

ORDINANCE NO. 1431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA,  
CALIFORNIA AMENDING SECTION 8.04.010  
THROUGH 8.04.290 OF TITLE 8 OF THE  
MANTECA MUNICIPAL CODE PERTAINING TO  
BURGLAR ALARM SYSTEMS

WHEREAS, the City of Manteca has a responsibility to maintain the public's health, safety and welfare; and

WHEREAS, some residents of the City have installed personal burglar alarms into their residences and/or places of business or have entered into agreements with commercial suppliers of those alarms for the installation, maintenance, and monitoring of those systems; and

WHEREAS, those alarms result in over 3500 false alarms each year causing a significant impact on police resources;

WHEREAS, it is in the best interest of the citizens of Manteca for the installation and use of alarm systems to be regulated to ensure responsible maintenance and use of these systems;

THE CITY COUNCIL OF THE CITY OF MANTECA ORDAINS AS FOLLOWS:

**SECTION 1.** Section 8.04.010 through 8.04.070 of Title 8 of the Manteca Municipal Code is hereby repealed in its entirety.

**SECTION 2.** A new Section 8.04.010 through 8.04.270 of Title 8 of the Manteca Municipal Code is hereby added to read as follows:

**8.04.010 Purpose.**

The purpose of this chapter is to establish standards and controls for the various types of intrusion, hold-up and other emergency signals from alarm systems which may prompt police response or investigation, and for the businesses and persons installing and servicing said systems in order to protect the public health, welfare, and safety.

**8.04.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply and are listed below alphabetically:

(a) "Alarm agent" shall mean a person employed by an alarm company

operator whose duties include selling on premises, altering, installing, maintaining, moving, repairing, replacing, servicing, responding or monitoring an alarm system, or a person who manages or supervises a person employed by an alarm company to perform any of the duties described herein.

(b) "Alarm company operator" shall mean 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 manufacturers alarms systems unless the business services, installs, sells on premises, monitors, or responds to alarm systems at the protected premises.

(c) "Alarm system" shall mean any mechanical and/or electrical device designed for the detection of an unauthorized entry on premises, 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 which may prompt police 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, 630 and 635), vessels, or aircraft;

(3) Alarm devices installed on a temporary basis by the Police Department.

(d) "Alarm user" shall mean any person using an alarm system at his/her place of business or residence.

(e) "Audible alarm" shall mean a device designed for the detection of an unauthorized entry on, or an attempted entry into premises or a structure; or for alerting others of the commission of an unlawful act, or both, and which, when actuated, generates an audible alarm on the premises.

(f) "Automatic calling/dialing system" shall mean an alarm system which automatically sends over telephone lines, by direct connect or otherwise, a recorded message indicating an emergency situation exists.

(g) "Central monitoring station" shall mean any office, station, or telephone answering service where person(s) monitor and/or receive emergency signals from alarm systems, and thereafter, relay messages from such signals by live voice to the Manteca Police Department Telecommunications Center.

(h) "Direct connect" shall mean an alarm system which has the capability of transmitting system signals to, and receiving them at, an agency

maintained by a local government entity such as the City of Manteca at its Manteca Police Department 911 center.

(i) "False alarm" shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or the negligence of the owner, lessee, or of his/her employees or agents, which necessitates response by the police when an emergency condition does not exist; provided, however, alarms caused by acts of nature such as earthquakes, floods, tornadoes, or other violent, uncontrollable acts of nature shall not be considered false alarms.

(j) "Non-priority" shall mean that police response to the activation of an alarm shall not be given precedence over other calls and will be predicated upon availability of police units and other service needs.

(k) "Person" shall mean any individual, partnership, corporation, or other entity.

(l) "Police Chief" shall mean the Police Chief of the City of Manteca or his/her designated representative.

(m) "Proprietor alarm" shall mean an alarm system which does not anticipate a police response when activated. It is a device which is not designed or used to register an audible, visible, or perceptible signal outside or away from the protected premises.

(n) "Silent alarm" shall mean any mechanical and/or electrical device designed for the detection of unauthorized entry on premises or for alerting another of the commission of an unlawful act which transmits a signal to a monitored, remote location.

(o) "Standby power backup" shall mean any auxiliary, secondary, or back-up power source capable of supplying adequate power to properly operate an alarm system should the primary power source be interrupted.

#### **8.04.030 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 of Manteca without first having registered with the Police Department; provided, however, such registration shall not be required 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. State-issued licenses are required by Sections 7590-7599 of the Business and Professions Code and Sections 680-689 of the Code of Regulations, commonly known as the "Alarm Company Act."

**8.04.040 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 of Manteca without first having registered his/her full name and having filed with the Police Chief a copy of his/her state-issued identification card pursuant to Sections 7590-7599 of the Business and Professions Code, Sections 680-689 of the Code of Regulations, commonly known as the "Alarm Company Act" and Section 8.04.03 of this Code; 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 salesperson for any business which is not required to register as an alarm company operator, under the provisions of this chapter, if such salesperson does not engage in any other activity related to alarm systems apart from selling.

**8.04.050 Notification of Changes.**

Any alarm business registered with the Police Department shall, within thirty (30) days, report to the Police Chief or his/her designee any change of business name, address, or ownership.

**8.04.060 Alarm User's Permit.**

It shall be unlawful for any person to operate or install, cause to be installed, use, maintain, or possess an alarm system on the premises owned or in the possession or control of such person within the City of Manteca without first having obtained an Alarm User's Permit from the Police Chief of the City of Manteca, as herein specified.

Alarm systems which are not designed to summon public and/or Manteca Police Department attention, but which are privately monitored and responded to, are exempt from this requirement.

The Application for an Alarm User's Permit shall be submitted on a form prescribed by the Police Chief and shall include the address of the premises wherein the system is to be located and the name, address, and telephone number of the applicant and the person(s) who will respond to an alarm, provide access, or render services or repairs to the alarm system on a twenty-four (24) hour a day basis, and any such additional information that the Police Chief shall deem necessary for the evaluation and proper processing of the permit application.

Any permittee who operates or maintains more than one alarm system upon any particular property may, at the permittee's 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 permittee chooses to secure separate permits for each alarm system, a separate application shall be submitted for each such system and a separate permit fee shall accompany each such application.

**8.04.070 Permit Application Fee.**

An alarm user permit fee may be established by a resolution of the City Council of Manteca. The permit shall expire according to the schedule of permits and fees established by the City Council, at which time a renewal fee will be collected in accordance with the schedule of permits and fees applicable at the time of renewal.

If required, permit fees shall be paid in full at the beginning of each calendar year according to the schedule of permits and fees established by the City Council. Permit fees shall not be prorated.

Nothing in this alarm ordinance shall be construed to require any police response to alarm devices. The issuance of the alarm user's permit does not entitle the holder to any special level of police service to an alarm device. The fees will be used to offset the costs to maintain records of existing alarm systems in the City.

**8.04.080 Fee Exemptions.**

The United States Government, the State of California, counties, municipal corporations, and departments thereof are exempt from the fees required in this chapter.

**8.04.090 Issuance of Permits.**

Alarm use permits shall be issued by the Police Chief. The Police Chief may issue an alarm use permit only after the requirements of this chapter have been satisfied. Alarm use permits may be issued to the person(s) who is/are the owner of, or in possession of, the property which the alarm system is designed to protect.

**8.04.100 Revocation and Reissuance of Alarm Use Permits.**

An alarm use permit may be revoked if good cause exists. Good cause for revocation shall include, but not be limited to:

- (a) Failure to take corrective measures to prevent false alarms;
- (b) Failure to pay service charges resulting from excessive false alarms as authorized by this chapter.

Notice of alarm use permit revocation shall be made by the Manteca Police Department to the permittee by certified or registered mail.

Use of an alarm system after permit revocation notification has been issued is unlawful and may result in an administrative fine of five

hundred dollars (\$500.00) for each documented occurrence.

Revoked permits may be reissued by the Manteca Police Department if the former permittee can show that action has been taken to correct the cause or causes which resulted in the revocation of the original alarm use permit. Reissuance of an alarm use permit shall be accomplished by the same procedure as the issuance of a new permit.

**8.04.110 Expiration and Renewal of Permits.**

Permits for residences shall automatically expire upon change of ownership of the real property where the alarm is located unless the permit is revoked at an earlier time. The date of issuance of the permit is the date shown on the permit. If a permit is not renewed, or it is revoked, the alarm system may not be operated until a new permit is issued.

**8.04.120 Expiration and Renewal of Permit.**

(a) Length of Permit Period. Each alarm use permit is valid for one year from the date of issuance unless the permit is revoked at an earlier time and must be renewed in compliance with current regulations. The date of issuance or renewal is the date shown on the permit. If a permit is not renewed, or if it is revoked, the alarm system may not be operated until a new permit is secured.

(b) Application for Renewal. If an application for renewal is not forwarded to the Police Chief within thirty (30) days of the permit's expiration date, the permit will be canceled and the permittee will be guilty of an infraction each day of continued use of the alarm after the date of cancellation.

(c) Notice to Alarm Companies. If an alarm permit is not renewed within thirty (30) days of the date of expiration, or is suspended or revoked, the Police Chief shall give notice of nonrenewal, suspension, or revocation to the servicing alarm company.

**8.04.130 Notice of Name of Serviceperson or Occupant.**

Every person maintaining an alarm system shall either post or file with the Police Department a notice containing the names and telephone numbers of persons to be notified in case of emergency or alarm activation or to render service to the alarm system on a twenty-four (24) hour a day basis. The person's name shall include the occupant of the premises or the alarm business, or the agents responsible for the maintenance of the system. If posted, such notice shall be placed near the front door of the structure containing the alarm system or at the front gate if the structure is fenced; said notice shall be posted in such a position as to be clearly visible and legible from the ground level adjacent to the structure or fence. It shall be the duty of the alarm user to

maintain such notice current, whether posted or filed, with the Police Department.

**8.04.140 Transferability of Permit.**

Any alarm user permit issued in accordance with the provisions of this chapter shall be valid only as to the permittee named on the permit. No alarm permit shall, in any manner be transferred to another without the prior written consent of the Police Chief. Any request to transfer a permit to another shall be in writing on the standard Manteca police department form. Transfer of a 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. However, the Police Chief may deny any request to transfer an alarm system permit where, after investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms. Alarm permits may only be transferred from one person to another at the address shown on the permit or from one property to another under the name of person shown on the permit.

**8.04.150 Impermissible Systems and Uses.**

- (a) No person shall use or operate, cause to be used or operated, arrange, adjust, program, or otherwise provide for, or install any device or combination of devices that, upon activation of an alarm system, either mechanically, electrically, or automatically, or by other means, will initiate the intrastate calling, dialing, or connection to any police number, line or instrument assigned to the Manteca Police Department.
- (b) No person shall operate or use any alarm system that emits a sound similar to that of an emergency vehicle, siren, or civil defense warning system.
- (c) No person shall use or operate any alarm system that emits an exterior audible sound which such emission does not automatically cease within fifteen (15) minutes.
- (d) No person shall operate or use an alarm system for any other purpose than detecting and reporting an unauthorized entry upon the property protected by that system.

**8.04.160 Alarm System Standards.**

On the effective date of this ordinance all alarm businesses shall install on all new installations and all service replacements only alarm panels that meet the UL CP-01 listing and comply with ANSI/SIA CP-01 standard for alarm control panels.

**8.04.170 False Alarms.**

- (a) A service fee will be charged by the City for false alarms or failure to respond to alarms by alarm owners or their designated representative.
- (b) Multiple false alarms occurring in any twenty-four-hour period may be charged as one (1) call, if shown that the owner was not notified and provided the opportunity to correct the defect.
- (c) The service charges will be based on an escalating scale determined by the frequency of false alarms, and shall be in the amount established from time to time by resolution of the City Council.
- (d) The Chief or his/her designee may suspend law enforcement response or revoke the alarm user permit if it is determined that the alarm user has five (5) false alarm responses in a twelve (12) month period excluding holdup or panic alarms.
- (e) The Chief or his/her designee may waive a service fee if the alarm owner/operator successfully completes a "False Alarm Reduction Class" presented by the Police Department.

**8.04.180 Standby Power Back-up Source.**

No alarm system shall be installed or connected on or after the date this chapter becomes effective which does not have a standby back-up power supply which will automatically assume the operation of the alarm system should any interruption occur in power to the system. The transfer of power from the primary source to the back-up source and reverse must occur in a manner which does not activate the alarm. The back-up power supply shall be capable of powering the alarm system on a continuous basis for a minimum of two (2) hours.

On or after one (1) year from the effective date of this chapter, no owner of an alarm system within the City of Manteca shall have in operation any alarm system unless such alarm system is equipped with a standby power back-up source as required by this chapter.

**8.04.190 Responsibility for Alarm Service--Audible or Silent.**

In case of either an audible or a silent alarm, the person or persons named in the posted notice or a person whose name is on file with the Police Department as a designated responding party as required under this section shall, upon proper notification, proceed immediately to the location of the activated alarm and provide access to the premises to allow the Police Department to properly secure such premises.

All alarm service companies which contract to provide alarm response services shall maintain service personnel on duty twenty-four (24) hours a day to provide for such responses. Should a responsible owner or his/her designated representative fail to respond to an alarm location within a reasonable amount of time (normally twenty (20) minutes) upon proper notification, or fail to respond to the alarm location at all, the