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ORDINANCE NO. 5091

AN ORDINANCE ADOPTING REVISIONS TO THE EMERGENCY ALARM SYSTEMS ORDINANCE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 544.020 - Definitions is hereby amended to read as follows

A. For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this subsection, except where the context clearly indicates a different meaning:

Alarm Administrator means a person designated by the Sheriff to administer, control and review false alarm reduction efforts, and administers the provisions of the ordinance, including but not limited to the collection of fees and fines.

Alarm business means the business of any person consisting of selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility or responding to alarm systems.

Alarm User means any person or business who has contracted for monitoring, repair, installation or maintenance service from an alarm company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.

Answering service means a telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of the messages by live voice to the communications center of the Sheriff's Office or Fire Department, or ambulance service.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

Central station means an office to which alarm systems are connected where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

Direct line means a telephone line leading directly from a central station to the communications center of the Sheriff's Office or Fire Department, or ambulance service, where the line is used only to report emergency signals on a person-to-person basis.

Emergency means the occurrence of a situation that threatens human life or property and requires the immediate response of local law enforcement, fire or medical agencies.

False alarm means the activation of an alarm system which results in a response by an emergency response agency where an emergency does not exist, and is not cancelled within five minutes following Dispatch.

Interconnect means to connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Modified central station means an office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to investigate alarm signals.

Permittee means the person to whom an alarm system permit is issued.

Siren means any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in Vehicle Code § 21055, or as approved by the Sheriff's Office.

Verified Burglar Alarm means confirmation of an unauthorized entry or attempted unauthorized entry upon the premises, building, or structure protected by the burglar alarm system. Verification may be made by the alarm system user or other person at or near the scene of the activation, a private guard responder or alarm company operator, and shall be based on a physical observation or inspection of the premises, or by remote visual inspection of the premises. For purposes of this definition, remote visual inspection of the premises is a visual inspection of premises protected by the burglar alarm system which is accomplished through the use of a video camera or other similar device to capture and transmit visual images of the premises to the alarm system user, alarm company operator, private guard responder, or person or entity authorized by the alarm system user. The visual images must be sufficiently discernable to permit the viewer to confirm that an unauthorized entry, attempted unauthorized entry, or other crime has occurred at the premises protected by the burglar alarm system. NOTE: An open door, broken window, or other activity consistent with a burglary is considered a verified activation of the alarm.

- B. The definitions set forth in Business and Professions Code §§ 7590.1 ("Alarm Companies - Definitions") and 7590.2 (Alarm Company Operator Defined), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in Business and Professions Code § 7590.1 et seq., as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in Business and Professions Code § 7590.1 et seq., as amended.

Section 544.040 – Permit - Required is hereby amended to read as follows

No person or business shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained, an alarm system upon any property of which the person is in possession without first obtaining an alarm system permit in accordance with the provisions of this chapter. An alarm permit is required even if the alarm system is not being monitored or is self-monitored. Upon being notified of the new installation or activation of an alarm system, the Sheriff's Office alarm unit will make no less than three attempts to collect the initial permit fee or renewal fee from the alarm user. Any residential or business alarm user who has failed to obtain or renew an alarm permit after three attempts to collect the appropriate fee(s) shall be notified in writing that the alarm will be placed in non-response status 15 days after the date of the notification. The alarm shall remain in non-response status until all fines and fees have been paid in full.

Section 544.050 – Same - Application is hereby amended to read as follows

- A. All applications for alarm system permits shall be filed with the Sheriff's office on such forms as may be prescribed. The application may be completed online at www.edso.org, or through the mail, and shall contain the name, address, email address, and telephone number of the permit holder, and the person who will respond to an alarm, or render service or repairs to the alarm system during any hour of the day or night and such additional information as may be reasonably necessary for the evaluation and proper processing of the permit application.
- B. Any person who operates or maintains more than one alarm system upon any particular property must have separate permits for each alarm system operated or maintained. A separate application shall be submitted for

- each such system and a separate permit fee shall accompany each such application.
- C. Each quarter all alarm businesses and alarm agents shall provide a complete list of all newly installed or activated commercial and residential alarm systems within El Dorado County.

Section 544.060 – Same - Fees is hereby amended to read as follows

Every application for a residential or commercial alarm system permit shall be for one year, and accompanied by a nonrefundable permit fee. The fee is established to cover the cost of processing the applications and permits and shall be in addition to any other permit fee imposed by the County. The amount of this fee will be set from time to time by the Board of Supervisors via resolution.

Section 544.061 – Same – Exemption from Fees is hereby amended to read as follows

Permits issued for the following purposes shall be exempt from the permit fees and renewal fees established pursuant to this chapter:

- Permits for alarm systems for the protection of County buildings and emergency response facilities.

Section 544.070 – Same – Issuance is hereby amended to read as follows

Alarm system permits shall be issued to the person(s) or business that occupies the property which the alarm system is designed to protect and is not transferable to another occupant or another alarm site.

Section 544.080 – Same – Expiration is hereby amended to read as follows

Each alarm system permit that is issued shall expire one year after the date of issuance. The date of issuance shall be the date shown on the alarm system permit. Upon expiration of an alarm system permit, a renewal permit shall be secured in the manner specified by Sections 5.44.050, 5.44.060, 5.44.070, and 5.44.090.

Section 544.100 – Same – Transferability is hereby amended to read as follows

The Sheriff's Office will not allow permits to be transferred or re-assigned to a new owner or occupant of a home or business. Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only for the permittee named on the permit, and only for the particular alarm system or systems specified on the permit and for the address shown on the permit. A new permit is required if a home or business is sold, even if the permit term has not expired. No refunds will be issued for permits that are cancelled prior to the end of the term.

Section 544.140 – False Alarms is hereby amended to read as follows

- A. Any user of an alarm device or alarm system which produces more than two false alarms which are not cancelled within 5 minutes of Sheriff's Office dispatch, or not having evidence of crime, except as noted in Subsection B of this section, within a calendar year shall pay a fine to the Sheriff's Office for reimbursement of the expenses incurred as a result of responding to the false alarms. The amount of these fines will be set from time to time by the Board of Supervisors via resolution.
1. When six or more false alarms are received in a calendar year, the Sheriff's office will cease responding to alarm activations at the alarm location until all fines have been paid and the Sheriff receives receipt of satisfactory written evidence from a licensed alarm company that the cause of the false alarms has been determined, the problem has been corrected, and that the users of the alarm system have been trained in its proper use. The user has 15 days from the date of the sixth false alarm to correct the problem, and pay the fines to avoid being placed in non-response status. Schools, banks and other entities determined by the Sheriff to be of public safety concern shall not be placed into non-response status, but remain subject to all other provisions of this chapter.

2. In addition to any other action that may be taken by the Sheriff pursuant to this chapter the following may also apply:
 - a. After six false alarm activations within a 12 month period at any alarm site, the Sheriff may require verification of each subsequent alarm before dispatching a unit. In the event verification is unavailable, the Sheriff will broadcast the alarm notification and file it. For example, an unverified burglar alarm call will be broadcast and remain in the dispatcher's queue for a few minutes. It will be at the discretion of the officer in the field to determine if a response is warranted. The officer's decision will be based upon calls pending in the region, familiarity with the alarm site, and knowledge of chronic false alarms at the location. If an officer does not request the alarm call, the call will be closed out by the dispatcher. Non-response status under this section does not preclude response by the Sheriff's Office to a location based upon a call for service not originating from the alarm.
- B. Exceptions to the accumulation of false alarms outlined in Subsection A of this section include those alarms activated by severe weather conditions, telephone line problems, or caused by some person other than:
 1. The permittee, which shall include officers, agents, employees, independent contractors and any other persons subject to the direct or indirect control of the permittee; or
 2. The person who installed, connected, operated, maintained, or serviced the alarm system; or
 3. The manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the manufacturer.

Section 544.170 – Penalty for violation is hereby amended to read as follows

- A. Notwithstanding any other provision in this chapter where a permittee's alarm system has generated an excessive number of false alarms as defined in Section 5.44.140, the Sheriff may issue to such person a written notice to appear (citation) before a magistrate pursuant to the provisions of Chapter 1.16.
- B. Enforcement. The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve the person from paying the permit fee due and unpaid at the time of the conviction, nor shall payment of any permit fee 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 County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit fee shall be deemed a debt to the County. An action may be commenced in the name of the County in any court of competent jurisdiction for the amount of any delinquent permit fee. All permit fees shall be deemed delinquent 30 days after they are due and payable.

Section 544.180 – Request for reconsideration and appeals is hereby added to read as follows

- A. Request for Reconsideration:
 - Any person aggrieved by a determination of false alarm or the placement of their alarm location in non-response status may make a written request for a status review of said action.
 - Requests for reconsideration shall be submitted to the Sheriff's Office within 15 days of the mailing date of notice of non-response status. The request shall include the reason(s) for requesting reconsideration and should be accompanied by supporting documentation.
 - Upon written receipt of a request for reconsideration, non-response status shall be stayed pending the conclusion of reconsideration.
 - Requestor shall be notified in writing of Sheriff's Office decision. If the request is denied, the alarm location will be placed in non-response status beginning 15 days from notice of denial, allowing time to

file a notice of appeal.

B. Appeals:

- Any person aggrieved by the Sheriff's Office decision to deny reconsideration may appeal.
- Notice of appeal shall be filed in writing with Alarm Administrator not later than 15 days after date of mailing of notice of denial of reconsideration. During the pendency of said appeal, the decision of the Sheriff's Office shall be stayed.
- The notice of appeal shall include the name, current address and phone number of appellant, a statement of the action being appealed, and a statement of facts and/or law on which the appeal is based. The appeal should also include a copy of the relevant requests submitted to the Sheriff's Office, all notices and decisions received from the Alarm Administrator and any additional evidence or documentation to be considered.
- The appeal and all documentation shall be reviewed by the Sheriff or the Sheriff's designee. If it is determined that the false alarm determination and/or the non-response status was improperly applied, it shall be removed. Otherwise, the decision of the Sheriff's Office shall remain, and non-response status shall be reinstated, if applicable, until the provisions of Section 5.44.140.A.1 have been met. Written notice of the decision and action taken will be sent to appellant.

Section 544.190 – Miscellaneous is hereby added to read as follows

A. Government Immunity:

The provisions of this chapter are not intended nor shall they be construed to create a special relationship between El Dorado County and any Alarm User so as to create a duty or obligation, either expressed or implied, of response by the Sheriff's Office. Any and all liability and consequential damage resulting from failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. The provisions of this chapter shall not be construed as a waiver of any immunity provided to governmental agencies by law. Any response by the Sheriff's Office may be influenced by factors such as: the availability of a deputy sheriff, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

B. Severability:

The sections, paragraphs, sentences, clauses and phrases of this chapter are, and are intended to be, severable. If any court of competent jurisdiction declares any phrase, clause, sentence, paragraph, or section of this chapter unconstitutional, the remainder of the chapter will continue to remain in effect.

Except for the sections amended by this ordinance, all other sections of Chapter 5.44 remain in full effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 11th day of Sept., 2018, by the following vote of said Board:

ATTEST

JAMES S. MITRISIN

Clerk of the Board of Supervisors

By: Kyra Schaufstetter
Deputy Clerk

Ayes: Novasel, Veerkamp, Hidahl, Frentzen, Ranalli

Noes: None

Absent: None



Michael Ranalli, Chair, Board of Supervisors

APPROVED AS TO FORM

MICHAEL J. CICCOTZI

COUNTY COUNSEL

By: [Signature]
Title: County Counsel