

1 [Revising administration of Police Emergency Alarm Ordinance.]

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3 **Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707**
4 **through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a**
5 **new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give**
6 **the Director of Emergency Communications responsibility for administering the**
7 **substantive provisions of the Police Emergency Alarm Ordinance and to provide for**
8 **billing and collection of license and license renewal fees by alarm companies.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

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14 Section 1. The San Francisco Police Code is hereby amended by amending
15 Section 3702, to read as follows:

16 **SEC. 3702. DEFINITIONS.**

17 In this Article the following terms and phrases shall have the following meanings:

18 (a) "Police" or "Police Department" means the San Francisco Police Department.

19 (b) "Chief of Police" means the Chief of the San Francisco Police Department or his
20 or her designee.

21 (c) "Alarm installation company" means a person in the business of selling,
22 providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm
23 system in an alarm site.

24 (d) "Alarm dispatch request" means a notification to the Police Department that an
25 alarm, either manual or automatic, has been activated at a particular alarm site.

1 (e) "Alarm ~~license permit~~" means authorization granted by the Chief of Police to an
2 alarm user to operate an alarm system.

3 (f) "Alarm monitoring company" means a person in the business of providing monitoring
4 services.

5 (g) ~~(f)~~ "Alarm site" means a single fixed premises or location served by an alarm
6 system or systems. Each unit, if served by a separate alarm system in a multi-unit building or
7 complex, shall be considered a separate alarm site.

8 (h) ~~(g)~~ "Alarm system" means a device or series of devices, including, but not limited
9 to, hardwired systems and systems interconnected with a radio frequency method such as
10 cellular or private radio signals, which emit or transmit a remote or local audible, visual or
11 electronic signal indicating an alarm condition and intended to summon law enforcement
12 response, including local alarm systems. Except as otherwise specifically provided in this
13 Article, "alarm system" does not include an alarm installed in a vehicle or on someone's
14 person unless the vehicle or the personal alarm is permanently located at a site.
15 Independently controlled alarm systems within the same premises shall constitute separate
16 alarm systems. Alarm devices installed on a temporary basis by the Police Department shall
17 not constitute alarm systems. The Director of Emergency Communications may by regulation
18 exclude low-end local alarm systems that are not intended to summon law enforcement response from
19 some or all of the requirements of this Article.

20 (i) ~~(h)~~ "Alarm user" means any person, who (which) has contracted for monitoring,
21 repair, installation or maintenance service from an alarm installation company or monitoring
22 company for an alarm system, or who (which) owns or operates an alarm system which is not
23 monitored, maintained or repaired under contract.

1 (i) ~~"Alarm user awareness class" means a class conducted for the purpose of educating~~
2 ~~alarm users about the responsible use, operation, and maintenance of alarm systems and the problems~~
3 ~~created by false alarms.~~

4 (j) "Arming station" means a device that allows control of an alarm system.

5 (k) "Automatic voice dialer" means any electrical, electronic, mechanical, or other
6 device capable of being programmed to send a prerecorded voice message, when activated,
7 over a telephone line, radio or other communication system, to a law enforcement, public
8 safety or emergency services agency requesting dispatch.

9 (l) "Cancellation" means the process where response is terminated when a
10 monitoring company (designated by the alarm user) for the alarm site notifies the responding
11 law enforcement officer that there is not an existing situation at the alarm site requiring law
12 enforcement agency response after an alarm dispatch request.

13 (m) "Conversion" means the transaction or process by which one alarm installation
14 company or monitoring company begins the servicing and/or monitoring of a previously
15 unmonitored alarm system or an alarm system previously serviced and/or monitored by
16 another alarm company.

17 (n) "Duress alarm" means a silent alarm system signal generated by the entry of a
18 designated code into an arming station in order to signal that the alarm user is being forced to
19 turn off the system and requires law enforcement response.

20 (o) "False alarm" means an alarm dispatch request to a law enforcement agency,
21 when the responding law enforcement officer finds no evidence of a criminal offense or
22 attempted criminal offense after having completed a timely investigation of the alarm site.

23 (p) "Holder alarm" means a silent alarm signal generated by the manual activation
24 of a device intended to signal a robbery in progress.

1 (q) "Premises" means any land and building located within the City and County of
2 San Francisco except land or buildings owned, rented, or leased ~~to by~~ the federal government,
3 the State of California or any political subdivision or agency thereof, or the City and County of
4 San Francisco, including the public schools.

5 ~~(r) "License" means a license issued or required by the State of California for an alarm~~
6 ~~system.~~

7 ~~(s)~~ (r) "Local alarm system" means any alarm system, which is not monitored, that
8 annunciates an alarm only at the alarm site.

9 ~~(t)~~ (s) "Monitoring" means the process by which a monitoring company receives
10 signals from an alarm system and relays an alarm dispatch request to the municipality for the
11 purpose of summoning law enforcement to the alarm site.

12 ~~(u) "Monitoring company" means a person in the business of providing monitoring services.~~

13 ~~(v)~~ (t) "One-plus duress alarm" means the manual activation of a silent alarm signal by
14 entering at an arming station a code that adds one to the last digit of the normal arm/disarm
15 code (e.g., normal code: 1234, one-plus duress code: 1235).

16 ~~(w)~~ (u) "Panic alarm" means an audible alarm system signal generated by the manual
17 activation of a device intended to signal a life threatening or emergency situation requiring law
18 enforcement response.

19 ~~(x)~~ (v) "Person" means an individual, corporation, partnership, association,
20 organization or similar entity.

21 ~~(y)~~ (w) "Responder" means an individual capable of reaching the alarm site within 45
22 minutes and having access to the alarm site, the code to the alarm system and the authority
23 to approve repairs to the alarm system.

24 ~~(z)~~ (x) "SIA Control Panel Standard CP-01" means the ANSI—American National
25 Standard Institute approved Security Industry Association—SIA CP-01 Control Panel

1 Standard, as may be updated from time to time, that details recommended design features for
2 security system control panels and their associated arming and disarming devices to reduce
3 the incidence of false alarms. Control panels built and tested to this standard by Underwriters
4 Laboratory (UL), or other nationally recognized testing organizations, will be marked to state:
5 "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False
6 Alarm Reduction."

7 (y) ~~(aa)~~ "Takeover" means the transaction or process by which an alarm user takes
8 over control of an existing alarm system, which was previously controlled by another alarm
9 user.

10 (z) ~~(bb)~~ "Tax Collector" ~~"Treasurer"~~ means the Treasurer-Tax Collector of the City and
11 County of San Francisco.

12 (aa) ~~(ee)~~ "Verify" means an attempt by the monitoring company, or its representative, to
13 contact the alarm site by telephonic or other electronic means, whether or not actual contact
14 with a person is made to determine whether an alarm signal is valid before requesting law
15 enforcement dispatch in an attempt to avoid an unnecessary alarm dispatch request.

16 (bb) ~~(dd)~~ "Zones" means division of devices into which an alarm system is divided to
17 indicate the general location from which an alarm system signal is transmitted.

18 (cc) ~~(ee)~~ "Department of Emergency Communications" and "Director of Emergency
19 Communications" or "Director" mean the Department of Emergency Communications and
20 Director of Emergency Communications of the City and County of San Francisco,
21 respectively.

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1 Section 2. The San Francisco Police Code is hereby amended by amending
2 Section 3707, to read as follows:

3 **SEC. 3707. LICENSE PERMIT REQUIRED; APPLICATION; FEE; ~~FALSE STATEMENTS;~~**
4 **TRANSFERABILITY; ~~FALSE STATEMENTS.~~**

5 (a) No alarm user shall operate or cause to be operated, an alarm system at its
6 alarm site without a valid alarm license permit. A separate alarm license permit is required for
7 each alarm site.

8 (b) There shall be a fee, to be paid by the alarm user, for an alarm license permit or
9 an alarm license permit renewal. There shall be separate license permit fees for residential and
10 commercial premises, and the fees shall be non-refundable. The initial alarm license permit
11 fee must be paid to the alarm installation company at the time the alarm system is installed or to the
12 alarm monitoring company at the time the alarm user contracts with the company for monitoring
13 services. If the alarm user does not use an alarm installation or monitoring company, the fee must be
14 submitted to the Tax Collector Treasurer within five (5) days after the alarm system installation
15 or alarm system takeover. ~~The Treasurer shall give the applicant a receipt at the time the permit fee~~
16 ~~is paid which shall serve as a temporary receipt until the regular permit is issued.~~

17 (c) Upon receipt of a completed alarm license permit application form and the alarm
18 license permit fee, the Tax Collector Treasurer shall assign a license number ~~issue a permit~~ to the
19 applicant unless the applicant has:

20 (1) Failed to pay a penalty assessed under Section 3714; or

21 (2) Had an alarm license permit for the alarm site suspended or revoked, and the
22 violation causing the suspension or revocation has not been corrected.

23 (d) Each alarm license permit application must include information in a form and
24 fashion specified by the Tax Collector Treasurer. The application shall be signed by the
25 applicant under penalty of perjury.

1 (e) Any false statement of a material fact made by an applicant for the purpose of
2 obtaining an alarm license permit shall be sufficient cause for refusal to issue a license permit.

3 (f) An alarm license permit cannot be transferred to another person or alarm site.
4 An alarm user shall inform the Tax Collector Treasurer of any change that alters any of the
5 information listed on the alarm license permit application within five (5) business days of such
6 change.

7 (g) All fees owed by an applicant must be paid before an alarm license permit may
8 be issued or renewed.

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10 Section 3. The San Francisco Police Code is hereby amended by amending
11 Section 3708, to read as follows:

12 **SEC. 3708. ALARM LICENSE PERMIT DURATION AND RENEWAL.**

13 An alarm license permit shall expire at 12:01 a.m. on January 1 of each year ~~one year from~~
14 ~~the date of issuance~~, and must be renewed every year by submitting an updated application and
15 a license permit renewal fee to the Tax Collector, directly or through an alarm company Treasurer.
16 ~~The Treasurer shall notify each alarm user of the need to renew thirty (30) days prior to the expiration~~
17 ~~of the permit~~. It is the responsibility of the alarm user to submit an application prior to the
18 license permit expiration date. Failure to renew will be classified as use of a non-licensed non-
19 permitted alarm system and citations and penalties, including penalties provided in Sections
20 3710.5 and 3714, shall be assessed without waiver. ~~A late fee in the amount of one half of the~~
21 ~~permit renewal fee may be assessed if the renewal is more than thirty (30) days late.~~

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1 Section 4. The San Francisco Police Code is hereby amended by amending
2 Section 3709, to read as follows:

3 **SEC. 3709. DUTIES OF THE ALARM USER.**

4 (a) An alarm user shall:

5 (1) Maintain the alarm site and the alarm system in a manner that will minimize or
6 eliminate false alarms;

7 (2) Make every reasonable effort to have a responder to the alarm system's location
8 within 45 minutes when requested by the Police Department in order to;

9 (A) Deactivate an alarm system;

10 (B) Provide access to the alarm site; and/or

11 (C) Provide alternative security for the alarm site.

12 (3) Not activate an alarm system for any reason other than an occurrence of an
13 event that the alarm system was intended to report.

14 (b) An alarm user shall adjust the mechanism or cause the mechanism to be
15 adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no
16 longer than fifteen (15) ~~ten (10)~~ minutes after being activated.

17 ~~(c) — An alarm user shall have a licensed alarm installation company inspect the alarm~~
18 ~~system after two (2) false alarms in a one (1) year period. The Treasurer may waive a required~~
19 ~~inspection if he or she determines that a false alarm(s) could not have been related to a defect or~~
20 ~~malfunction in the alarm system. After four (4) false alarms within a one (1) year period, the alarm~~
21 ~~user must have a licensed alarm installation company modify the alarm system to be more false alarm~~
22 ~~resistant or provide additional user training as appropriate.~~

23 ~~(c) (d)~~ An alarm user shall not use automatic voice dialers.

24 ~~(d) (e)~~ An alarm user shall maintain at each alarm site a set of written operating
25 instructions for each alarm system.

1 ~~(e)~~ (f) In order to reduce false alarms due to initial equipment problems, alarm users
2 may agree with their alarm installation company and/or monitoring company to go through an
3 "acclimation period" for the first seven (7) days after installation of an alarm system during
4 which time the alarm installation company and/or monitoring company will have no obligation
5 to and will not respond to an alarm signal from the alarm site and will not make an alarm
6 dispatch request to the Department of Emergency Communications, even if the alarm signal is
7 the result of an actual alarm event.

8 ~~(g) — An alarm user or alarm installation company shall notify the Department of Emergency
9 Communications prior to any service, test, repair, maintenance, adjustment, or installation of an alarm
10 system which would normally result in a police response. An alarm activated, where such prior notice
11 has been given, shall not constitute a false alarm.~~

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13 Section 5. The San Francisco Police Code is hereby amended by amending
14 Section 3710, to read as follows:

15 **SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING**
16 **COMPANY.**

17 (a) The alarm installation company shall provide written and oral instructions to
18 each of its alarm users in the proper use and operation of their alarm systems. The
19 instructions will specifically include all instructions necessary to turn the alarm system on and
20 off and to avoid false alarms.

21 (b) Upon the effective date of this Article, alarm installation companies shall not
22 program alarm systems so that they are capable of sending one-plus duress alarms.
23 Monitoring companies may continue to report one-plus duress alarms received from alarm
24 systems programmed with one-plus duress alarms prior to enactment of this Article.
25 However, upon the effective date of this Article, when a takeover or conversion occurs or if an

1 alarm user requests an alarm system inspection or modification pursuant to Section 3709(c)
2 of this Article, an alarm installation company must remove the one-plus duress alarm
3 capability from such alarm systems.

4 (c) Upon the effective date of this Article, alarm installation companies shall not
5 install a device to activate a false alarm, which is a single action, non-recessed button.

6 (d) Ninety (90) days after enactment of this Article, and conditioned upon
7 reasonable availability, the alarm installation companies shall on new installations, use only
8 alarm control panel(s) which meet SIA Control Panel Standard CP-01.

9 (e) An alarm company shall not use automatic voice dialers.

10 (f) After completion of the installation of an alarm system, an alarm installation
11 company employee shall review with the alarm user a Customer False Alarm Prevention
12 Checklist approved by the Director of Emergency Communications Treasurer.

13 (g) In order to reduce false alarms due to initial equipment problems, the monitoring
14 company may agree with the alarm user not to make an alarm dispatch request of the
15 Department of Emergency Communications in response to a burglar alarm signal, excluding
16 panic, duress and holdup signals, during the first seven (7) days following an alarm system
17 installation.

18 (h) A monitoring company shall:

19 (1) Report alarm signals using telephone numbers designated by the Director of
20 Emergency Communications;

21 (2) Verify every alarm signal, except a panic, duress or holdup signal, before
22 requesting a law enforcement response;

23 (3) Communicate alarm dispatch requests to the Department of Emergency
24 Communications in a manner and form determined by the Director of Emergency
25 Communications;

- 1 (4) Communicate cancellations to the Department of Emergency Communications
2 in a manner and form determined by the Director of Emergency Communications;
- 3 (5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or
4 panic alarm are given adequate training as to the proper use of the alarm;
- 5 (6) Communicate any available information (north, south, front, back, floor, etc.)
6 about the location on all alarm signals related to the alarm dispatch request;
- 7 (7) Communicate type of alarm activation (silent or audible, interior or perimeter);
- 8 (8) Provide an alarm user license permit number when requesting Department of
9 Emergency Communications dispatch;
- 10 (9) After an alarm dispatch request, promptly advise the Department of Emergency
11 Communications if the monitoring company knows that the alarm user or the responder is on
12 the way to the alarm site;
- 13 (10) Attempt to contact the alarm user or responder within 24 hours via mail, fax,
14 telephone or other electronic means when an alarm dispatch request is made; and
- 15 (11) Upon the effective date of this Article, monitoring companies must maintain for a
16 period of at least one (1) year from the date of the alarm dispatch request, records relating to
17 alarm dispatch requests. Records must include the name, address and telephone number of
18 the alarm user, the alarm license number, the alarm system zone(s) activated, the time of alarm
19 dispatch request and evidence of an attempt to verify. The Director of Emergency
20 Communications Treasurer may request copies of such records for individually named alarm
21 users. If the request is made within sixty (60) days of an alarm dispatch request, the
22 monitoring company shall furnish requested records within three (3) business days of
23 receiving the request. If the records are requested between sixty (60) days to one (1) year
24 after an alarm dispatch request, the monitoring company shall furnish the requested records
25 within thirty (30) days of receiving the request.

1 (i) An alarm installation company and/or monitoring company that purchases alarm
2 system accounts from another person shall notify the Tax Collector ~~Treasurer~~ of such purchase
3 and provide details as may be reasonably requested by the Tax Collector ~~Treasurer~~.

4 (j) Each alarm installation and alarm monitoring company shall, upon request, provide a
5 copy of this Article to any new customer with whom it contracts to install and/or monitor an alarm
6 system.

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8 Section 6. The San Francisco Police Code is hereby amended by adding
9 Section 3710.1, to read as follows:

10 **SEC. 3710.1. ADDITIONAL DUTIES OF ALARM INSTALLATION COMPANY.**

11 (a) An alarm installation company shall not install an alarm for a customer who does not
12 have a current valid license under this Article, provided, however, that the installation company may
13 provide the customer with a license application form, and shall accept from the customer the completed
14 form and the applicable license fee on behalf of the Tax Collector, after which the company may install
15 the alarm system.

16 (b) No later than last day of each month following the month of collection or receipt, the
17 installation company shall remit to the Tax Collector all license fees collected and completed license
18 applications received. Remittance reports shall be in a format approved by the Tax Collector and shall
19 include the name, license number, and alarm system location of each alarm user who has paid the fee,
20 and any other information required by the Tax Collector.

21 (c) The alarm installation company shall maintain its records in such a manner so as to be
22 able to cross-reference the alarm user's name, the alarm system's location, and the license number
23 assigned by the Tax Collector.

1 Section 7. The San Francisco Police Code is hereby amended by adding
2 Section 3710.2, to read as follows:

3 **SEC. 3710.2. ADDITIONAL DUTIES OF ALARM MONITORING COMPANY.**

4 (a) An alarm monitoring company shall not service a new customer who does not have a
5 current valid license under this Article, provided that the monitoring company may provide the
6 customer with a license application form, and shall accept from the customer the completed form and
7 the applicable license fee on behalf of the Tax Collector, after which the company may service the
8 alarm system.

9 (b) No later than December 1 of each year, an alarm monitoring company doing business in
10 San Francisco shall notify each of its customers of the license renewal for the following year and shall
11 bill such customers for the license fee required under this Article. Such bill shall be due and payable in
12 not more than 30 days. The notification may be part of the company's regular billing or a separate
13 notice, and shall be in a form approved by the Tax Collector. The company shall also provide the
14 customer with a copy of the license renewal form. The alarm monitoring company shall be responsible
15 for collecting the license renewal fee from the customer.

16 (c) No later than last day of each month following the month of collection or receipt, the
17 monitoring company shall remit to the Tax Collector all license fees collected, completed license
18 applications received, and a list of customers who have not paid the fee. Remittance reports shall be in
19 a format approved by the Tax Collector and shall include the name, license number, and alarm system
20 location of each alarm user who has paid the fee, and any other information required by the Tax
21 Collector.

22 (d) The alarm monitoring company shall maintain its records in such a manner so as to be
23 able to cross-reference the alarm user's name, the alarm system's location, and the license number
24 assigned by the Tax Collector.

1 Section 8. The San Francisco Police Code is hereby amended by adding
2 Section 3710.3, to read as follows:

3 **SEC. 3710.3. COLLECTION OF LICENSE FEE BY ALARM COMPANIES.**

4 (a) Alarm installation and monitoring companies shall hold fee revenues in trust for the City
5 and shall remit the revenues collected as the fee to the Tax Collector as provided in this Article.

6 (b) The fees collected by alarm companies under this Article shall be stated separately in
7 the alarm companies' billings to their customers.

8 (c) If the amount paid by a customer is less than the full amount of the charges for service
9 and the license or license renewal fee which have accrued for the billing period, and if the customer
10 remitting has not indicated how to allocate the payment as between alarm company service charges
11 and alarm license fees, then a proportionate share of both the charges for service and the fee shall be
12 deemed to have been paid.

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14 Section 9. The San Francisco Police Code is hereby amended by adding
15 Section 3710.4, to read as follows:

16 **SEC. 3710.4. LIABILITY FOR FEE.**

17 (a) Any fee required to be paid by an alarm user under the provisions of this Article shall be
18 deemed a debt owed by the alarm user to the City until it has been paid to the City, except that proof of
19 actual payment to an alarm company is sufficient to relieve the alarm user from further liability for the
20 fee.

21 (b) Any fee required to be collected by an alarm company under the provisions of this
22 Article shall be deemed a debt owed to the City and County of San Francisco by the company required
23 to collect and remit such fee.

24 (c) Whenever an alarm company remits funds collected as a license or license renewal fee
25 to the City, the alarm company shall also provide the City with the name and address of any customer

1 refusing or failing to pay the fee for a period of one or more billing periods and shall state the amount
2 of such fee remaining unpaid, and such other information as the Tax Collector may require. The Tax
3 Collector may assume responsibility for collection of any fees due and payable for the stated periods
4 and demand payment of such fees, plus administrative costs, interest, and penalties, if any.

5 (d) Any person owing money to the City under the provisions of this Article shall be liable in
6 an action brought in the name of the City and County for the recovery of such amount.

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8 Section 10. The San Francisco Police Code is hereby amended by adding
9 Section 3710.5, to read as follows:

10 **SEC. 3710.5. INTEREST AND PENALTIES.**

11 (a) Any fee or false alarm penalty not paid by the due date is delinquent.

12 (b) Alarm User. Failure by an alarm user to pay any fee or false alarm penalty herein
13 imposed shall result in the following interest and penalties on the alarm user:

14 (i) If a license fee or false alarm penalty is not paid within 30 days after the same becomes
15 due, the Tax Collector shall add 50 percent to the amount of the stated fee or penalty as a penalty for
16 non-payment.

17 (ii) In addition to the penalties imposed in this Subsection (b), any alarm user who fails to
18 pay any fee or false alarm penalty imposed by this Article, shall pay interest on the amount of the fee or
19 penalty, exclusive of late payment penalties, plus an additional collection charge for each delinquent
20 account in an amount to be determined by rules and regulations of the Tax Collector. The Tax
21 Collector shall establish collection charges sufficient to reimburse the costs incurred by the City for
22 collecting delinquent fees or penalties. Interest shall be paid at the rate of one percent per month, or
23 fraction thereof. Interest and collection charges shall accrue 90 days after the original due date.

1 (iii) The penalties, interest and collection charges imposed in this Subsection (b) shall not be
2 collected by the alarm company, but shall be determined and collected by the City and County as set
3 forth hereinafter.

4 (c) Alarm Companies. Interest and penalties for delinquency in remittance of any fee not
5 remitted shall be assessed as follows:

6 (i) Any alarm company who fails to remit any fee imposed by this Article within 10 days
7 after receipt of written notice from the Tax Collector of such failure shall pay a penalty of 10 percent of
8 the amount of the fee.

9 (ii) If the Tax Collector determines that the nonpayment of any remittance due hereunder is
10 due to fraud or an intentional disregard of the provisions of this Article or of any applicable rule or
11 regulation of the Tax Collector, a penalty of 100 percent of the amount of the fee shall be added thereto
12 in addition to the penalty stated in subparagraph (i) of this Subsection.

13 (iii) In addition to the penalties imposed in this Subsection (c), any alarm company who fails
14 to remit any fee imposed by this Article, shall pay interest on the amount of the fee, exclusive of
15 penalties, from the date on which the remittance first became delinquent until paid. Interest shall be
16 paid at the rate of one percent per month, or fraction thereof.

17
18 Section 11. The San Francisco Police Code is hereby amended by adding
19 Section 3710.6, to read as follows:

20 **SEC. 3710.6. ALARM COMPANIES; FAILURE TO REPORT AND REMIT FEE;**
21 **DETERMINATION OF FEE BY TAX COLLECTOR.**

22 (a) If any alarm company shall fail or refuse to make, within the time provided in this
23 Article, any report and remittance of said fee or any portion thereof required by this Article, the Tax
24 Collector may make a determination based upon an estimate of the total liability of the alarm company.
25 The estimate shall be made for the period or periods in respect to which the alarm company failed to

1 timely make a return or failed to timely remit any fees, and may be based upon any information which
2 is in the Tax Collector's possession or may come into his or her possession. Upon the basis of this
3 estimate, the Tax Collector shall compute and determine the amount required to be paid to the City and
4 County, adding to the sum interest and penalties provided by this Article.

5 (b) In case such determination is made, the Tax Collector shall give a notice of the amount
6 so assessed by serving the determination personally or by depositing it in the United States mail,
7 postage prepaid, addressed to the alarm company so addressed at its last known place of address. Such
8 alarm company may within 10 days after the serving or mailing of such notice make application in
9 writing to the Tax Collector for a hearing to protest the determination.

10 (c) If application by the alarm company for a hearing is not made within the time
11 prescribed, the fee, interest and penalties, if any, determined by the Tax Collector shall become final
12 and conclusive and immediately due and payable. If such application is made, the Tax Collector shall
13 forward such application to a hearing officer designated by the Director of Emergency
14 Communications, giving not less than five days' written notice in the manner prescribed herein to the
15 alarm company to show cause at a time and place fixed in said notice why the amount specified in the
16 determination should not be fixed for such fee, interest and penalties. At such hearing, the alarm
17 company may appear and offer evidence why such specified fee, interest and penalties should not be so
18 fixed. After such hearing, and in accordance with the decision reached by the hearing officer therein,
19 the Tax Collector shall determine the proper fee to be remitted and shall thereafter give written notice
20 to the alarm company in the manner prescribed herein of such determination and the amount of such
21 fee, interest and penalties. The amount determined to be due shall be payable within 15 days.

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1 Section 12. The San Francisco Police Code is hereby amended by adding
2 Section 3710.7, to read as follows:

3 **SEC. 3710.7. REFUNDS.**

4 (a) An alarm company may claim a refund or claim a credit against fees to be collected and
5 remitted of the amount overpaid or paid more than once, or erroneously or illegally collected or
6 received by filing a claim in the manner provided in Sections 6.15-1 et seq. of the Business and Tax
7 Regulations Code; provided, however, that neither a refund or a credit shall be allowed unless the
8 amount of the fee so collected has either been refunded to the person entitled thereto or credited to the
9 charges subsequently payable by such person to the alarm company.

10 (b) An alarm user may obtain a refund of fees overpaid or paid more than once or
11 erroneously or illegally collected or received by the City and County by filing a claim in the manner
12 provided in Sections 6.15-1 et seq. of the Business and Tax Regulations Code, but only when the fee
13 was paid by the alarm user directly to the Tax Collector, or when the alarm user, having paid the fee to
14 the alarm company, establishes to the satisfaction of the Tax Collector that the alarm user has been
15 unable to obtain a refund from the alarm company who collected the fee.

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17 Section 13. The San Francisco Police Code is hereby amended by adding
18 Section 3710.8, to read as follows:

19 **SEC. 3710.8. FAILURE TO PAY FEE; ADMINISTRATIVE REMEDY.**

20 (a) If the Tax Collector determines that alarm user has deliberately withheld the amount of
21 the fee to be remitted to an alarm company or that an alarm user has failed to pay the amount of the fee
22 for a period of one or more billing periods, or if the Tax Collector deems it in the best interest of the
23 City and County, he or she may assume responsibility for collection of fees due under this Article from
24 certain named alarm users for specified billing periods. The Tax Collector shall notify the alarm user
25 that the Tax Collector has assumed responsibility for collection of the fees due and payable for the

1 stated periods and demand payment of such fees. The notice shall be served on the alarm user by
2 handing it to him or her personally or by deposit of the notice in the United States mail, postage
3 prepaid thereon, addressed to the alarm user at the address to which billing was made by the alarm
4 company, or, should the alarm user have changed his or her address, to his or her last known address.

5 (b) If an alarm user fails to remit the fee to the Tax Collector, the alarm user shall be
6 subject to the interest and penalties provided in Section 3710.5, in addition to any other penalty
7 imposed by this Article.

8
9 Section 14. The San Francisco Police Code is hereby amended by adding
10 Section 3710.9, to read as follows:

11 **SEC. 3710.9. ADMINISTRATIVE AGREEMENTS.**

12 The Tax Collector may make administrative agreements with alarm companies to vary the strict
13 requirements of this Article so that collection and/or remittance of any fee imposed herein may be made
14 in conformance with the billing procedures of a particular alarm company so long as the overall result
15 of said agreements results in the timely collection and remittance of the fee in conformance with the
16 general purpose and scope of this Article. A copy of each such agreement shall be on file and available
17 for public examination in the Tax Collector's office.

18
19 Section 15. The San Francisco Police Code is hereby amended by amending
20 Section 3711, to read as follows:

21 **SEC. 3711. LICENSE OR LICENSING.**

22 All alarm installation companies and monitoring companies shall maintain any license
23 required under state or local law.

1 Section 16. The San Francisco Police Code is hereby amended by amending
2 Section 3712, to read as follows:

3 **SEC. 3712. DUTIES AND AUTHORITY OF THE DIRECTOR OF EMERGENCY**
4 **COMMUNICATIONS AND THE TAX COLLECTOR ~~TREASURER~~.**

5 (a) The Director of Emergency Communications shall have general responsibility for
6 publicizing the existence and requirements of this Article. In addition, the Director shall:

7 (1) Designate a manner, form and telephone numbers for the communication of
8 alarm dispatch requests; and

9 (2) Establish a procedure to accept cancellation of alarm dispatch requests.

10 (b) The Director of Emergency Communications shall establish a procedure to
11 record ~~such~~ information on alarm dispatch requests ~~necessary to permit the Treasurer to maintain~~
12 ~~records~~ including, but not limited to, the information listed below.

13 (1) Identification of the license permit number for the alarm site;

14 (2) Identification of the alarm site;

15 (3) Date and time alarm dispatch request was received, including the name of the
16 monitoring company and the monitoring operator name or number;

17 (4) Date and time of police officer arrival at the alarm site;

18 (5) Zone and zone description, if available;

19 ~~(6) — Weather conditions;~~

20 ~~(6) (7)~~ Name of alarm user's representative at alarm site, if any;

21 ~~(8) — Identification of the responsible alarm installation company or monitoring company;~~

22 ~~(7) (9)~~ Whether responding police officer was unable to locate the address of the alarm
23 site; and

24 ~~(8) (10)~~ Cause of alarm signal, if known.

25

1 (c) The Tax Collector ~~Treasurer~~ shall establish a procedure for the notification to the
2 alarm user of a false alarm. The notice shall include the following information:

3 (1) The date and time of Police Department response to the false alarm;

4 (2) The identification number of the responding police officer; and

5 (3) A statement urging the alarm user to ensure that the alarm system is properly
6 operated, inspected, and serviced in order to avoid false alarms and resulting penalties.

7 ~~(d) — The Treasurer may require a conference with an alarm user and the alarm installation~~
8 ~~company and/or monitoring company responsible for the repair or monitoring of the alarm system to~~
9 ~~review the circumstances of each false alarm.~~

10 ~~(e) — The Treasurer may create and implement an alarm user awareness class. The~~
11 ~~Treasurer may request the assistance of associations, alarm companies and law enforcement agencies~~
12 ~~in developing and implementing the class. The class shall inform alarm users of the problems created~~
13 ~~by false alarms and teach alarm users how to avoid generating false alarms.~~

14 ~~(d) (f)~~ The Director of Emergency Communications ~~Treasurer~~ may require an alarm user to
15 remove an alarm device that is a single action, non-recessed button, if a false alarm has
16 occurred.

17 ~~(e) (g)~~ The Tax Collector and the Director of Emergency Communications ~~Treasurer~~ will
18 ~~provide~~ ~~make~~ a copy of this Article and/or an Article summary sheet ~~available~~ to the alarm user
19 ~~upon request.~~

20
21 Section 17. The San Francisco Police Code is hereby amended by amending
22 Section 3713, to read as follows:

23 **SEC. 3713. LICENSE PERMIT ADMINISTRATION, SUSPENSION AND REVOCATION.**

24 (a) Except where this Article or a rule or regulation of the Tax Collector provides to the
25 contrary, all ~~Alt~~ alarm licenses ~~permits~~ issued under the provisions of this Article shall be

1 administered under the applicable provisions of Article 1 of the San Francisco Business and
2 Tax Regulations Code, except as otherwise provided in this Article.

3 (b) The Director of Emergency Communications and the Tax Collector ~~Treasurer~~ may
4 adopt such rules, regulations, and procedures as he or she determines necessary for his or
5 her ~~the~~ department to administer the functions assigned to his or her department under provisions of
6 this Article.

7 (c) Any license permit issued under this Article may be suspended or revoked for
8 good cause by the Director ~~Treasurer~~ after a noticed hearing.

9
10 Section 18. The San Francisco Police Code is hereby amended by amending
11 Section 3714, to read as follows:

12 **SEC. 3714. PENALTIES.**

13 (a) No penalty shall be assessed for the first false alarm from an alarm system
14 during the calendar year. Thereafter, the alarm user shall pay a penalty for each subsequent
15 false alarm from the same alarm system during the calendar year, based upon the following
16 schedule:

NUMBER OF FALSE ALARMS	PENALTIES
<u>1</u> _____	<u>no penalty</u>
<u>2</u> 1	\$100
<u>3</u> 2	\$150 per alarm
<u>4</u> 3	\$200 per alarm
<u>5</u> 4 or more	\$250 per alarm

1 (b) In addition to the penalties provided in subsection (a), any person operating a
2 ~~non-licensed non-permitted~~ alarm system will be subject to a penalty of \$100, as well as a penalty
3 of \$250 for each false alarm, including the first false alarm during the calendar year. A ~~non-~~
4 ~~licensed non-permitted~~ alarm system includes a system for which a license has not been obtained
5 or for which a license ~~where the permit~~ has been suspended or revoked. The Director of
6 Emergency Communications and/or the Tax Collector Treasurer may waive the first \$100 additional
7 penalty for a ~~non-licensed non-permitted~~ system if the alarm user submits an application for
8 alarm license permit (or for reinstatement of a license permit) within ten (10) days after
9 notification of such violation.

10 ~~(c) — An alarm user may attend an alarm user awareness class in lieu of paying the penalty in~~
11 ~~subsection (a) for any one false alarm within the calendar year.~~

12 ~~(c) (d)~~ If cancellation occurs prior to the Police Department arriving at the scene, the
13 Director Treasurer may determine that the cancellation will not be counted as a false alarm for
14 the purpose of assessing penalties.

15 ~~(d) (e)~~ The alarm installation company will be subject to ~~assessed~~ a penalty of \$250 if the
16 officer responding to the false alarm determines that an on-site employee of the alarm
17 installation company directly caused the false alarm. In this situation, the false alarm will not
18 be counted against the alarm user.

19 ~~(e) (f)~~ The monitoring company will be issued a penalty of \$250 for each failure to
20 verify alarm system signals as specified in Section 3710(h)(2).

21 ~~(f) (g)~~ The alarm installation or monitoring company will be issued a penalty of \$500 if
22 the Director or the Tax Collector Treasurer determines that an alarm installation or monitoring
23 company employee knowingly made a false statement relating to its duties and obligations under
24 this Article, including but not limited to statements concerning the inspection of an alarm site or
25 the performance of an alarm system.

1 (g) Any penalty imposed under this Section shall be subject to the collection and
2 enforcement provisions of Sections 3710.5 and 3718, including late payment penalties and accrual of
3 interest. The Tax Collector may enforce the provisions of this Article by administrative citation, as
4 provided in Sections 6.19-3 et seq. of the Business and Tax Regulations Code.

5
6 Section 19. The San Francisco Police Code is hereby amended by amending
7 Section 3715, to read as follows:

8 **SEC. 3715. NOTIFICATION.**

9 The Tax Collector ~~Treasurer~~ shall notify the alarm user in writing after each false alarm.
10 The notification shall include: the amount of the penalty for the false alarm, ~~notice that the alarm~~
11 ~~user can attend alarm user awareness class in lieu of the penalty for any one false alarm within the~~
12 ~~calendar year,~~ and a description of the appeals procedure available to the alarm user.

13 The Director of Emergency Communications ~~Treasurer~~ will notify the alarm user and the
14 alarm installation company or monitoring company in writing after an alarm license permit has
15 been suspended or revoked. This notice will include the reason(s) for the suspension or
16 revocation, any outstanding fees or penalties, any outstanding corrective actions required by
17 the Director ~~Treasurer~~, and a description of the appeals procedure available to the alarm user
18 and the alarm installation company or monitoring company.

19 Notice shall be by first class mail to the alarm user within fifteen (15) ~~five (5)~~ days of
20 police response to a false alarm or to the alarm user and the alarm installation company or
21 monitoring company within fifteen (15) ~~five (5)~~ days after an alarm license permit has been
22 suspended or revoked.

23
24 / / /
25 / / /

1 Section 20. The San Francisco Police Code is hereby amended by amending
2 Section 3716, to read as follows:

3 **SEC. 3716. APPEALS.**

4 (a) If the Director of Emergency Communications ~~Treasurer~~ revokes or suspends an
5 alarm license permit, assesses a penalty, or denies the issuance, renewal or reinstatement of
6 an alarm license permit, the Director ~~Treasurer~~ shall send written notice of the action and a
7 statement of the right to an appeal to either the affected applicant or alarm user and the alarm
8 installation company and/or monitoring company.

9 (b) The alarm user, alarm installation company or monitoring company may appeal
10 the decision of the Director ~~Treasurer~~ as follows:

11 (1) The applicant, alarm user, alarm installation company or the monitoring
12 company may file a written request for a review by paying an appeal fee of \$35 and setting
13 forth the reasons for the appeal within twenty (20) business days after the date of notification
14 of the decision from the Director ~~Treasurer~~. The person filing the appeal must also deposit with the
15 Tax Collector the full amount of any penalty imposed, plus any accrued interest and costs. Appeal
16 fees, and any other amounts deposited with the Tax Collector, will be returned to the appealing
17 alarm user, alarm installation company or monitoring company if the appeal is upheld.

18 (2) The Director may grant, but not deny, the appeal based upon an initial review of the
19 appellant's written submission, in addition to any other information which is in the Director's
20 possession or may come into his or her possession.

21 (3) If, after his or her initial review, the Director does not grant the appeal or determines
22 that a hearing is appropriate or necessary, the Director ~~The Treasurer~~ shall appoint a hearing
23 officer to conduct a formal hearing within thirty (30) days of the receipt of the request and
24 consider the evidence submitted by any interested person(s). The hearing officer shall not be
25 an employee whose regular duties include administration or enforcement of this Article. The

1 hearing officer shall make his or her decision affirming or reversing the decision of the Director
2 Treasurer on the basis of the preponderance of evidence presented at the hearing, and must
3 render the decision within thirty (30) fifteen (15) days after the date of the hearing.

4 (c) Filing of a request for appeal shall stay the action by the Director Treasurer
5 revoking or suspending an alarm license permit or requiring payment of a penalty, until the
6 completion of the appeal. If a request for appeal is not made within the twenty (20) business
7 day period, the action of the Director Treasurer is final.

8 (d) The Director Treasurer or the hearing officer may adjust the count of false alarms
9 based on:

10 (1) Evidence that a false alarm was caused by an Act of God;

11 (2) Evidence that a false alarm was caused by action of the telephone company;

12 (3) Evidence that a false alarm was caused by a power outage lasting longer than
13 four (4) hours;

14 (4) Evidence that the alarm dispatch request was not a false alarm;

15 (5) Evidence that the police officer response was not completed in a timely fashion;

16 and/or

17 (6) In determining the number of false alarms, multiple alarms occurring in any
18 twenty-four (24) hour period may, in the Director's Treasurer's or the hearing officer's
19 discretion, be counted as one false alarm, to allow the alarm user time to take corrective
20 action unless the false alarms are directly caused by the alarm user.

21 (e) With respect to penalties imposed against an alarm installation company or
22 monitoring company, the Director Treasurer or the hearing officer may take into consideration
23 whether the alarm company had engaged in a pattern of violations.

24

25

1 Section 21. The San Francisco Police Code is hereby amended by amending
2 Section 3717, to read as follows:

3 **SEC. 3717. REINSTATEMENT.**

4 (a) A person whose alarm *license permit* has been revoked or suspended may, at
5 the discretion of the *Director Treasurer*, have the alarm *license permit* reinstated if the person:

6 (1) In the case of revocation, submits a new application and pays a reinstatement
7 fee equal to one-half of the *license permit* renewal fee;

8 (2) Pays, or otherwise resolves, all outstanding fees and penalties; and

9 (3) Submits a certification from an alarm installation company, stating that the alarm
10 system has been inspected and repaired (if necessary) by the alarm installation company.

11 (b) In addition, the *Director Treasurer* may require one or more of the following as a
12 condition to reinstatement:

13 (1) Proof that an employee of the alarm installation company or monitoring
14 company caused the false alarm;

15 ~~(2) — A certificate showing that the alarm user has successfully completed the alarm user
16 awareness class as provided under Section 3712(e);~~

17 ~~(2) (3)~~ Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

18 ~~(3) (4)~~ A written statement from an independent inspector designated by the *Director
19 Treasurer* that the alarm has been inspected and is in good working order;

20 ~~(4) (5)~~ Confirmation that all motion detectors are "dual technology" type;

21 ~~(5) (6)~~ Confirmation that the alarm system requires two independent zones to trigger
22 before transmitting an alarm signal to the monitoring company;

23 ~~(6) (7)~~ Confirmation that the alarm system requires two independent detectors to
24 trigger before transmitting an alarm signal to the monitoring company;

25

1 (7) ~~(8)~~ Certification that the monitoring company will confirm the need for police
2 response by a listening device;

3 (8) ~~(9)~~ Certification that the monitoring company will confirm the need for police
4 response by a camera device; or

5 (9) ~~(10)~~ Certification that the monitoring company will confirm the need for police
6 response by a person at the alarm site.

7
8 Section 22. The San Francisco Police Code is hereby amended by amending
9 Section 3718, to read as follows:

10 **SEC. 3718. ENFORCEMENT.**

11 (a) Any fee or penalty imposed under this Article shall be delinquent 30 days after
12 the same becomes due ~~City mails a bill to the affected party~~ or a decision has been issued in an
13 appeal under the Article, whichever occurs later. Penalties for late payment, in part ~~in part~~ or
14 in full, shall accrue at the rate of one (1) ~~ten (10)~~ percent each month, compounded.

15 (b) Any fee or penalty imposed under this Article shall be deemed a debt to the City
16 and County of San Francisco. An action may be commenced in the name of the City and
17 County of San Francisco in any court of competent jurisdiction for the amount of any
18 delinquent fees or penalties and court costs as deemed reasonable.

19 (c) The City and County of San Francisco may create and impose liens against any
20 property owned or operated by a person who fails to pay any fee or penalty imposed under
21 this Article. Liens shall be imposed and collection pursuant to the procedures provided in
22 Article XX of Chapter 10 of the San Francisco Administrative Code.

23 (d) In addition to any other penalties provided by the law, the City Attorney may
24 bring a civil action and/or seek injunctive relief to enforce the provisions of this Article.

25

1 Section 23. The San Francisco Police Code is hereby amended by amending
2 Section 3719, to read as follows:

3 **SEC. 3719. GOVERNMENT IMMUNITY.**

4 Issuance of an alarm *license permit* is not intended to, nor will it, create a contract, duty
5 or obligation, either expressed or implied, of response. Any and all liability and consequential
6 damage resulting from the failure to respond to a notification is hereby disclaimed and
7 governmental immunity as provided by law is retained. By applying for an alarm *license permit*,
8 the alarm user acknowledges that law enforcement response may be influenced by factors
9 such as: the availability of police units, priority of calls, weather conditions, traffic conditions,
10 emergency conditions, staffing levels and prior response history.

11
12 Section 24. The San Francisco Police Code is hereby amended by amending
13 Section 3720, to read as follows:

14 **SEC. 3720. LICENSES PERMITS.**

15 (a) The alarm *license permit* fee (original or annual renewal) for a commercial
16 premises shall be \$60. The alarm *license permit* fee (original or annual renewal) for a
17 residential premises shall be \$40. *The license shall be pro-rated, on a quarterly basis, for new*
18 *licenses obtained after February 1.*

19 (b) Beginning with fiscal year 2003-2004, the fees set in this Section may be
20 adjusted each year, without further action by the Board of Supervisors, to reflect changes in
21 the relevant Consumer Price Index, as determined by the Controller.

22 No later than April 15th of each year, the *Tax Collector Treasurer* shall submit the
23 current fee schedule to the Controller, who shall apply the price index adjustment to produce a
24 new fee schedule for the following year.

1 No later than May 15th of each year, the Controller shall file a report with the Board of
2 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient
3 revenue to support the costs of providing the services for which each fee is assessed, and (b)
4 the fees do not produce revenue which is significantly more than the costs of providing the
5 services for which each fee is assessed.

6
7 Section 25. The San Francisco Police Code is hereby amended by adding a new
8 Section 3721, to read as follows:

9 **SEC. 3721. INITIAL IMPLEMENTATION.**

10 (a) On the effective date of this ordinance, every alarm monitoring company doing business
11 in San Francisco shall send to the Tax Collector a complete list of its customers with alarm systems
12 located in San Francisco; the list shall be in a format acceptable to the Tax Collector. The list shall
13 include: the name of each customer, the customer's billing address, the location(s) of the alarm
14 system(s), and such other information as the Tax Collector may request. The customer lists shall be
15 keep confidential to the full extent allowed by law.

16 (b) No later than March 1, 2003, every alarm monitoring company doing business in San
17 Francisco shall notify and bill each of its customers for the license fee required under this Article. This
18 bill shall be due and payable within 30 days. The bill may be part of the company's regular billing or a
19 separate billing, and shall be in a form approved by the Tax Collector. The company shall also provide
20 the customer with a copy of the license application form. No later than April 1, 2003, the company
21 shall send a follow-up notice to its customers who have not yet paid the fee in full. The company shall
22 be responsible for collection of the license fee from the customer.

23 (c) No later than May 1, 2003, the alarm monitoring companies shall remit to the Tax
24 Collector all license fees collected, all completed license applications received, as well as a list of
25 customers who have not paid the fee in full and a list of customers who paid after April 1, 2003.

1 (d) Notwithstanding the provisions of Section 3720(a), license fees for existing customers of
2 alarm monitoring companies as of March 1, 2003 shall not be prorated for calendar year 2003.

3
4 Section 26. The San Francisco Police Code is hereby amended by re-numbering
5 current Section 3721 as Section 3722, to read as follows:

6 **SEC. 3722 ~~3721~~. SEVERABILITY.**

7 The provisions of this Ordinance are severable. If a court determines that a word,
8 phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that
9 the application of any part of the provision to any person or circumstance is invalid, the
10 remaining provisions and the application of those provisions to other persons or
11 circumstances are not affected by that decision.

12
13
14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 THOMAS J. OWEN
19 Deputy City Attorney