

File No. 130551

Committee Item No. 19
Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: 06/19/2013
06/21/2013

Board of Supervisors Meeting

Date: July 23, 2013

Cmte Board

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Completed by: Victor Young Date June 14, 2013
Completed by: Victor Young Date _____

1 [Police Code - Police Emergency Alarm Ordinance]

2
3 **Ordinance amending the Police Code, to transfer administration of the Police**
4 **Emergency Alarm Ordinance from the Department of Emergency Management to the**
5 **Tax Collector and clarify license renewal and appeal procedures.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are *strike-through italics Times New Roman*.
8 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The Police Code is hereby amended by amending Sections 3702, 3708,
11 3709, 3710, 3710.2, 3710.6, 3712, 3713, 3714, 3715, 3716, 3717, and 3720, to read as
12 follows:

13 **SEC. 3702. DEFINITIONS.**

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

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

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

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

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

23 (e) "Alarm license" means authorization granted by the Chief of Police to an alarm
24 user to operate an alarm system.

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

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

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

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

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

24 (k) "Automatic voice dialer" means any electrical, electronic, mechanical, or other
25 device capable of being programmed to send a prerecorded voice message, when activated,

1 over a telephone line, radio or other communication system, to a law enforcement, public
2 safety or emergency services agency requesting dispatch.

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

7 (m) "Conversion" means the transaction or process by which one alarm installation
8 company or monitoring company begins the servicing and/or monitoring of a previously
9 unmonitored alarm system or an alarm system previously serviced and/or monitored by
10 another alarm company.

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

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

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

19 (q) "Premises" means any land and building located within the City and County of San
20 Francisco except land or buildings owned, rented, or leased to the federal government, the
21 State of California or any political subdivision or agency thereof, or the City and County of San
22 Francisco, including the public schools.

23 (r) "Local alarm system" means any alarm system, which is not monitored, that
24 annunciates an alarm only at the alarm site.

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

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

7 (u) "Panic alarm" means an audible alarm system signal generated by the manual
8 activation of a device intended to signal a life threatening or emergency situation requiring law
9 enforcement response.

10 (v) "Person" means an individual, corporation, partnership, association, organization or
11 similar entity.

12 (w) "Responder" means an individual capable of reaching the alarm site within 45
13 minutes and having access to the alarm site, the code to the alarm system and the authority
14 to approve repairs to the alarm system.

15 (x) "SIA Control Panel Standard CP-01" means the ANSI-American National Standard
16 Institute approved Security Industry Association-SIA CP-01 Control Panel Standard, as may
17 be updated from time to time, that details recommended design features for security system
18 control panels and their associated arming and disarming devices to reduce the incidence of
19 false alarms. Control panels built and tested to this standard by Underwriters Laboratory
20 (UL), or other nationally recognized testing organizations, will be marked to state: "Design
21 evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm
22 Reduction."

23 (y) "Takeover" means the transaction or process by which an alarm user takes over
24 control of an existing alarm system, which was previously controlled by another alarm user.
25

1 (z) "Tax Collector" means the Treasurer-Tax Collector of the City and County of San
2 Francisco.

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

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

9 (cc) "Department of Emergency Management Communications" and "Director of the
10 Department of Emergency Management Emergency Communications" or "Director" mean the
11 Department of Emergency Management Communications and Director of the Department of
12 Emergency Management Emergency Communications of the City and County of San Francisco,
13 respectively.

14
15 **SEC. 3708. ALARM LICENSE DURATION AND RENEWAL.**

16 (a) An alarm license shall expire at 12:01 a.m. on January 1 of each year, and must be
17 renewed every year by submitting a license renewal form an updated application and a license
18 renewal fee to the Tax Collector, directly or through an alarm company. The alarm user shall
19 submit the license renewal form and license renewal fee through the alarm company, if the alarm user
20 contracts for the services of an alarm company, or directly to the Tax Collector, if the alarm user does
21 not contract for the services of an alarm company. The Tax Collector may authorize the submission of
22 license renewal information by an alarm company or an individual alarm user in electronic form in
23 place of a license renewal form.

24 (b) It is the responsibility of the alarm user to submit an application prior to the license
25 expiration date. Failure to renew will be classified as use of a non-licensed alarm system and

1 citations and penalties, including penalties provided in Sections 3710.5 and 3714, shall be
2 assessed without waiver.

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

5 (a) An alarm user shall:

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

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

10 (A) Deactivate an alarm system;

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

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

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

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

18 (c) An alarm user shall not use automatic voice dialers.

19 (d) An alarm user shall maintain at each alarm site a set of written operating
20 instructions for each alarm system.

21 (e) In order to reduce false alarms due to initial equipment problems, alarm users may
22 agree with their alarm installation company and/or monitoring company to go through an
23 "acclimation period" for the first seven (7) days after installation of an alarm system during
24 which time the alarm installation company and/or monitoring company will have no obligation
25 to and will not respond to an alarm signal from the alarm site and will not make an alarm

1 dispatch request to the Department of Emergency *Management Communications*, even if the
2 alarm signal is the result of an actual alarm event.

3
4 **SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING**
5 **COMPANY.**

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

10 (b) Upon the effective date of this Article, alarm installation companies shall not
11 program alarm systems so that they are capable of sending one-plus duress alarms.
12 Monitoring companies may continue to report one-plus duress alarms received from alarm
13 systems programmed with one-plus duress alarms prior to enactment of this Article.
14 However, upon the effective date of this Article, when a takeover or conversion occurs or if an
15 alarm user requests an alarm system inspection or modification pursuant to Section 3709(c)
16 of this Article, an alarm installation company must remove the one-plus duress alarm
17 capability from such alarm systems.

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

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

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

24 (f) After completion of the installation of an alarm system, an alarm installation
25 company employee shall review with the alarm user a Customer False Alarm Prevention

1 Checklist approved by the Director of the Department of Emergency Management Emergency
2 Communications.

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

8 (h) A monitoring company shall:

9 (1) Report alarm signals using telephone numbers designated by the Director
10 of the Department of Emergency Management Emergency Communications;

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

13 (3) Communicate alarm dispatch requests to the Department of Emergency
14 Management Communications in a manner and form determined by the Director of the
15 Department of Emergency Management Emergency Communications;

16 (4) Communicate cancellations to the Department of Emergency Management
17 Communications in a manner and form determined by the Director of the Department of
18 Emergency Management Emergency Communications;

19 (5) Ensure that all alarm users of alarm systems equipped with a duress, holdup
20 or panic alarm are given adequate training as to the proper use of the alarm;

21 (6) Communicate any available information (north, south, front, back, floor, etc.)
22 about the location on all alarm signals related to the alarm dispatch request;

23 (7) Communicate type of alarm activation (silent or audible, interior or
24 perimeter);

1 (8) Provide an alarm user license number when requesting Department of
2 Emergency Management Communications dispatch;

3 (9) After an alarm dispatch request, promptly advise the Department of
4 Emergency Management Communications if the monitoring company knows that the alarm user
5 or the responder is on the way to the alarm site;

6 (10) Attempt to contact the alarm user or responder within 24 hours via mail,
7 fax, telephone or other electronic means when an alarm dispatch request is made; and

8 (11) Upon the effective date of this Article, monitoring companies must maintain
9 for a period of at least one (1) year from the date of the alarm dispatch request, records
10 relating to alarm dispatch requests. Records must include the name, address and telephone
11 number of the alarm user, the alarm license number, the alarm system zone(s) activated, the
12 time of alarm dispatch request and evidence of an attempt to verify. The Director of the
13 Department of Emergency Management Emergency Communications may request copies of such
14 records for individually named alarm users. If the request is made within sixty (60) days of an
15 alarm dispatch request, the monitoring company shall furnish requested records within three
16 (3) business days of receiving the request. If the records are requested between sixty (60)
17 days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the
18 requested records within thirty (30) days of receiving the request.

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

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

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

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

7 (b) No later than December 1 of each year, and beginning in 2005, no later than
8 November 1 of each year, an alarm monitoring company doing business in San Francisco
9 shall notify each of its customers of the license renewal for the following year and shall bill
10 such customers for the license fee required under this Article. Such bill shall be due and
11 payable in not more than 30 days. The notification may be part of the company's regular
12 billing or a separate notice, and shall be in a form approved by the Tax Collector. The
13 company shall also provide the customer with a copy of the license renewal form. The alarm
14 monitoring company shall be responsible for collecting the license renewal fee from the
15 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 as a single check all license fees
18 collected, completed license renewal forms ~~applications~~ received or license renewal information in
19 electronic form if authorized by the Tax Collector, and a list of customers who have not paid the
20 fee. Remittance reports shall be in a format approved by the Tax Collector and shall include
21 the name, license number, and alarm system location of each alarm user who has paid the
22 fee, and any other information required by the Tax Collector.

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

1 (e) The billing and remittance provisions of this Section shall only apply to a monitoring
2 company that has a direct contractual relationship with the alarm user. If a monitoring
3 company has no such direct contractual relationship, and instead provides monitoring
4 services pursuant to a subcontract with the alarm installation company or any other person or
5 company, then the installation or other such person or company shall be responsible for
6 meeting the billing and remittance requirements of this Section. However, the monitoring
7 company shall continue to be responsible for complying with all other applicable provisions of
8 this Article, including, but not limited to, the requirements of Section 3710.
9

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

12 (a) If any alarm company shall fail or refuse to make, within the time provided in this
13 Article, any report and remittance of said fee or any portion thereof required by this Article, the
14 Tax Collector may make a determination based upon an estimate of the total liability of the
15 alarm company. The estimate shall be made for the period or periods in respect to which the
16 alarm company failed to timely make a return or failed to timely remit any fees, and may be
17 based upon any information which is in the Tax Collector's possession or may come into his
18 or her possession. Upon the basis of this estimate, the Tax Collector shall compute and
19 determine the amount required to be paid to the City and County, adding to the sum interest
20 and penalties provided by this Article.

21 (b) In case such determination is made, the Tax Collector shall give a notice of the
22 amount so assessed by serving the determination personally or by depositing it in the United
23 States mail, postage prepaid, addressed to the alarm company so addressed at its last known
24 place of address. Such alarm company may within 10 days after the serving or mailing of
25

1 such notice make application in writing to the Tax Collector for a hearing to protest the
2 determination.

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

17 **SEC. 3712. DUTIES AND AUTHORITY OF THE DIRECTOR OF EMERGENCY**
18 **MANAGEMENT COMMUNICATIONS AND THE TAX COLLECTOR.**

19 (a) The *Tax Collector Director of Emergency Communications* shall have general
20 responsibility for publicizing the existence and requirements of this Article. *In addition, the*
21 *Director shall:*

22 (1) *Designate a manner, form and telephone numbers for the communication of alarm*
23 *dispatch requests; and*

24 (2) *Establish a procedure to accept cancellation of alarm dispatch requests.*
25

1 (b) The Director of the Department of Emergency Management shall designate a manner, form
2 and telephone numbers for the communication of alarm dispatch requests, and shall establish a
3 procedure to accept cancellation of alarm dispatch requests. The Director of *Emergency*
4 *Communications* shall establish a procedure to record information on alarm dispatch requests
5 including, but not limited to, the information listed below.

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

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

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

10 (2) Identification of the alarm site;

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

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

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

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

16 (7) Whether responding police officer was unable to locate the address of the
17 alarm site; and

18 (8) Cause of alarm signal, if known.

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

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

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

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

1 (d) The Director of ~~the Department of Emergency Management~~ *Emergency Communications*
2 may require an alarm user to remove an alarm device that is a single action, non-recessed
3 button, if a false alarm has occurred.

4 (e) The Tax Collector ~~and the Director of Emergency Communications~~ will provide a copy
5 of this Article and/or an Article summary sheet to the alarm user upon request.
6

7 **SEC. 3713. LICENSE ADMINISTRATION, SUSPENSION AND REVOCATION.**

8 (a) Except where this Article or a rule or regulation of the Tax Collector provides to the
9 contrary, all alarm licenses issued under the provisions of this Article shall be administered
10 under the applicable provisions of Article 1 of the San Francisco Business and Tax
11 Regulations Code, except as otherwise provided in this Article.

12 (b) The Department of Emergency *Management Communications* and the Tax Collector
13 may adopt such rules, regulations, and procedures as he or she determines necessary for his
14 or her department to administer the functions assigned to his or her department under this
15 Article.

16 (c) Any license issued under this Article may be suspended or revoked for good cause
17 by the Tax Collector *Director*.

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1 **SEC. 3714. PENALTIES.**

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

6 Number of False Alarms	Penalties
7 1	no penalty
8 2	\$100
9 3	\$150 per alarm
10 4	\$200 per alarm
11 5	\$250 per alarm

12 (b) In addition to the penalties provided in subsection (a), any person operating a non-
13 licensed alarm system will be subject to a penalty of \$100, as well as a penalty of \$250 for
14 each false alarm, including the first false alarm during the calendar year. A non-licensed
15 alarm system includes a system for which a license has not been obtained or for which a
16 license has been suspended or revoked. *The Director of Emergency Communications and/or the*
17 *Tax Collector* may waive the first \$100 penalty for a non-licensed system if the alarm user
18 submits an application for alarm license (or for reinstatement of a license) within ten (10) days
19 after notification of such violation.

20 (c) If cancellation occurs prior to the Police Department arriving at the scene, the *Tax*
21 *Collector Director* may determine that the cancellation will not be counted as a false alarm for
22 the purpose of assessing penalties.

23 (d) The alarm installation company will be subject to a penalty of \$250 if the officer
24 responding to the false alarm determines that an on-site employee of the alarm installation
25

1 company directly caused the false alarm. In this situation, the false alarm will not be counted
2 against the alarm user.

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

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

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

15
16 **SEC. 3715. NOTIFICATION.**

17 (a) The Tax Collector shall notify the alarm user in writing after each false alarm. The
18 notification shall include: the amount of the penalty for the false alarm, and a description of the
19 appeals procedure available to the alarm user.

20 (b) The Tax Collector ~~Director of Emergency Communications~~ will notify the alarm user
21 and the alarm installation company or monitoring company in writing after an alarm license
22 has been suspended or revoked. This notice will include the reason(s) for the suspension or
23 revocation, any outstanding fees or penalties, any outstanding corrective actions required by
24 the Tax Collector ~~Director~~, and a description of the appeals procedure available to the alarm
25 user and the alarm installation company or monitoring company.

1 (c) Notice shall be by first class mail to the alarm user within fifteen (15) days of police
2 response to a false alarm or to the alarm user and the alarm installation company or
3 monitoring company within fifteen (15) days after an alarm license has been suspended or
4 revoked.

5
6 **SEC. 3716. APPEALS.**

7 (a) If the Tax Collector Director of Emergency Communications revokes or suspends an
8 alarm license, assesses a penalty, or denies the issuance, renewal or reinstatement of an
9 alarm license, the Tax Collector Director shall send written notice of the action and a statement
10 of the right to an appeal to either the affected applicant or alarm user and the alarm
11 installation company and/or monitoring company.

12 (b) The alarm user, alarm installation company or monitoring company may, within 15 days
13 from the date the assessment of a fee or a license revocation is served, protest the assessment of the fee
14 or license revocation by either (1) requesting a hearing to be conducted by mail, or (2) requesting an
15 in-person hearing. If a protest is not filed within 15 days as provided in this Section, the decision of the
16 Tax Collector shall be final.

17 (1) Hearing by Mail. An alarm user, alarm installation company or monitoring
18 company may protest the assessment of a fee or license revocation by paying the fee, if any, and
19 requesting a hearing to be conducted by mail from the Tax Collector. The request must be made in
20 writing, in the format prescribed by the Tax Collector. Protests must be mailed together with the fee, if
21 any, to the Office of the Treasurer & Tax Collector at the address provided on the assessment of a fee
22 or license revocation. The request for a hearing by mail must specify the basis for the protest in detail
23 and must be accompanied by evidence supporting the protest. The Tax Collector may request that the
24 protesting party provide any additional information necessary to decide the validity of the assessment
25 of a fee or license revocation. The Tax Collector shall evaluate the protest and notify the protesting

1 party of the decision by mail within 30 days of receipt by the Tax Collector of all information and
2 evidence. The notice shall include a copy of the Tax Collector's written determination. The Tax
3 Collector's decision shall be final.

4 (2) In-Person Administrative Hearing. An alarm user, alarm installation company or
5 monitoring company may protest the assessment of a fee or license revocation by paying the fee, if any,
6 and filing a petition for redetermination pursuant to Section 6.13-1 of the Business and Tax
7 Regulations Code. A hearing on the petition for redetermination of an assessment of a fee or license
8 revocation shall proceed in the same manner as a petition for redetermination of a tax. Any reference
9 in Sections 6.13-1 et seq. to taxes, penalties or interest shall be deemed to also apply to the hearing of
10 an assessment of a fee or license revocation under this Article. If the protesting party fails to appear
11 for the hearing, a default judgment shall be entered against the party. The party will automatically be
12 deemed liable for the fee or to have consented to the license revocation, together with any additional
13 fees and interest.

14 (3) In any hearing conducted under subsections (b)(1) or (b)(2), the burden of proof
15 shall be on the person protesting the assessment of a fee or license revocation to demonstrate that the
16 assessment of the fee or the revocation of the license was arbitrary and capricious or beyond the
17 jurisdiction of the Tax Collector.

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

20 ~~(1) The applicant, alarm user, alarm installation company or the monitoring company~~
21 ~~may file a written request for a review by paying an appeal fee of \$35 and setting forth the reasons for~~
22 ~~the appeal within twenty (20) business days after the date of notification of the decision from the~~
23 ~~Director. The person filing the appeal must also deposit with the Tax Collector the full amount of any~~
24 ~~penalty imposed, plus any accrued interest and costs. Appeal fees, and any other amount deposited~~
25

1 ~~with the Tax Collector, will be returned to the appealing alarm user, alarm installation company or~~
2 ~~monitoring company if the appeal is upheld.~~

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

6 ~~(3) If, after his or her initial review, the Director does not grant the appeal or~~
7 ~~determines that a hearing is appropriate or necessary, the Director shall appoint a hearing officer to~~
8 ~~conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence~~
9 ~~submitted by any interested person(s). The hearing officer shall not be a employee whose regular~~
10 ~~duties include administration or enforcement of this Article. The hearing officer shall make his or her~~
11 ~~decision affirming or reversing the decision of the Director on the basis of the preponderance of~~
12 ~~evidence presented at the hearing, and must render the decision within thirty (30) days after the date of~~
13 ~~the hearing.~~

14 ~~(c) Filing of a request for appeal shall stay the action by the Director revoking or suspending~~
15 ~~an alarm license or requiring payment of a penalty, until the completion of the appeal. If a request for~~
16 ~~appeal is not made within the twenty (20) business day period, the action of the Director is final.~~

17 ~~(c) (d)~~ The Tax Collector ~~Director~~ or the hearing officer may adjust the count of false
18 alarms based on:

- 19 (1) Evidence that a false alarm was caused by an Act of God;
20 (2) Evidence that a false alarm was caused by action of the telephone
21 company;
22 (3) Evidence that a false alarm was caused by a power outage lasting longer
23 than four (4) hours;
24 (4) Evidence that the alarm dispatch request was not a false alarm;
25

1 (5) Evidence that the police officer response was not completed in a timely
2 fashion; and/or

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

7 (e) With respect to penalties imposed against an alarm installation company or
8 monitoring company, the Tax Collector Director or the hearing officer may take into
9 consideration whether the alarm company had engaged in a pattern of violations.

10
11 **SEC. 3717. REINSTATEMENT.**

12 (a) A person whose alarm license has been revoked or suspended may, at the
13 discretion of the Tax Collector Director, have the alarm license reinstated if the person:

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

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

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

20 (b) In addition, the Tax Collector Director may require one or more of the following as a
21 condition to reinstatement:

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

24 (2) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
25

- 1 (3) A written statement from an independent inspector designated by the Tax
2 Collector Director that the alarm has been inspected and is in good working order;
- 3 (4) Confirmation that all motion detectors are "dual technology" type;
- 4 (5) Confirmation that the alarm system requires two independent zones to
5 trigger before transmitting an alarm signal to the monitoring company;
- 6 (6) Confirmation that the alarm system requires two independent detectors to
7 trigger before transmitting an alarm signal to the monitoring company;
- 8 (7) Certification that the monitoring company will confirm the need for police
9 response by a listening device;
- 10 (8) Certification that the monitoring company will confirm the need for police
11 response by a camera device; or
- 12 (9) Certification that the monitoring company will confirm the need for police
13 response by a person at the alarm site.
- 14

15 **SEC. 3720. LICENSES.**

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

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

23 No later than April 15th of each year year, the Tax Collector shall submit the current fee
24 schedule to the Controller, who shall apply the price index adjustment to produce a new fee
25 schedule for the following year; provided, however, that the fees shall only be adjusted in five-

1 dollar increments, when cumulative changes in the Consumer Price Index since the last fee
2 adjustment justify an increase or decrease of at least five dollars.

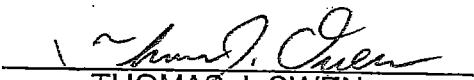
3 No later than May 15th of each year, the Controller shall file a report with the Board of
4 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient
5 revenue to support the costs of providing the services for which each fee is assessed, and (b)
6 the fees do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

8
9 Section 2. Effective Date. This ordinance shall become effective 30 days from the
10 date of passage.

11
12 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
13 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
14 punctuation, charts, diagrams, or any other constituent part of the Police Code that are
15 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
16 Board amendment deletions in accordance with the "Note" that appears under the official title
17 of the legislation.

18
19
20 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

21
22 By:


THOMAS J. OWEN
Deputy City Attorney

23
24
25 n:\vegana\as2013\1300426\00843310.doc

LEGISLATIVE DIGEST

[Police Code – Police Emergency Alarm Ordinance]

Ordinance amending the Police Code, to 1) transfer administration of the Police Emergency Alarm Ordinance from the Department of Emergency Management to the Tax Collector, and 2) clarify license renewal and appeal procedures.

Existing Law

Article 37 of the Police Code (“the Police Emergency Alarm Ordinance”) requires companies and individuals who have emergency alarms at their homes and businesses to obtain a annual license and to meet certain operating standards, in order to reduce the number of false alarms that the Police Department must respond to each year. The Department of Emergency Management, which operates the City’s 911 system, and the Tax Collector’s Office share responsibility for administration of the Alarm Ordinance.

Amendments to Current Law

The proposal is an ordinance that would transfer the administration of the Police Emergency Alarm Ordinance from the Director of the Department of Emergency Management to the Tax Collector. The Department of Emergency Management would remain responsible for certain technical requirements of the Alarm Ordinance and for the emergency dispatch system. The proposal would also clarify the procedures for the annual renewal of alarm licenses and for appealing the imposition of a penalty fee or the revocation or suspension of a permit license.

OFFICE OF THE MAYOR
SAN FRANCISCO



130551
EDWIN M. LEE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *EL* Mayor Edwin M. Lee *JE*
RE: Police Code – Police Emergency Alarm Ordinance
DATE: May 31, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 MAY 31 PM 12:58

Attached for introduction to the Board of Supervisors is the ordinance amending the Police Code, to 1) transfer administration of the Police Emergency Alarm Ordinance from the Department of Emergency Management to the Tax Collector, and 2) clarify license renewal and appeal procedures.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

