

ORDINANCE NO. 1669

AN ORDINANCE OF THE LODI CITY COUNCIL  
REPEALING AND REENACTING LODI MUNICIPAL  
CODE TITLE 15, CHAPTER 15.56 RELATING TO ALARM  
SYSTEMS & PERMITS

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

**Section 1.** Lodi Municipal Code Title 15, Chapter 15.56 – Alarm Systems – is hereby repealed and reenacted in its entirety to read as follows:

Title 15

Buildings and Construction

Alarms Systems & Permits

Chapter 15.56 Alarm Systems & Permits.

Sections:

- 15.56.010 Definitions.
- 15.56.020 Permit for Alarm System Required.
- 15.56.030 Application for Permit.
- 15.56.040 Application for Alarm Permit--Investigation.
- 15.56.050 Suspension and Revocation of Permits.
- 15.56.060 Alarm Company Operator Registration.
- 15.56.070 Alarm Agent Registration.
- 15.56.080 Notification of Changes.
- 15.56.090 Alarm User Instruction Required.
- 15.56.100 Notice of Appeal.
- 15.56.110 False Alarm Penalty.
- 15.56.120 Alarm Requirements.
- 15.56.130 Automatic Shutoff Requirements – Audible Alarms.
- 15.56.140 Direct Transmission Prohibited.
- 15.56.150 Power System.

- 15.56.160 Testing Alarm.
- 15.56.170 Prohibitions.
- 15.56.180 Fees.
- 15.56.190 Limitation on Liability.
- 15.56.200 Criminal Penalties.
- 15.56.210 Application of Chapter.
- 15.56.010 Definitions.

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

A. "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 or a person who manages or supervises a person employed by an Alarm Company to perform any of the duties described herein.

B. "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 System in or on any building, structure of facility.

C. "Alarm Company Operator" means any person who, for any consideration whatsoever, engages in business or accepts employment to install, maintain, alter, sell on premises, monitor or service Alarm Systems or who responds to Alarm Systems except for any Alarm Agent. "Alarm Company Operator" however, does not include a business which merely sells from a fixed location or manufactures alarms systems unless the business services, installs, sells on premises, monitors, or responds to

alarms systems at the protected premises.

D. "Alarm System" means any mechanical and/or electrical device designed for the detection of an unauthorized entry on a premise, or for alerting others of the commission of an unlawful act or both, and when actuated, emits a sound or transmits a signal to indicate that an emergency situation exists, and to which police are expected to respond.

Alarm Systems include, but are not limited to silent alarms, audible alarms, proprietor alarms, and direct dial telephone devices. The following devices shall not constitute Alarm Systems within the meaning of this section:

1. Devices which are not installed, operated, or used for the purpose of reporting an emergency to the Police Department.
2. Alarm devices affixed to motor vehicles, trailers or trailer coaches (as defined in California Vehicle Code Sections 415, 6300 and 635), vessel, or aircraft.
3. Alarm devices installed on temporary basis by the Police Department.

E. "Alarm User" means any person using an Alarm System at his place of business or residence.

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

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

H. "Audible Alarm" means a device designed for the detection of an unauthorized entry on, or an attempted entry into a premises or a structure, or for alerting others of the commission of an unlawful act, or both, and which, when actuated, generates a warning sound on the premises.

I. "Automatic Calling/Dialing System" means Alarm System which automatically sends over telephone lines, by direct connect or otherwise, a recorded message indicating an emergency situation exists.

J. "Central Monitoring Station" means any office, station, or telephone answering service where person(s) monitor and/or receive emergency signals for Alarm Systems, and thereafter, relay messages for such signals by live voice to the Lodi Police Department.

K. "City" means the City of Lodi, California.

L. "Day" means a calendar day.

M. "Direct Connect" means an Alarm System, which has the capability of transmitting system signals, to and receiving them at a location maintained by a local government entity such as the City of Lodi at its Police Department.

N. "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.

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

15.56.020 Permit for Alarm System Required.

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

15.56.030 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 information as may be required by the Finance Director in order to ensure that the permit is issued in accordance with the provision of this chapter. Permits provided for in this chapter shall be issued by the Finance Director and shall be nontransferable.

15.56.040 Application for Alarm Permit - Investigation

Upon receiving an application from any person for an alarm permit, the Finance Director shall cause a permit to be issued. Permits of residences shall automatically expire upon change of ownership of the real property where the alarm is located. Permits for businesses shall be renewed at the beginning of each calendar year. Renewal forms and fee must be received in full each calendar year no later than the 31st day of January. Permit fees will not be prorated. No permit will be issued to an Applicant until all outstanding penalties are paid.

15.56.050 Suspension and Revocation of Permits.

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 15.56.110 of this chapter, the Chief of Police, or a person designated by 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. The 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 15.56.100 of this chapter. Failure of the permittee to remedy the violation or violations specified in the notice of revocation within fifteen-days from receipt of notice of suspension or revocation, or within such additional times as may be allowed by the Chief of Police upon a showing of good cause therefor, or the filing of an appeal pursuant to §15.56.100 then the Alarm Permit shall be considered revoked and the Alarm System shall remain unused and unresponded to until a new permit is issued.

15.56.060 Alarm Company Operator Registration.

It shall be unlawful for any person to own, manage, conduct, or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving, removing, or monitoring of an Alarm System in any building, place, or premises within the City without first having registered with the Police Department; provided, however, such registration shall not be recorded for any business which only sells or leases said Alarm Systems from a fixed location unless such business services, installs, monitors, or responds to such Alarm Systems at the protected premises. Registration shall be accomplished by furnishing the full name of the business and a copy of the state-issued license for the business. There will be no charge for such registration.

15.56.070 Alarm Agent Registration.

It shall be unlawful for any person to engage directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing of an Alarm System in or around any building, place, or premises within the City without first having registered his full name and having filed with the Chief of Police a copy of his state issued identification card; provided, however, nothing herein shall require a person to be

so registered in order to install, service, repair, alter, replace, or move an Alarm System on the premises owned or occupied by that person; and further provided, nothing herein shall require a person to so register when that person is merely a salesman for any business which is not required to obtain an Alarm Business permit, under the provisions of this ordinance, if such salesman does not engage in any other activity related to Alarm Systems ordinance, apart from selling. When registration is required, there will be no charge for registration.

15.56.080 Notification of Changes.

Any Alarm Business registered with the Police Department shall, within thirty (30) days, report to the Chief of Police any change of business name, address, or ownership.

15.56.090 Alarm User Instruction Required:

A. It shall be the responsibility of the Alarm Business or installer to instruct the permittee of the requirements as defined in Chapter 15.56 Alarm System Ordinance, the proper use and operation of such device or alarm, whether silent or audible, including specifically all necessary instruction in turning off said alarm. The alarm installer shall advise the permittee that intentionally activating an alarm in the absence of an emergency is a criminal offense under Section 148.3 of the California Penal Code.

B. After the initial installation, it shall be the responsibility of the permittee to instruct those individuals authorized by the permittee to use the alarm in the proper use and operation of such device or alarm whether silent or audible, including specifically all necessary instruction in turning off said alarm, and that intentionally activating an alarm in the absence of an emergency is a criminal offense under Section 148.3 of the California Penal Code, however, the permittee, as well as the operator, shall be a responsible party for purposes of violation of this chapter.

15.56.100 Notice of Appeal.

If any permittee is aggrieved by any action of the Chief of Police taken pursuant to the provisions of Section 15.56.050 of this chapter, 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 days after service of a notice of revocation as provided in Section 15.56.050 of this chapter. The City Manager, or duly authorized representative, shall, within fifteen 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.

15.56.110 False Alarm Penalty.

A. The Chief of Police is authorized to demand any owner, lessee or their representative of any Alarm System which is not in compliance with this chapter, to disconnect the Alarm System, until it is made to comply with this chapter.

B. Any person who maintains, uses or possesses an Alarm System, and which Alarm System has caused any signal, message or alarm to be transmitted to the Police Department, either by direct telephone or other direct communication or by communication from an Alarm Agent or an Alarm Business, or by a person responding to an audible alarm and which alarm is determined to have been a false alarm by the Chief of Police or is from an Alarm System which had been ordered disconnected by the Chief of Police, shall pay a false alarm penalty to the city, as follows:

1. For the third false alarm within a six month period (January - June or July



-December), the permittee shall pay a false alarm penalty as designated by the Lodi City Council.

2. For the fourth and each subsequent false alarm within that six-month period, the permittee shall pay an additional false alarm penalty as designated by the Lodi City Council.

C. In the event that permittee sustains more than four false alarms within a one six month period, the Chief of Police, in addition to imposing the false alarm penalties provided in this chapter, may commence revocation proceedings, as provided for by Section 15.56.050 of this chapter, should the permittee fail to demonstrate, to the satisfaction of the Chief of Police, that the Alarm System is in good working order.

D. Failure to pay false alarm penalties as provided in this section shall be grounds for revocation of the permit. Revocation of a permit will cause a non-response by police for either a commercial or non commercial property. The permittee has the right of appeal as specified in Section 15.56.100 of this chapter, with respect to penalties imposed by the Chief of Police for false alarms, pursuant to the provisions of this chapter.

15.56.120 Alarm requirements.

The alarm permittee shall supply on his application for a permit the names, addresses and phone numbers of the selling or installing Alarm Business, 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. Failure on that part of a permittee to keep emergency numbers current shall be grounds for revocation of the alarm permit. A representative from either the Alarm Business or permittee must be at the location of the alarm within twenty minutes of the report. A fine

may be imposed if a representative does not respond to the alarm location within twenty minutes of the report. If no representative is available Police Department will conduct an external visual check only.

15.56.130 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. Such systems, however, shall include an automatic resetting device, which shall cause the subject system to be rearmed upon automatic shutoff.

15.56.140 Direct Transmission Prohibited.

As of July 1, 1998 no additional business or residence will have a direct transmitted alarm to the Lodi Police Department. All businesses currently on this system will be allowed to continue until this system is too costly to repair. At that time, the City will no longer have direct transmitted alarms.

15.56.150 Power System

An Alarm System shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal utility electrical service will not activate the Alarm System. The backup power supply must be capable of at least two hours of operation.

15.56.160 Testing Alarm.

Permittees shall notify the police department emergency equipment dispatcher prior to any service, test, repair, maintenance, adjustment, alterations or installations of systems that would normally result in a police response. Any alarm activated where such prior notice has been given shall not constitute a false alarm.

15.56.170 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. The use of automatic telephone dialing devices intended to deliver a recorded voice message to the police shall be unlawful.

15.56.180 Fees.

Fees prescribed in this chapter shall be in addition to any other lawful fees imposed by the city for doing or conducting business within the city. The Schedule of Charges and Fees for the Alarm Systems and Permits will be established and adopted by the City Council from time to time by Resolution.

15.56.190 Limitation on Liability.

The city 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 under this chapter, 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.

15.56.200 Criminal Penalties.

Any person, who violates the provisions of this chapter, shall be guilty of a misdemeanor.

15.56.210 Application of Chapter.

Any person who, on the effective date of the ordinance codified in this chapter, 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 months after the effective date of the ordinance codified in this chapter.

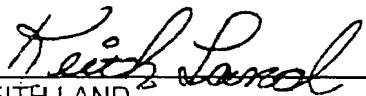
**Section 2 - No Mandatory Duty of Care.** This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 3 - Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

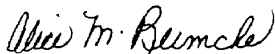
**Section 4.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**Section 5.** 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 5<sup>th</sup> day of May, 1999

  
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KEITH LAND  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1669 was introduced at a regular meeting of the City Council of the City of Lodi held April 21, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 5, 1999 by the following vote:

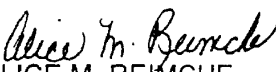
AYES: COUNCIL MEMBERS – Hitchcock, Mann, Nakanishi, Pennino  
and Land (Mayor)

NOES: COUNCIL MEMBERS – None


ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1669 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  
City Clerk

Approved as to Form:

  
RANDALL A. HAYS  
City Attorney