



CITY OF SACRAMENTO

DEPARTMENT OF POLICE
HALL OF JUSTICE
813 - 8TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

December 6, 1979
REF: 12-10

APPROVED
BY THE CITY COUNCIL

JOHN P. KEARNS
CHIEF OF POLICE

JAN 8 1979

OFFICE OF THE
CITY CLERK

*JFP &
CMT to
1-15-80*

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed City Ordinance Regulating False Burglary and Robbery Alarms

SUMMARY

This proposal has been amended from its original form as presented to the Budget and Finance Committee on September 17, 1979. In the original letter, indirect costs and salary increases were omitted. Additionally, start-up costs and complete first-year financing were requested. The present letter cites new cost analysis figures. The amended proposal requests start-up costs plus operating costs for only the last two months of Fiscal Year 1979-80.

The proposed ordinance is self-supporting through the use of fees collected for licensing. The proposed Alarm Ordinance will regulate owners and users of burglary and robbery alarms, both commercial and residential, through a licensing process. A fee of \$25 would be charged for a three-year period and would require renewal every three years. The license can be revoked or suspended if the owner or user fails to correct chronic false alarm problems.

In 1978, the Police Department answered 11,200 alarm calls of which 10,639 were false, or when expressed in percentage 95% of all alarm calls to which a unit responded were false. These false alarms consumed 3,821 patrol unit hours which represents a cost of about \$250,000 for the year responding to false alarms.

We anticipate that this ordinance will place the responsibility of proper installation, maintenance, and operation of the alarm on the individual owner or contracted alarm company. Any identified excessive false alarm problem will result in a temporary suspension or revocation of the permit until the problem is corrected. These proposed punitive actions for a violation will have the effect of reducing the number of false alarms. We base this statement on the experience of other municipalities who have enacted a similar mandatory alarm ordinance. We expect that this ordinance will allow us to redirect patrol units which are currently answering false alarms to other police activities.

There is a possibility that there will be some small resistance from some alarm users, but not of major proportions. However, there should be little, if any resistance, from the alarm industry as they have had input into the formation of this ordinance. It is recommended that the Council adopt this ordinance to enable us to provide better service to the entire community.

A resolution is requested to appropriate \$47,830 to increase the Fiscal Year 1979-80 budget to fund first-year expenses for administering and enforcing the new Alarm Ordinance. Alarm license fees will generate off-setting revenues to cover expenses.

BACKGROUND INFORMATION

Throughout the years, the City of Sacramento, as well as most other cities in the United States, has been plagued by the large number of false or faulty burglary and robbery alarms. The number of alarms have grown and the time spent by the police in answering these alarms has become a financial burden. Because of this, several cities made attempts to regulate false alarms, each time running into constitutional problems. Finally, in 1973, the City of Pasadena was successful in passing an ordinance that has withstood the test of the Courts. This ordinance resulted in a 63% reduction in the number of false alarms received in Pasadena, with a resultant savings of money and manhours. Since that time, numerous other cities nationwide have adopted ordinances based on Pasadena's and have also experienced reductions in false alarms and savings of money and manhours. If the number of false alarms could be cut by only one-third, the savings would be close to \$85,000 a year, allowing for the redirection of the savings to other areas of patrol.

The proposed Sacramento ordinance is based on the Pasadena concept. The Police Department has spent several years drafting different types of ordinances regarding alarms. This proposed ordinance has passed all internal testing including the City Attorney's Office. The District Attorney's Office has promised cooperation in the prosecution of violators.

Several meetings have been held with a representative group from the alarm industry. The proposed ordinance was presented at those meetings and has the approval of the alarm industry.

FINANCIAL DATA

The proposed alarm ordinance is designed to be self-sustaining in that a small fee of \$25 for three years is charged to each alarm user. The estimated revenue for licensing is \$85,000 a year, which should offset the cost of implementing and enforcing the ordinance. The costs of implementing and operating an alarm ordinance have been divided into start-up costs and on-going costs. Start-up costs are one-time expenses incurred in establishing a system for administering the ordinance. The start-up expenses will occur before a single permit can be issued. The on-going costs are those expenses incurred in day-to-day operations involving the actual issue and reissue of alarm permits.

As the proposed ordinance is constantly being updated, the cost figures have been somewhat revised from the original proposal. The following are the latest cost estimates which include current salary levels (including benefits) and administrative expenses. The on-going costs are estimated expenses at current rates. Future salary raises and inflationary increases have not been considered in the estimate.

FALSE ALARM ORDINANCE
COST ESTIMATE

<u>START-UP COST</u>	<u>POLICE</u>	<u>REVENUES & COLLECTIONS</u>	<u>TOTAL</u>
EMPLOYEE SERVICES			
Sr. Account Clerk (400 hrs.)		\$3,510	\$ 3,510
Intermediate Clerk (66 hrs.)		490	490
Cashier (12 hrs.)		90	90
Sub-Total		\$4,090	\$ 4,090
INDIRECT COST (ADMINISTRATIVE)		\$ 910	\$ 910

START-UP COST (cont.)

	<u>POLICE</u>	<u>REVENUES & COLLECTIONS</u>	<u>TOTAL</u>
SERVICES AND SUPPLIES			
Telephone		\$ 50	\$ 50
Mail		2,000	2,000
Printing	\$ 4,140		4,140
Computer Programmer	9,000		9,000
Computer Time	1,000		1,000
Office Supplies	100	500	600
Small Equipment	<u>50</u>	<u>200</u>	<u>250</u>
Sub-Total	\$14,290	\$2,750	\$17,040
EQUIPMENT			
Desk, Typewriter	\$ 1,250	\$1,250	\$ 2,500
Vehicle	<u>10,300</u>		<u>10,300</u>
Sub-Total	\$11,550	\$1,250	\$12,800
TOTAL START-UP COST	<u>\$25,840</u>	<u>\$9,000</u>	<u>\$34,840</u>

ON-GOING COSTS

EMPLOYEE SERVICES			
Alarm Technician (full time)	\$22,800		\$22,800
Sr. Account Clerk (full time)		\$18,300	18,300
Jr. Typist Clerk (full time)	12,800		12,800
Cashier (12 hours)		<u>90</u>	<u>90</u>
Sub-Total	\$35,600	\$18,390	\$53,990
INDIRECT COST (ADMINISTRATIVE)	\$ 8,000	\$ 4,100	\$12,100
SERVICES AND SUPPLIES			
Telephone		\$ 50	\$ 50
Mail		2,000	2,000
Printing	\$ 500		500
Vehicle Maintenance	1,200		1,200
Computer Time	3,000		3,000
Keypunching	2,000		2,000
Office Supplies	<u>2,500</u>	<u>600</u>	<u>3,100</u>
Sub-Total	\$ 9,200	\$ 2,650	\$11,850
TOTAL ON-GOING COST	<u>\$52,800</u>	<u>\$25,140</u>	<u>\$77,940</u>

It is estimated that collection of fees during the first year should generate revenues of \$250,000 to \$300,000. The reason for the variation in revenue figures is because we have no way of knowing exactly how many alarms are in use within the city limits, and the alarm companies do not keep breakdown figures between city and county. However, an alarm industry survey indicates there are approximately 10,000 alarms within the city limits. Furthermore, the alarm industry estimates that 25% of the alarms are responsible for the majority of the problems. In addition, new alarm systems are being added daily, which should produce an additional income of \$5,000 to \$10,000 a year or more. As expenditures are estimated at \$268,660 for the first three years, this may leave us a small cushion to cover unexpected costs and can be used to expand the program in the future if the need arises.

RECOMMENDATIONS

It is recommended that:

1. The City Council adopt this ordinance, to take effect May 1, 1980. This will give City Personnel sufficient time to do a complete job classification study and test for the new positions required.
2. The City Council approve the resolution for first-year financing. This would cost \$47,830 which includes start-up costs and two months of operation.

Respectfully submitted,



JOHN P. KEARNS
CHIEF OF POLICE

Recommendation Approved:



WALTER J. SLIPE
CITY MANAGER

JPK:AS:RHS:jt

PROPOSED ORDINANCE

AN ORDINANCE ADDING CHAPTER 69 TO THE SACRAMENTO CITY CODE RELATING TO AND REGULATING THE USE OF BURGLARY AND ROBBERY ALARM SYSTEMS AND REQUIRING PERMITS THEREFOR

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 69 is hereby added to the Sacramento City Code to read as follows:

CHAPTER 69

BURGLARY AND ROBBERY ALARM SYSTEMS

Article I. General.

Sec. 69.1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

(a) Alarm System: The phrase "alarm system" means any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises or the existence of an emergency on such premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this sub-section:

- (1) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (2) Devices which are not installed, operated or used for the purpose of reporting an emergency to the police department;
- (3) Alarm devices affixed to motor vehicles; and,
- (4) Alarm devices installed on a temporary basis by the police department.

(b) Answering Service: The phrase "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

said messages by live voice to the communication center of the police department.

(c) Automatic Dialing Device: The phrase "automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

(d) Central Station: The phrase "central station" means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service-men are maintained continuously to investigate signals.

(e) Direct Line: The phrase "direct line" means a telephone line leading directly from a central station to the communication center of the police department, where said line is used only to report emergency signals on a person-to-person basis.

(f) Emergency: The word "emergency" means the commission or attempted commission of a robbery or burglary.

(g) False Alarm: The phrase "false alarm" means the activation of an alarm system which results in a response by the police department where an emergency does not exist. False alarms which fall into the following two categories shall not be counted against a permittee under section 69.9(b)(2) for the purposes of suspension or revocation of an alarm system permit:

(1) False alarms which the permittee can demonstrate, in accordance with the provisions of section 69.9(b)(2) of this chapter, were proximately caused by hurricanes, tornadoes, earthquakes, or other violent acts of nature;

(2) False alarms which the permittee can demonstrate, in accordance with the provisions of section 69.9(b)(2) of this chapter, were actually caused by the act of some person other than:

(i) The permittee, including the permittee's officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the permittee;

(ii) The person who installed, connected, operated, maintained or serviced the alarm system;

(iii) 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.

(h) Interconnect: The phrase "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.

(i) Modified Central Station: The phrase "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.

(j) Permittee: The word "permittee" shall mean the person to whom an alarm system permit is issued.

(k) Person: The word "person" shall include natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

(l) Primary Trunkline: The phrase "primary trunkline" means a telephone line leading directly into the communication center of the police department for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company, covering the service area within the police department's jurisdiction.

(m) Siren: The word "siren" means any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in section 21055 of the California Vehicle Code.

(n) Special Trunkline: The phrase "special trunkline" means a telephone line leading into the communication center of the police department and having the primary purpose of handling emergency signals or messages originating through a central station, modified central station or answering service.

Sec. 69.2. Permit Required.

No person shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained, an alarm system upon any property of which such person is in possession without first obtaining an alarm system permit therefor in accordance with the provisions of this chapter. Any such person who installs, connects, operates or maintains, or who causes to be installed, connected, operated or maintained an alarm system without first obtaining a permit as required by this section or who, after having a permit revoked or suspended, fails to disconnect an audible alarm or, in the case of a silent alarm, continues to relay emergency signals to the police department, shall be in violation of this chapter.

Sec. 69.3. Application for Permit.

(a) All applications for alarm system permits shall be filed with the Chief of Police on such forms as he may prescribe. Such applications shall contain the name, address and telephone number of 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 the Chief of Police shall reasonably deem 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 may, at his option, apply for a single permit for that particular property or for separate permits for each alarm system operated or maintained; provided, however, that if such a person chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each such system and a separate permit fee shall accompany each such application.

Sec. 69.4. Fees.

(a) Every application for an alarm system permit shall be accompanied by a non-refundable permit fee in the sum of \$25.00. The fee is established to cover part of the cost of processing the applications and permits and shall be in addition to any other permit fee imposed by the Sacramento City Code.

(b) Every applicant shall be given a receipt for the aforesaid permit fee at the time such fee is paid. The receipt shall serve as a temporary alarm system permit for a period not to exceed forty five (45) days from the date on which said permit fee was paid, and shall be of no force or effect after the forty-five day period expires, or after the alarm system permit is issued by the Chief of Police, whichever event occurs sooner.

Sec. 69.5. Issuance of Permit.

Alarm system permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect.

Sec. 69.6. Expiration of Permit.

Each alarm system permit that is issued shall expire three (3) years after the date of issuance. The date of issuance shall be the date shown on the alarm system permit issued by the Chief of Police. Upon expiration of an alarm system permit, a new permit shall be secured in the manner specified by sections 69.3, 69.4(b), 69.5 and 69.7 of this chapter.

Sec. 69.7. Renewal Fees.

The fee for the renewal of an alarm system permit shall be \$25.00 for each successive three year period.

Sec. 69.8. Transferability of Permit.

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. No alarm system permit shall in any manner be transferred or assigned without the written consent of the Chief of Police. Any request to transfer an alarm system permit shall be made upon such form as the Chief of Police may prescribe and shall be accompanied by a non-refundable fee of \$2.00. Transfer of an alarm system permit shall in no way affect the date of expiration of said permit. False alarms previously charged to the transferor shall not be charged to the transferee; provided, however, that the Chief of Police may deny any request to transfer an alarm system permit where, after reasonable investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms.

Sec. 69.9. Suspension and Revocation of Permit.

(a) Hearings: No alarm system permit shall be suspended or revoked under this section until a hearing shall have been held by the Chief of Police or his representative. Written notice of the time and place of such hearing shall be served upon the permittee, and upon the person who renders service or repairs to the permittee's alarm system as designated on the permittee's application, at least ten (10) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for suspending or revoking such permit. Notice may be given either by personal delivery thereof to the person 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 address shown on the permit application.

(b) Grounds: The following shall constitute the exclusive grounds for suspension or revocation of an alarm system permit:

(1) The violation of any of the provisions of this chapter.

(2) Where an alarm system actuates excessive false alarms. An alarm system shall be deemed to actuate excessive false alarms where there are three false alarms within 30 consecutive days, five false alarms within 90 consecutive days or six false alarms within 180 consecutive days. If a permittee presents sufficient proof that a particular false alarm was caused by an event or act specified in section 69.1(g) (1) and (2) of this chapter, said false alarm shall not be counted against the permittee in determining whether the permittee's alarm system actuated excessive false alarms.

(i) IF the Chief of Police, or his representative, determines that an alarm system has generated excessive false alarms, the permittee responsible for such alarm system shall have his permit suspended for fifteen (15) days. On the sixteenth day following such a suspension, the suspended permit shall be restored by operation of law.

(ii) If the Chief of Police, or his representative, determines that an alarm system has generated excessive false alarms, and if he further finds that the permittee responsible for such alarm system has had his permit suspended during the twelve months prior to the date on which the hearing is held, the permittee shall have his permit revoked.

(3) The violation of any condition imposed by the Chief of Police upon an alarm system permit issued in accordance with section 69.10 of this chapter. /

(c) Appeals: Any permit holder aggrieved by the decision of the Chief of Police in suspending or revoking an alarm system permit may appeal such decision to the City Council.

Notice of appeal complying with the provisions of Article XIX of Chapter 2 of the Sacramento City Code shall be filed in writing with the City Clerk not later than ten (10) days after said suspension or revocation. During the pendency of said appeal to the Council the permit shall remain in effect.

The City Council shall either conduct a hearing on said appeal or refer said appeal to a hearing officer who shall conduct the hearing pursuant to the provisions of Article XIX of Chapter 2 of the Sacramento City Code within thirty (30) days of the filing of said appeal.

Sec. 69.10. Reapplication after Revocation.

Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with the procedures set forth in this section.

(a) Reapplication: All reapplications shall be submitted directly to the Chief of Police, or to that person whom the Chief of Police designates as the alarm officer, on such forms as may be prescribed.

(b) Fees: Every reapplication for an alarm system permit shall be accompanied by a non-refundable permit fee in the sum of \$_____. The fee is established to cover part of the cost of processing the reapplications and permits and shall be in addition to any other permit fee imposed by the Sacramento City Code.

(c) Investigation: The Chief of Police, or his designated representative, shall investigate each reapplication to determine whether the grounds for the prior revocation have been eliminated, or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on-site investigation of the alarm system; an examination of the alarm system and any specifications, diagrams, or descriptions pertaining thereto; and a prescribed test period of reasonable duration.

(d) Issuance of permit: If, after investigation and in his sole discretion, the Chief of Police determines that the grounds for the prior revocation have been eliminated, or that such grounds are not likely to occur again in the future, an alarm system permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The Chief of Police may attach such conditions to an alarm system permit as he deems reasonably necessary to insure that the permittee will comply with the provisions of this chapter.

(e) Appeals: Any person whose reapplication for an alarm system permit is denied by the Chief of Police may appeal such denial to the City Council, in accordance with the procedure set forth in section 69.6(c) of this chapter.

Sec. 69.11. Regulations, Requirements and Duties.

(a) Alarm system requirements: No alarm system shall be installed or connected on or after the date this chapter becomes effective which emits the sound of a siren. Any alarm system which emits the sound of a siren, and which is installed and in operation prior to the date this chapter becomes effective, shall have that part of the alarm system which emits the sound of a siren disconnected within one year from the date this chapter becomes effective.

(b) Audible alarm system requirements: Any alarm system which is installed or connected on or after the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have as part of the system an automatic shut-off that will deactivate the audible portion of the system within 30 minutes after it is first activated. Any alarm system which is installed and in operation prior to the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have such an automatic shut-off device installed and in operation within two years after the date this chapter becomes effective.

(c) Display of alarm system permit: Every alarm system permit shall be kept on the premises where the alarm system is located.

(d) Automatic dialing device regulations:

(1) No automatic dialing device shall be interconnected to a primary trunkline of the police department after the effective date of this chapter.

(2) Within 90 days after the effective date of this chapter, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of such device shall be responsible for having the device disconnected within the 90-day time period.

(3) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

(i) A central station; or

(ii) A modified central station; or

(iii) An answering service.

(4) The relaying of messages to the police department by a modified central station or an answering service shall be over a special trunkline unless the special trunkline is unavailable; the relaying of messages by a central station may be over a direct line.

(5) No automatic dialing device may be interconnected to the telephone company operator.

Sec. 69.12. Violation of chapter.

(a) Penalties: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, as provided in Section 1.7 of Chapter 1 of the Sacramento City Code.

(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 such person from paying the permit fee due and unpaid at the time of such 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 City 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 City. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent permit fee. All permit fees shall be deemed delinquent thirty (30) days after they are due and payable.

(c) Severability: The sections, paragraphs, sentences, clauses and phrases of this chapter are, and are intended to be severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter, as provided in section 1.5 of chapter 1 of the Sacramento City Code.

Sec. 69.13. Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of the chapter; it is hereby declared that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information.

Sec. 69.14. Applicability to Existing Alarm Systems.

The provisions of this chapter shall apply to all alarm systems which were installed, connected, operated or maintained on or prior to the date on which this chapter becomes effective; provided, however, that the permits required for such alarm systems under section 69.2 shall be obtained within one hundred and eighty (180) days from and after the date on which this chapter becomes effective.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO.

Adopted by The Sacramento City Council on date of

A RESOLUTION AMENDING THE CITY BUDGET FOR
FISCAL YEAR 1979-80 FOR THE POLICE DEPARTMENT
AND THE DEPARTMENT OF FINANCE

WHEREAS, the adoption of the burglary and robbery alarm ordinance requires an appropriation increase of \$47,830 for the budgets of the Police Department and the Revenues and Collections Division;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

The City budget for Fiscal Year 1979-80 is hereby amended:

1. By transferring \$34,640 from the Unappropriated Administrative Contingency Fund Balance (1-01-5070) to Budget Number 1-01-1740 for the purpose of administering said burglary and robbery alarm ordinance.

2. By transferring \$13,190 from the Unappropriated Administrative Contingency Fund Balance to Budget Number 1-01-1530 for the purpose of collecting alarm system permit fees.

3. It is anticipated that permit fees collected under the robbery and burglary alarm ordinance will support the amounts appropriated from the Administrative Contingency Fund, and such fees collected will be deposited in the city's General Fund.

MAYOR

ATTEST:

CITY CLERK