

CITY COUNCIL MEETING
FEBRUARY 20, 1985

CC 24 Pg 375

ORDINANCES

ORDINANCE NO.
1345 ADOPTED

Ordinance No. 1345 - An Ordinance of the City of Lodi establishing and providing for the regulation of burglary and robbery alarm systems having been introduced at a regular meeting of the Lodi City Council held February 6, 1985 was brought up for passage on motion of Council Member Pinkerton, Reid second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

ORD. NO. 1345
ADOPTED

- Ayes: Council Members - Pinkerton, Hinchman, Olson, Reid, and Snider (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None

ORDINANCE NO. 1345

AN ORDINANCE OF THE CITY OF LODI ESTABLISHING AND PROVIDING FOR THE REGULATION OF BURGLARY AND ROBBERY ALARM SYSTEMS

The City Council of the City of Lodi DOES ORDAIN as follows:

SECTION 1. A new chapter is hereby added to the City of

Lodi Municipal Code as follows:

CHAPTER _____ . ALARM SYSTEMS.

Sections:

_____ Definitions

_____ Permit for Alarm System Required

_____ Application for Permit

_____ Application for Alarm Permit - Investigation

_____ Suspension or Revocation of Permits

_____ Notice of Appeal

_____ False Alarm Penalty

_____ Alarm Requirements

_____ Automatic Shutoff Requirements-Audible Alarms

Delay Device Requirements

Power Supply

Testing Alarm

Prohibitions

Fees

Limitation on Liability

Criminal Penalties

Application of Chapter

_____ . DEFINITIONS. For the purpose of this Chapter, certain words and phrases shall be construed herein as set forth in this section unless it is apparent from the context that a different meaning is intended.

Alarm Agent means any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing,

responding to (excluding public safety officer) or causing others to respond to an alarm system in or on any building, structure, or facility.

Alarm Business means any business carried on by any person who engages in the sale, lease, maintenance, service, repair, alteration, replacement or installation of any alarm or alarm systems in or on any building, structure or facility.

Alarm System means any mechanical or electrical device which is designed or used for the detection of intrusion into a building, structure or facility, or for alerting others of an event within a building, structure or facility, which event causes a local audible alarm or transmission of a signal or message. Alarm systems include, but are not limited to, direct dial tone devices, audible alarm and proprietor alarms. Devices which are not designed or used to evoke a police response, or used to register alarms that are intended to be audible, visible or perceptible outside of the protected building, structure, or facility are not included within this

definition, nor are auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system.

Appellant means a person who perfects an appeal pursuant to this chapter.

Applicant means a person, firm or corporation who files an application for permit as provided for in this chapter.

Audible Alarm means a device designed for the detection of an intrusion on premises which generates an audible sound on the premises when it is actuated.

City means the City of Lodi.

Day means a calendar day.

Person means a person, firm, corporation, association, partnership, individual, organization or company.

Proprietor Alarm means an alarm which is not regularly serviced by an alarm business.

False Alarm means the activation of an alarm system through mechanical failure, accident, misoperation, malfunction, misuse, or the negligence of either the owner or lessee of the alarm system or any of their employees or agents. False alarms shall not include alarms caused by acts of God, the malfunction of telephone lines, circuits or other causes which are beyond control of the owner or lessee of the alarm system.

_____. Permit for Alarm System Required. No person shall install or use an alarm system without first obtaining an alarm permit issued by the City of Lodi in accordance with the provisions of this chapter.

_____. Application for Permit. Application for an alarm permit shall be filed with the Finance Director on forms provided by the City, and the applicant shall, at the time of application, pay the fee established by resolution of the City Council. The application shall be signed and verified by the owner or lessee of the alarm system for which the permit is requested, and the application shall contain such informa-

tion as may be required by the City Manager in order to ensure that the permit is issued in accordance with the provisions of this chapter. Permits provided for in this chapter shall be issued by the Finance Director and shall be non-transferable.

_____ . Application for Alarm Permit - Investigation. Upon receiving an application from any person for an alarm permit, the City Manager shall cause an investigation to be made. Upon completion of the investigation, the Finance Director shall cause a Permit to be issued. A commercial alarm permittee may be allowed a direct connection to the City of Lodi Police Department Alarm System, provided facilities are available for direct connection. Each commercial alarm permit holder whose system directly connects with the Lodi Police Department shall pay to the City on or before January 1st of each year, a fee set forth by resolution of the City Council.

_____ . Suspension and Revocation of Permit.
An alarm permit may be suspended and/or revoked as follows:

(a) If, after investigation, the Chief of Police determines that the permittee has violated any provision of this chapter, has violated any rules and regulations promulgated by the Chief of Police pursuant to authority granted by this chapter, or fails to pay a false alarm penalty as provided in Section _____, the Chief of Police shall send to the permittee, by registered mail, a notice of intent to revoke the permit, which notice shall specify the violation or violations determined by the Chief of Police to exist and that permittee has the right to appeal the determination of the Chief of Police to revoke the permit to the City Manager, as provided in Section _____ of the City of Lodi Municipal Code, and that failure of the permittee to remedy the violation or violations specified in the notice of revocation within said fifteen-day period, or within such additional time as may be allowed by the Chief of Police upon a showing of good cause therefor, then the alarm permit shall be considered revoked and the alarm system shall remain unused until a new permit is issued.

. Notice of Appeal. If any permittee is

aggrieved by any action of the Chief of Police pursuant to the provisions of Section _____ of the Lodi Municipal Code, the applicant may appeal to the City Manager, by filing with the City Manager, a Notice of Appeal, setting forth the facts and circumstances regarding the appeal. This Notice of Appeal shall be filed not later than fifteen (15) days after service of a notice of revocation as provided for in Section _____ of this chapter. The City Manager, or duly authorized representative, shall, within fifteen (15) days from the date on which the appeal is filed, hold a hearing, consider all relevant evidence produced by the alarm permittee, the Chief of Police or his representative, and any other interested parties, make findings and determine the merits of the appeal. The City Manager, or his duly authorized representative, may affirm, overrule or modify the decision of the Chief of Police and the decision of the City Manager, or his duly authorized representative, shall be final.

each subsequent false alarm within a six month period, the permittee shall pay a \$65.00 false alarm penalty.

In the event that permittee sustains five false alarms within a six month period, the Chief of Police, in addition to imposing the false alarm penalties provided herein, shall commence revocation proceedings, as provided for by Section _____ and shall revoke the permit within the time period provided in that Chapter, should permittee fail to demonstrate, to the satisfaction of the Chief of Police, that the alarm system is in good working order.

Failure to pay false alarm penalties as provided herein shall be grounds for revocation of the permit. The permittee has the right of appeal as specified in Section _____, with respect to penalties imposed by the Chief of Police for false alarms, pursuant to the provisions of this Chapter.

_____. Alarm Requirements. The alarm permittee shall supply on his application for permit the names, addresses and phone numbers of the selling or installing alarm company, or if the permittee is not under a service contract with an alarm business, at least two persons to call in event of an emergency. In the event the names, addresses and phone numbers change, the permittee shall supply the changes within five days of the change.

_____. Automatic Shutoff Requirements-Audible Alarms. All audible alarm systems shall include a device which will limit the generation of the audible sound of the system to not longer than twenty minutes after activation when the alarm system is protecting a residential structure and forty-five minutes when the alarm system is protecting a commercial structure. Said systems, however, shall include an automatic resetting device which shall cause the subject system to be re-armed upon automatic shutoff.

_____. Delay Device Requirements. All burglary detection alarm systems that directly transmit a

signal to the police facility shall include a device which will provide a minimum of a thirty-second delay of the original transmission and activate a signal immediately in such a manner as to be perceptible to a person lawfully entering, leaving or occupying the premises.

_____. Power Supply. An alarm system shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The backup power supply must be capable of at least four hours of operation.

_____. Testing Alarm. Permittees shall notify the City of Lodi Police Department emergency equipment dispatcher prior to any service, test, repair, maintenance, adjustment, alterations, or installations of systems which would normally result in a police response, which might activate a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm.

_____. Prohibitions. It shall be unlawful to install or use an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. Panic alarms, brawl alarms, fight alarms and other signals intended to report disorderly conduct or miscellaneous offenses directly to the police alarm board shall be unlawful. The use of automatic telephone dialing devices intended to deliver a recorded voice message to the police shall be unlawful.

_____. Fees. Fees prescribed heretofore in this ordinance shall be in addition to any other lawful fees imposed by the City of Lodi for doing or conducting business within the City of Lodi.

_____. Limitation On Liability. The City of Lodi is under no obligation or duty to any permittee or any other person by reason of any provision of this chapter, or the exercise of any privilege by any permittee hereunder, including but not limited to any defects in a police alarm system, any

delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any City officer, employee or agent.

_____. Criminal Penalties. Any person who violates the provisions of this part, shall be guilty of a misdemeanor.

_____. Application of Chapter. Any person who, on the effective date of this ordinance, possesses, has installed or uses an alarm system which requires a permit under this Chapter, shall apply for and receive a permit as provided in this Chapter, within three (3) months after the effective date of this ordinance.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This Ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation, printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of February, 1985

John R. Snider

MAYOR

Attest:

Alice M. Reimche

ALICE M. REIMCHE

City Clerk

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1345 was introduced at a regular meeting of the City Council of the City of Lodi held February 6, 1985 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 20, 1985 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton,
Olson, Reid, &
Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1345 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

Approved as to form

Ronald M. Stein
RONALD M. STEIN
City Attorney

February 17, 1985

Dear Ron:

Please excuse this informal note, but after 30 years in business and seven million generated in a syndrome of taxes, I have had to give up a number of amenities.

Thank you for your letter, and the information therein.

As you may have perceived, I do enjoy jousting, and therefore remain in disagreement with portions of your ordinance. I like the ordinance in its entirety, as if I find time to again run for council the ordinance is worth at least a thousand votes.

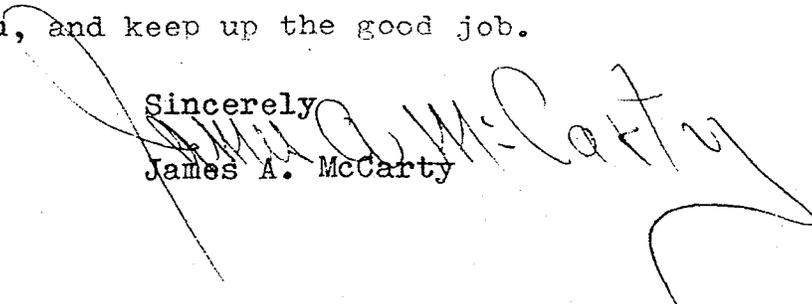
I feel that there could easily be found a similarity between alarm companies, towing services, ambulance company etc. as they all may revolve around emergency situations. If you take time to review the city code, you will find that the city has a string attached to some of these organizations.

Incidentally, I was once informed that a building permit was required for any and every portion of construction or alteration to any structure, except painting.

I know that you are not a journeyman craftsman, so I must inform you that the installation of an alarm system constitutes carpentry and electrical additions and modifications.

You know that I will not lay a writ of mandamus on the city, but it would be fun.

Good luck to you, and keep up the good job.

Sincerely

James A. McCarty

FEB 20 1985

February 17, 1985

Mz. Vickie Mayer
Bureau of Collection and Investigative Service

Dear Mz. Mayer

Lodi City Attorney, Ronald Stein, advises me that the bureau with which you are associated includes the ministerial function of licensing and regulating burglar alarm installing companies.

Our city is plagued by false alarms, and has recently passed an ordinance including civil and criminal actions against business-people and homeowners who maintain alarm systems in their possession, and which generate a given number of false alarms.

My thrust in studying the ordinance was to place a large part of the burden upon the persons installing and maintaining the alarm system. I offered this suggestion after enduring years of shoddy performance by several alarm companies.

As my correspondence from Mr. Stein specifically states that no-where does the ordinance state who may put in an alarm system and maintain same, I make inquiry as to the roll of your bureau in this matter. Please advise.

A handwritten signature in dark ink, appearing to be 'R. Stein', is written over the bottom right portion of the typed text.

FEB 20 1985

James A. McCarty

Cherokee



The Old Log Cabin—(Cherokee Lane & Victor Rd.)
220 N. Cherokee Lane
Lodi, Ca 95240



Mr. Ron Stein
City Attorney
City of Lodi
221 West Pine Street
Lodi, CA 95240