use of alarm system prohibited.

A. It is unlawful for any person to knowingly operate and use an alarm system where the permit has been revoked or suspended, and any person doing so shall be guilty of an infraction.

B. The chief of police may suspend police response to future alarms from alarm systems where permit has been revoked or suspended.

C. The chief of police may order the alarm system disconnected, if such alarm system was directly connected to the police department, where permit is revoked or suspended.

(Ord. 418 § 1 (part), 2007)

8.20.150 Audible alarms--Sirens restricted.

No audible alarm shall be installed, maintained, or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for civil defense disaster warnings.

(Ord. 418 § 1 (part), 2007)

8.20.160 Audible alarms--Posting notice of persons to be notified for repair or service.

A. Every alarm user who maintains an audible alarm which is affixed to real property shall post a notice containing the name and telephone number of any person to be notified to render repairs or services during any time that the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground level adjacent to the building.

B. The alarm user of any audible alarm shall be responsible for deactivating any alarm within one hour after notification that such alarm is activated and is ringing, or within one hour after reasonable efforts have been made to provide such notification. It is unlawful for an alarm user maintaining an audible alarm system to cause, permit, suffer, or allow such system to ring for a period in excess of one hour after such notification or efforts of notification have been made, and such conduct shall constitute grounds for revocation of the permit and may be deemed a loud and unreasonable noise for purposes of Section 415(2) of the California Penal Code.

(Ord. 418 § 1 (part), 2007)

8.20.170 Audible alarms--Timing devices required for deactivation.

Every audible alarm installed after the adoption of the ordinance codified in this chapter shall have a timing device which automatically shuts off the alarm within fifteen minutes after the alarm is activated. Every audible alarm without such timing device installed prior to adoption of the ordinance codified in this chapter shall be required to have such a device installed if there is an occurrence of an activated audible alarm not being deactivated within the one-hour time limit set forth in Section 8.20.160.

(Ord. 418 § 1 (part), 2007)

8.20.180 Alarms directly connected to police department.

A. The standards, limitations, installation, and maintenance requirements for alarms directly connected to the police department shall be as prescribed by the chief of police.

B. The city is not responsible for operation, maintenance and/or cost of any alarm directly connected to the police department unless such alarm is for the protection of city-owned facilities.

C. The provisions concerning the alarm user's permit and false alarms apply to all persons having an alarm directly connected to the police department.

(Ord. 418 § 1 (part), 2007)

8.20.190 Responsibilities of alarm companies.

A. Every alarm agent doing business in the city shall carry on his or her person a valid alarm agent's registration card and shall display the card to any police officer upon request.

B. An alarm company responsible for installation and/or maintenance of an alarm system shall furnish the alarm user of said alarm system with the necessary instruction in proper operation of the alarm, including specifically all necessary instruction in turning the alarm on and off and in avoiding false alarms.

C. An alarm company responsible for maintenance of any alarm system within the city shall designate a competent representative to report to the alarm site and render all necessary service, any time of day or night, upon notification by the police department.

D. An alarm company, immediately upon the installation of a new alarm within the city, shall provide the police department with the name, address, and telephone number of both the installing alarm company and the alarm user, together with a description of the alarm system and date of installation.

E. An alarm company shall not perform work or test any alarm without prior notification to the police department, when said work or test will or might cause activation of the alarm and

response by the police department. Such notification shall be made by the alarm company via the police business (nonemergency) telephone number. Alarm activation due to work performed or tested without prior notification of the police department shall constitute a false alarm.
(Ord. 418 § 1 (part), 2007)

8.20.200 Responsibilities of alarm users.

A. The activation of any panic, duress, robbery, verified criminal act alarm or alarm originating from a financial institution, will result in a prioritized response from the police department. Alarm users may intentionally activate alarms only when necessary to alert police regarding human life in imminent jeopardy or in response to armed robberies, burglaries, or other felonies occurring on alarm premises at the time of such intentional alarm activation.

B. Alarm users shall not purposely activate alarms in response to suspicious persons, disagreements with customers, or as a result of any other minor disturbance or infraction. Alarm users shall notify the police department by telephone of impending alarm activations necessary to test equipment and shall accomplish such notification via police business (nonemergency) telephone number. Activation of alarms in violation of this subsection will result in the assessment of fees in conformance with NMC Section 8.20.210.

C. Alarm users shall assure that anyone who might activate their alarms through authorized access to such alarms understands the purposes of said alarms and how they operate.

D. An alarm user shall arrange for regular alarm system inspections to maintain its continuing reliability, and special alarm system inspections whenever any activation occurs because of apparent or suspected alarm malfunction.

E. Alarm users shall prepare and maintain a current roster of names and telephone numbers of at least two capable persons, at least one of whom shall respond during any hour of day or night, at the call of police to assist with conditions arising from any activation of the alarm. The police department shall be furnished a copy of such roster and/or it shall be posted outside on the alarm premises in a framed holder near the alarm in such a position as to be legible from ground level.

F. Alarm users who install their own alarm system (installation not performed by an alarm company) within the city, shall immediately provide the police department with the name, address, and telephone number of the alarm user together with a description of the alarm system and date of installation.

(Ord. 418 § 1 (part), 2007)

8.20.210 False alarms.

A. No false alarm charge shall be levied against any new system during the thirty days following its initial installation, unless the chief of police finds the volume of false alarms emanating from such new system to be excessive, in which case the alarm user's permit holder will be notified by certified mail, return receipt requested, that further false alarms shall be deemed excessive, and that a false alarm charge shall be levied for each excessive false alarm to which police respond.

B. After the initial thirty-day period following any new alarm installation, the alarm user's permit holder will be subject to all fees associated with false alarms. After the fourth false alarm in any ninety-day period or sixth alarm in a one hundred eighty-day period, the alarm user's permit holder will be notified by mail that any further false alarm shall be deemed excessive and that the police department intends to suspend police response to the alarm until the problem is remedied.

C. If alarm user's permit holder fails to pay within thirty days of the billing date any charge authorized by subsections A or B of this section, a penalty assessment shall be added.

D. Fee and penalty assessment for excessive false alarms shall be established by city council resolution.

E. The chief of police may require an alarm user's permit holder to submit a report describing action taken to discover and eliminate the cause or causes of false alarms. Failure to submit such a report upon request shall be cause for revocation of the permit.
(Ord. 418 § 1 (part), 2007)

8.20.220 Disclaimer of police department.

A. Passage of the ordinance codified in this chapter does not in any way constitute an agreement, in fact or implied, that police must respond to an activated alarm, even though an alarm user or installer has complied fully with this chapter.

B. The City of Newark and the Newark police department shall not be liable in any manner whatsoever for any claim, demand, or suit for damages arising out of or in any manner occasioned by connection to or use of any alarm system or device or by reason of the police department's failure or inability to respond to an alarm.

(Ord. 418 § 1 (part), 2007)

8.20.230 Violation--Penalty.

Violation or failure to comply with any provision of this chapter shall constitute an infraction.

(Ord. 418 § 1 (part), 2007)