

1 [Enacting a new Police Emergency Alarm Ordinance requiring permits for alarm systems and
2 imposing penalties for false alarms.]

3 **Ordinance amending the San Francisco Police Code by repealing the current Article 37**
4 **(Police Emergency Alarm Ordinance), Sections 3700 though 3710, and by enacting a**
5 **new Article 37 (Police Emergency Alarm Ordinance), Sections 3700 through 3722,**
6 **providing for permitting of alarm systems and penalties for false alarms, and by**
7 **amending Police Code Section 2.26, to set permit fees for commercial and residential**
8 **alarm systems.**

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:

13
14 Section 1. The San Francisco Police Code is hereby amended by repealing Article 37,
15 Sections 3700 through 3710, in its entirety.

16
17 ~~**SEC. 3700. SHORT TITLE.**~~

18 ~~*This ordinance shall be known as “The Police Emergency Alarm Ordinance.”*~~

19
20 ~~**SEC. 3701. FINDINGS AND STATEMENT OF PURPOSE.**~~

21 ~~*The Board of Supervisors of the City of San Francisco finds and declares that:*~~

22 ~~*(a) — The vast majority of emergency alarms to which law enforcement officials respond are*~~
23 ~~*false alarms. Most false alarms are the result of improper maintenance or improper or careless use of*~~
24 ~~*an alarm system.*~~

25

1 (b) — ~~The public and the police are subjected to needless danger when the police are called to~~
2 ~~respond to false alarms. In addition, police officers responding to false alarms are not available to~~
3 ~~carry out other police duties. In the interest of using limited law enforcement resources most effectively~~
4 ~~and efficiently, the number of false alarms can and must be reduced.~~

5 (c) — ~~The purpose of this Article is to reduce the dangers and annoyances associated with the~~
6 ~~use of particular types of alarm systems and to encourage property owners to maintain their systems in~~
7 ~~good working condition and to use them properly.~~

8 (d) — ~~A prolonged sound from an audible alarm system fixed to a motor vehicle is a public~~
9 ~~nuisance.~~

10
11 **~~SEC. 3702. DEFINITIONS.~~**

12 (a) — ~~“Alarm system” means an assembly of equipment and devices arranged to signal the~~
13 ~~presence of a hazard requiring urgent attention and to which police are expected to respond. The~~
14 ~~following devices shall not constitute alarm systems within the meaning of this Article:~~

15 (i) — ~~Devices which do not register alarms that are audible, visible, or perceptible~~
16 ~~outside the protected premises;~~

17 (ii) — ~~Except as provided in Section 3703 hereof, alarm devices affixed to motor~~
18 ~~vehicles; and~~

19 (iii) — ~~Alarm devices installed on a temporary basis by the police department.~~

20 (b) — ~~“Alarm user” means any person who owns, leases, is the agent of the owner or lessee of,~~
21 ~~or otherwise has possession or control of a premises on which an alarm system is installed.~~

22 (c) — ~~“Audible alarm system” means an alarm system which produces a sound capable of~~
23 ~~being heard outdoors when it is activated.~~

24 (d) — ~~“False alarm” means an alarm system signal resulting in a response by the police~~
25 ~~department when an emergency does not exist. An alarm shall be presumed to be false if the police~~

1 ~~officers responding do not locate any evidence of an intrusion or commission of an unlawful act or~~
2 ~~emergency on the premises which might have caused the alarm to sound. Alarms caused by~~
3 ~~earthquakes, hurricanes, tornadoes, or other violent acts of nature shall be deemed not to be false~~
4 ~~alarms.~~

5 ~~(e) —“Person” includes an individual, partnership, unincorporated association or~~
6 ~~corporation.~~

7 ~~(f) —“Premises” means any land and building located within the City and County of San~~
8 ~~Francisco, except land or buildings owned, rented, or leased by the federal government, the State of~~
9 ~~California or any political subdivision or agency thereof, or the City and County of San Francisco,~~
10 ~~including the public schools. (Added by Ord. 524-83, App. 11/4/83)~~

11
12 **~~SEC. 3703. MOTOR VEHICLE ALARM SYSTEM.~~**

13 ~~(a) —No person shall install, cause to be installed, use, or operate an audible alarm system~~
14 ~~affixed to a motor vehicle unless the alarm system is equipped with an automatic shutoff which shuts off~~
15 ~~the alarm within a maximum of five minutes from the time of activation. Such alarm may not emit a~~
16 ~~sound similar to the sound emitted by sirens in use on emergency vehicles or to those used for civil~~
17 ~~defense purposes. For purposes of this Section, any variable tone, as opposed to one steady pitch, shall~~
18 ~~be considered similar to the sound emitted by an emergency vehicle siren.~~

19 ~~(b) —The police department is authorized to abate the nuisance of an audible alarm system~~
20 ~~affixed to a motor vehicle which sounds beyond five minutes by using any means necessary to~~
21 ~~disconnect the vehicle alarm; provided, however, that a police officer shall attempt to contact the~~
22 ~~vehicle's owner, by telephone or otherwise, before disconnecting the alarm. The expense of~~
23 ~~disconnecting the alarm shall be a lien against the motor vehicle and shall be the personal obligation~~
24 ~~of the owner thereof.~~

1 (c) — ~~Except as provided in this Section, the provisions of this Article are otherwise not~~
2 ~~applicable to alarm systems affixed to motor vehicles. Audible vehicle alarms are, however, subject to~~
3 ~~the requirements of Article 29 which prohibits unnecessary, excessive and offensive noise from all~~
4 ~~sources.~~

5 (d) — ~~A violation of Subsection (a) constitutes an infraction and is punishable by a fine not to~~
6 ~~exceed \$20.~~

7
8 **~~SEC. 3704. LIMITATIONS ON AUDIBLE ALARM SYSTEMS.~~**

9 (a) — ~~It shall be unlawful to install or sell an audible alarm system which upon activation~~
10 ~~emits a sound similar to the sound emitted by sirens in use on emergency vehicles or for civil defense~~
11 ~~purposes. This does not apply to sirens mounted inside a building which cannot be heard outside the~~
12 ~~building. For purposes of this Section, any variable siren as opposed to one steady pitch, shall be~~
13 ~~considered to emit a sound similar to the sound emitted by an emergency vehicle.~~

14 (b) — ~~It shall be unlawful to operate an audible alarm system which does not shut off within a~~
15 ~~maximum time of 15 minutes from the time of activation. This may be accomplished with either an~~
16 ~~automatic shutoff or by manual operation. If the alarm has an automatic shutoff with a rearming phase,~~
17 ~~the rearming phase must be able to distinguish between an open and closed circuit, and if the circuit is~~
18 ~~broken the system shall not rearm.~~

19 (c) — ~~For the purposes of administering Article 29, “regulation of noise,” an alarm which~~
20 ~~does not shut off within the prescribed time is deemed to be unnecessary, excessive and offensive.~~

21 (d) — ~~A violation of Subsection (a) or (b) constitutes an infraction and is punishable by a fine~~
22 ~~not to exceed \$20.~~

23
24 **~~SEC. 3705. LIMITATIONS ON AUTOMATIC DIALING DEVICES.~~**

1 *A device which is interconnected to a telephone line and programmed to select a predetermined*
2 *telephone number, and which transmits by voice message or code signal an emergency message*
3 *indicating need for emergency response, may not be programmed to select any telephone line assigned*
4 *to the San Francisco Police Department.*

5
6 **~~SEC. 3706. BACK-UP POWER SUPPLY.~~**

7 *Any alarm system installed in San Francisco after January 30, 1984, shall be supplied with an*
8 *uninterruptible power supply in such a manner that the failure or interruption of the normal electric*
9 *utility service will not activate the alarm system. The power supply must be capable of at least four*
10 *hours of operation.*

11
12 **~~SEC. 3707. PROHIBITION AGAINST ALARM SYSTEMS WHICH EMIT FALSE ALARMS:~~**
13 **~~NOTICE OF FALSE ALARMS.~~**

14 *(a) — No alarm user shall operate or maintain an alarm system which emits false alarms.*

15 *(b) — Notice of a false alarm shall be given by leaving a copy of a form “alarm response*
16 *card” on the premises in a manner reasonably calculated to bring the card to the attention of one who*
17 *has possession or control of the premises.*

18
19 **~~SEC. 3708. PENALTIES FOR FALSE ALARMS.~~**

20 *(a) — Violation of the provisions of Section 3707 shall constitute an infraction and be*
21 *punishable by not more than the following fines:*

22 *—— (i) — For the third false alarm in any 60-day period, a fine of \$25;*

23 *—— (ii) — For the fourth false alarm in any 60-day period, a fine of \$75; and*

24 *(iii) — For the fifth and for each additional false alarm in any 60-day period, \$150.*
25

1 ~~(b) — Independently controlled alarms within the same premises shall constitute a separate~~
2 ~~alarm system.~~

3 ~~(c) — No citation shall be issued for a third false alarm unless the alarm user has been given~~
4 ~~personal notice of the first two false alarms. For the purposes of this Section, notice mailed to the~~
5 ~~“owner or occupant of the premises” by first class mail shall be deemed personal notice.~~

6
7 **~~SEC. 3709. SEVERABILITY.~~**

8 ~~If any provisions of this Article, or the application thereof to any person or circumstance, is for~~
9 ~~any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction,~~
10 ~~the remainder of this Article and the applicability of such provision to other persons and circumstances~~
11 ~~shall not be affected thereby.~~

12
13 **~~SEC. 3710. EFFECTIVE DATE.~~**

14 ~~The provisions of this Article shall take effect on January 30, 1984.~~

15
16 Section 2. The San Francisco Police Code is hereby amended by adding a new Article
17 37, Sections 3700 through 3722, to read as follows:

18
19 **SEC. 3700. SHORT TITLE.**

20 This ordinance shall be known as “The Police Emergency Alarm Ordinance.”

21
22 **SEC. 3701. FINDINGS AND STATEMENT OF PURPOSE.**

23 The Board of Supervisors of the City of San Francisco finds and declares that:

1 (a) The vast majority of emergency alarms to which law enforcement officials respond are false
2 alarms. Most false alarms are the result of improper maintenance or improper or careless use of an
3 alarm system.

4 (b) The public and the police are subjected to needless danger when the police are called to
5 respond to false alarms. In addition, police officers responding to false alarms are not available to
6 carry out other police duties. In the interest of using limited law enforcement resources most effectively
7 and efficiently, the number of false alarms can and must be reduced.

8 (c) The purpose of this Article is to reduce the dangers and annoyances associated with the use
9 of particular types of alarm systems and to encourage property owners to maintain their systems in
10 good working condition and to use them properly.

11 (d) A prolonged sound from an audible alarm system fixed to a motor vehicle is a public
12 nuisance.

13
14 **SEC. 3702. DEFINITIONS.**

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

16 (a) “Police” or “Police Department” means the San Francisco Police Department.

17 (b) “Chief of Police” means the Chief of the San Francisco Police Department or his or her
18 designee.

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

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

24 (e) “Alarm permit” means authorization granted by the Chief of Police to an alarm user to
25 operate an alarm system.

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

4 (g) "Alarm system" means a device or series of devices, including, but not limited to,
5 hardwired systems and systems interconnected with a radio frequency method such as cellular or
6 private radio signals, which emit or transmit a remote or local audible, visual or electronic signal
7 indicating an alarm condition and intended to summon law enforcement response, including local
8 alarm systems. "Alarm system" does not include an alarm installed in a vehicle or on someone's
9 person unless the vehicle or the personal alarm is permanently located at a site. Independently
10 controlled alarm systems within the same premises shall constitute separate alarm systems. Alarm
11 devices installed on a temporary basis by the Police Department shall not constitute alarm systems.

12 (h) "Alarm user" means any person, who (which) has contracted for monitoring, repair,
13 installation or maintenance service from an alarm installation company or monitoring company for an
14 alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or
15 repaired under contract.

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

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

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

24 (l) "Cancellation" means the process where response is terminated when a monitoring
25 company (designated by the alarm user) for the alarm site notifies the responding law enforcement

1 agency that there is not an existing situation at the alarm site requiring law enforcement agency
2 response after an alarm dispatch request.

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

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

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

12 (p) "Holdup alarm" means a silent alarm signal generated by the manual activation of a
13 device intended to signal a robbery in progress.

14 (q) "Premises" means any land and building located within the City and County of San
15 Francisco, except land or buildings owned, rented, or leased by the federal government, the State of
16 California or any political subdivision or agency thereof, or the City and County of San Francisco,
17 including the public schools.

18 (r) "License" means a license issued or required by the State of California for an alarm
19 company.

20 (s) "Local alarm system" means any alarm system, which is not monitored, that annunciates an
21 alarm only at the alarm site.

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

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

1 (v) “One-plus duress alarm” means the manual activation of a silent alarm signal by entering
2 at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal
3 code: 1234, one-plus duress code: 1235).

4 (w) “Panic alarm” means an audible alarm system signal generated by the manual activation
5 of a device intended to signal a life threatening or emergency situation requiring law enforcement
6 response.

7 (x) “Person” means an individual, corporation, partnership, association, organization or
8 similar entity.

9 (y) “Responder” means an individual capable of reaching the alarm site within 45 minutes and
10 having access to the alarm site, the code to the alarm system and the authority to approve repairs to the
11 alarm system.

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

19 (aa) “Takeover” means the transaction or process by which an alarm user takes over control
20 of an existing alarm system, which was previously controlled by another alarm user.

21 (bb) “Verify” means an attempt by the monitoring company, or its representative, to contact
22 the alarm site by telephonic or other electronic means, whether or not actual contact with a person is
23 made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an
24 attempt to avoid an unnecessary alarm dispatch request.

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

3
4 **SEC. 3703. MOTOR VEHICLE ALARM SYSTEM.**

5 (a) No person shall install, cause to be installed, use, or operate an audible alarm system
6 affixed to a motor vehicle unless the alarm system is equipped with an automatic shutoff which shuts off
7 the alarm within a maximum of five minutes from the time of activation. Such alarm may not emit a
8 sound similar to the sound emitted by sirens in use on emergency vehicles or to those used for civil
9 defense purposes. For purposes of this Section, any variable tone, as opposed to one steady pitch, shall
10 be considered similar to the sound emitted by an emergency vehicle siren.

11 (b) The police department is authorized to abate the nuisance of an audible alarm system
12 affixed to a motor vehicle which sounds beyond five minutes by using any means necessary to
13 disconnect the vehicle alarm; provided, however, that a police officer shall attempt to contact the
14 vehicle's owner, by telephone or otherwise, before disconnecting the alarm. The expense of
15 disconnecting the alarm shall be a lien against the motor vehicle and shall be the personal obligation
16 of the owner thereof.

17 (c) Except as provided in this Section, the provisions of this Article are otherwise not
18 applicable to alarm systems affixed to motor vehicles. Audible vehicle alarms are, however, subject to
19 the requirements of Article 29 which prohibits unnecessary, excessive and offensive noise from all
20 sources.

21
22 **SEC. 3704. LIMITATIONS ON AUDIBLE ALARM SYSTEMS.**

23 (a) It shall be unlawful to install or sell an audible alarm system which upon activation emits a
24 sound similar to the sound emitted by sirens in use on emergency vehicles or for civil defense purposes.
25 This does not apply to sirens mounted inside a building which cannot be heard outside the building.

1 For purposes of this Section, any variable siren as opposed to one steady pitch, shall be considered to
2 emit a sound similar to the sound emitted by an emergency vehicle.

3 (b) It shall be unlawful to operate an audible alarm system which does not shut off within a
4 maximum time of 15 minutes from the time of activation. This may be accomplished with either an
5 automatic shutoff or by manual operation. If the alarm has an automatic shutoff with a re-arming
6 phase, the re-arming phase must be able to distinguish between an open and closed circuit, and if the
7 circuit is broken the system shall not re-arm.

8 (c) For the purposes of administering Article 29, "regulation of noise," an alarm which does
9 not shut off within the prescribed time is deemed to be unnecessary, excessive and offensive.

10
11 **SEC. 3705. BACK-UP POWER SUPPLY.**

12 Any alarm system installed in San Francisco after January 30, 1984, shall be supplied with an
13 uninterruptible power supply in such a manner that the failure or interruption of the normal electric
14 utility service will not activate the alarm system. The power supply must be capable of at least four
15 hours of operation.

16
17 **SEC. 3706. PROHIBITION AGAINST ALARM SYSTEMS WHICH EMIT FALSE ALARMS.**

18 No alarm user shall operate or maintain an alarm system which emits false alarms.

19
20 **SEC. 3707. PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE**
21 **STATEMENTS**

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

24 (b) There shall be a fee, to be paid by the alarm user, for an alarm permit or an alarm permit
25 renewal. There shall be separate permit fees for residential and commercial premises, and the fees

1 shall be non-refundable. The initial alarm permit fee must be submitted to the Chief of Police within
2 five (5) days after the alarm system installation or alarm system takeover. The Chief shall give the
3 applicant a receipt at the time the permit fee is paid, which shall serve as a temporary receipt until the
4 regular permit is issued.

5 (c) Upon receipt of a completed alarm permit application form and the alarm permit fee, the
6 Chief of Police shall issue a permit to the applicant unless the applicant has:

7 (1) failed to pay a penalty assessed under Section 3714; or

8 (2) had an alarm permit for the alarm site suspended or revoked, and the violation
9 causing the suspension or revocation has not been corrected.

10 (d) Each alarm permit application must include information in a form and fashion specified by
11 the Chief of Police. The application shall be signed by the applicant under penalty of perjury.

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

14 (f) An alarm permit cannot be transferred to another person or alarm site. An alarm user shall
15 inform the Chief of Police of any change that alters any of the information listed on the alarm permit
16 application within five (5) business days of such change.

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

19
20 **SEC. 3708. ALARM PERMIT DURATION AND RENEWAL.**

21 An alarm permit shall expire one year from the date of issuance, and must be renewed every
22 year by submitting an updated application and a permit renewal fee to the Chief of Police. The Chief
23 of Police shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the
24 permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration
25 date. Failure to renew will be classified as use of a non-permitted alarm system and citations and

1 penalties shall be assessed without waiver. A late fee in the amount of one-half of the permit renewal
2 fee may be assessed if the renewal is more than thirty (30) days late.

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 or
7 eliminate false alarms;

8 (2) make every reasonable effort to have a responder to the alarm system's location
9 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 event
14 that the alarm system was intended to report.

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

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

24 (d) An alarm user shall not use automatic voice dialers.

1 (e) An alarm user shall maintain at each alarm site, a set of written operating instructions for
2 each alarm system.

3 (f) All alarm users shall agree with their alarm installation company and/or monitoring
4 company to go through an "acclimation period" for the first seven (7) days after installation of an
5 alarm system during which time the alarm installation company and/or monitoring company will have
6 no obligation to and will not respond to any alarm signal from the alarm site and will not make an
7 alarm dispatch request to the Police Department, even if the alarm signal is the result of an actual
8 alarm event.

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

13
14 **SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY.**

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

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

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

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

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

7 (f) After completion of the installation of an alarm system, an alarm installation company
8 employee shall review with the alarm user a Customer False Alarm Prevention Checklist approved by
9 the Chief of Police.

10 (g) The monitoring company shall not make an alarm dispatch request of the Police
11 Department in response to a burglar alarm signal, excluding panic, duress and holdup signals, during
12 the first seven (7) days following an alarm system installation. The Chief of Police may grant an alarm
13 user's request for an exemption from this waiting period based upon a determination that special
14 circumstances substantiate the need for the exemption.

15 (h) A monitoring company shall:

16 (1) report alarm signals by using telephone numbers designated by the Chief of Police;

17 (2) Verify every alarm signal, except a duress or false alarm activation before
18 requesting a law enforcement response to an alarm system signal;

19 (3) communicate alarm dispatch requests to the Police Department in a manner and
20 form determined by the Chief of Police;

21 (4) communicate cancellations to the Police Department in a manner and form
22 determined by the Chief of Police;

23 (5) ensure that all alarm users of alarm systems equipped with a duress, holdup or
24 panic alarm are given adequate training as to the proper use of the duress, holdup or panic
25 alarm;

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

3 (7) communicate type of alarm activation (silent or audible, interior or perimeter);

4 (8) provide an alarm user registration number when requesting Police Department
5 dispatch;

6 (9) after an alarm dispatch request, promptly advise the Police Department if the
7 monitoring company knows that the alarm user or the responder is on the way to the alarm site;

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

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

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

23
24 **SEC. 3711. LICENSE OR LICENSING.**
25

1 All alarm installation companies and monitoring companies shall maintain any license required
2 under state law.

3
4 **SEC. 3712. DUTIES AND AUTHORITY OF THE CHIEF OF POLICE.**

5 (a) The Chief of Police shall:

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

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

9 (b) The Chief of Police shall establish a procedure to record such information on alarm
10 dispatch requests necessary to permit the Chief of Police to maintain records, including, but not limited
11 to, the information listed below.

12 (1) identification of the registration number for the alarm site;

13 (2) identification of the alarm site;

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

16 (4) date and time of police officer arrival at the alarm site;

17 (5) zone and zone description, if available;

18 (6) weather conditions;

19 (7) name of alarm user's representative at alarm site, if any;

20 (8) identification of the responsible alarm installation company or monitoring
21 company;

22 (9) whether responding police officer was unable to locate the address of the alarm site;

23 and

24 (10) cause of alarm signal, if known.

25

1 (c) The Chief of Police shall establish a procedure for the notification to the alarm user of a
2 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 Chief of Police 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 Chief of Police may create and implement an alarm user awareness class. The Chief of
11 Police may request the assistance of Associations, alarm companies and law enforcement agencies in
12 developing and implementing the class. The class shall inform alarm users of the problems created by
13 false alarms and teach alarm users how to avoid generating false alarms.

14 (f) The Chief of Police may require an alarm user to remove an alarm device that is a single
15 action, non-recessed button, if a false alarm has occurred.

16 (g) The Chief of Police will make a copy of this Article and/or an Article summary sheet
17 available to the alarm user.

18
19 **SEC. 3713. PERMIT ADMINISTRATION, SUSPENSION AND REVOCATION.**

20 (a) All alarm permits issued under the provisions of this Article shall be administered under the
21 applicable provisions of Article 1 of the San Francisco Business and Tax Regulations Code, except as
22 otherwise provided in this Article.

23 (b) The Chief of Police, with the approval of the Police Commission, may adopt such rules,
24 regulations, and procedures as he or she determines necessary for the department to administer the
25 provisions of this Article.

1 (c) Any permit issued under this Article may be suspended or revoked by the Chief of Police
2 after a noticed hearing.

3
4 **SEC. 3714. PENALTIES.**

5 (a) No penalty shall be assessed for the first false alarm from an alarm system during the
6 calendar year. Thereafter, the alarm user shall pay a penalty of \$100 for each subsequent false alarm
7 from the same alarm system during the calendar year.

8 (b) In addition, any person operating a non-registered alarm system will be subject to a penalty
9 of \$250 for each false alarm in addition to any other penalties. The Chief of Police may waive this
10 additional penalty for a non-registered system if the alarm user submits an application for alarm
11 permit within ten (10) days after of notification of such violation.

12 (c) An alarm user may have the option of attending an alarm user awareness class in lieu of
13 paying the penalty for any one false alarm within the 12-month period.

14 (d) If cancellation occurs prior to the Police Department arriving at the scene, the Chief of
15 Police may determine that this is not a false alarm for the purpose of penalties, no penalties will be
16 assessed, and the incident shall not be counted in assessing future penalties, if any.

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

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

22 (g) The alarm installation company shall be issued a penalty of \$500 if the Chief of Police
23 determines that an alarm installation company employee knowingly made a false statement concerning
24 the inspection of an alarm site or the performance of an alarm system.

25 (h) Notice of the right of appeal under this Article will be included with any penalties.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEC. 3715. NOTIFICATION.

The Chief of Police shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the penalty for the false alarm, notice that the alarm user can attend alarm user awareness class to waive the penalty for any one false alarm within the 12-month period, the fact that police response may be suspended after the fourth false alarm, excluding duress, holdup and panic alarms, and a description of the appeals procedure available to the alarm user.

The Chief of Police will notify the alarm user and the alarm installation company or monitoring company in writing after alarm response has been suspended, except to duress, holdup and panic alarms. This notice of suspension will also include the amount of the penalty for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

Notice shall be by first class mail to the alarm user within five (5) days of police response to a false alarm, or to the alarm user and the alarm installation company or monitoring company within five (5) days after alarm response has been suspended.

SEC. 3716. SUSPENSION OF RESPONSE.

(a) The Chief of Police may suspend law enforcement response to an alarm site by revoking the alarm permit if it is determined that:

(1) the alarm user has four (4) or more false alarms in a twelve (12) month period excluding duress, holdup or panic alarms;

(2) there is a statement of a material fact known to be false in the application for a registration;

(3) the alarm user has failed to make timely payment of a penalty assessed under Section 3714 or fee required under Section 3707; or

1 (4) the alarm user has failed to submit a written certification from an alarm installation
2 company, that complies with the requirements of this Article, stating that the alarm system has
3 been inspected and repaired (if necessary) and/or additional training has been conducted by the
4 alarm installation company.

5 (b) A person commits an offense if he/she operates an alarm system during the period in which
6 his or her alarm permit is revoked and is subject to enforcement and penalties set in Sections 3714 and
7 3720. A monitoring company commits an offense if it continues alarm dispatch requests to an alarm
8 site after notification by the Chief of Police that the permit has been revoked and is subject to
9 enforcement and penalties set forth in Sections 3714 and 3720.

10 (c) Unless there is separate indication that there is a crime in progress, the Police Department
11 will refuse to respond to an alarm dispatch request at an alarm site for which the alarm permit is
12 revoked.

13 (d) If the alarm permit is reinstated pursuant to Section 3719, the Chief of Police may again
14 suspend police response to the alarm site by again revoking the alarm permit if it is determined that
15 two false alarms have occurred within 30 days after the reinstatement date.

16
17 **SEC. 3718. APPEALS.**

18 (a) If the Chief of Police assesses a penalty or denies the issuance, renewal or reinstatement of
19 an alarm permit, the Chief shall send written notice of the action and a statement of the right to an
20 appeal to either the affected applicant or alarm user and the alarm installation company and/or
21 monitoring company.

22 (b) The alarm user, alarm installation company or monitoring company may appeal an
23 assessment of a penalty or the revocation of an alarm permit to the Chief of Police by setting forth in
24 writing the reasons for the appeal within fifteen (15) business days after receipt of the penalty or notice
25 of revocation.

1 (c) The alarm user or the alarm installation company or monitoring company may appeal the
2 decision of the Chief of Police to the law enforcement authority as follows:

3 (1) The applicant, alarm user, alarm installation company or the monitoring company
4 may file a written request for a review by paying an appeal fee of \$35 and setting forth the
5 reasons for the appeal within twenty (20) business days after the date of notification of the
6 decision from the Chief. Appeal fees will be returned to the appealing alarm user, alarm
7 installation company or monitoring company if the appeal is upheld.

8 (2) The Chief of Police shall appoint a hearing officer to conduct a formal hearing
9 within thirty (30) days of the receipt of the request and consider the evidence by any interested
10 person(s). The hearing officer shall not be a police officer whose regular duties include
11 administration or enforcement of this Article. The hearing officer shall make his or her
12 decision on the basis of the preponderance of evidence presented at the hearing. The hearing
13 officer must render a decision within fifteen (15) days after the date of the hearing. The hearing
14 officer shall affirm or reverse the decision of the Chief of Police.

15 (d) Filing of a request for appeal shall stay the action by the Chief of Police revoking an alarm
16 permit or requiring payment of a penalty, until the completion of the appeal. If a request for appeal is
17 not made within the twenty (20) business day period, the action of the Chief of Police is final.

18 (e) The Chief of Police or the hearing officer may adjust the count of false 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 company;

21 (3) Evidence that a false alarm was caused by a power outage lasting longer than four

22 (4) hours;

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

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

25 and/or

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

5 (f) With respect to penalties of an alarm installation company or monitoring company, the
6 Chief of Police or the hearing officer may take into consideration whether the alarm company had
7 engaged in a pattern of violations.

8
9 **SEC. 3719. REINSTATEMENT.**

10 (a) A person whose alarm permit has been revoked may, at the discretion of the Chief of Police,
11 have the alarm permit reinstated if the person:

12 (1) submits a new application and pays a reinstatement fee equal to one-half of the
13 permit renewal fee;

14 (2) pays, or otherwise resolves, all outstanding fees and penalties; and

15 (3) submits a certification from an alarm installation company, stating that the alarm
16 system has been inspected and repaired (if necessary) by the alarm installation company;

17 (b) In addition, the Chief of Police may require one or more of the following as a condition to
18 reinstatement:

19 (1) proof that an employee of the alarm installation company or monitoring company
20 caused the false alarm;

21 (2) a certificate showing that the alarm user has successfully completed the alarm user
22 awareness class as provided under Section 3712(e);

23 (3) upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

24 (4) a written statement from an independent inspector designated by the Chief of Police
25 that the alarm system has been inspected and is in good working order;

1 (5) confirmation that all motion detectors are “dual technology” type;

2 (6) confirmation that the alarm system requires two independent zones to trigger before
3 transmitting an alarm signal to the monitoring company;

4 (7) confirmation that the alarm system requires two independent detectors to trigger
5 before transmitting an alarm signal to the monitoring company;

6 (8) certification that the monitoring company will not make an alarm dispatch request
7 unless the need for police response is confirmed by a listen-in device;

8 (9) certification that the monitoring company will not request an alarm dispatch unless
9 the need for police response is confirmed by a camera device; or

10 (10) certification that the monitoring company will not make an alarm dispatch request
11 unless the need for police response is confirmed by a person at the alarm site.

12
13 **SEC. 3720. ENFORCEMENT.**

14 (a) Any fee or penalty imposed under this Article shall be delinquent 30 days after the City
15 mails a bill to the affected party. Penalties for late payment, in part or in full, shall accrue at the rate
16 of of ten (10) percent each month, compounded.

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

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

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

3
4 **SEC. 3721. GOVERNMENT IMMUNITY.**

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

11
12 **SEC. 3722. SEVERABILITY.**

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

17
18 Section 3. The San Francisco Police Code is hereby amended by amending Sections
19 3700 and 3722, to read as follows:

20
21 **SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.**

22 The following filing fees, payable in advance to the Police Department, are required
23 when submitting applications for permits to the Police Department:

TYPE OF PERMIT	FILING FEE
Permit Amendment/Additional Partner	\$ 61

1	<u>Alarm System (original and renewal)</u>	
2	<u>Commercial</u>	60
3	<u>Residential</u>	40
4	Amusement Park	707
5	Antique Shop	451
6	Auto Wrecker	547
7	Ball or Ring Throwing Games	390
8	Balloon and Kite Advertising	295
9	Billiard Parlor	357
10	Bingo Games	50
11	Amendment to Permit	50
12	Cabaret	908
13	Amendment to Permit	500
14	Circus	538
15	Closing-Out Sale	313
16	Dance Hall Keeper	1,108
17	Amendment to Permit	500
18	One Night Dance	30
19	Dealer in Firearms and/or Ammunition	706
20	Renewal	182
21	Discharge of Cannon	251
22	Distributor of Advertising	
23	Class A	397
24	Class B	348
25	Driverless Auto Rental	478

1	Encounter Studio	
2	Owner	537
3	Employee	153
4	Escort Service	
5	Owner	537
6	Employee	153
7	Funeral Procession Escort	170
8	Insignia and Uniform	10
9	General Soliciting Agent	191
10	Itinerant Show	562
11	Itinerant Show/Nonprofit	100
12	Junk Dealer	763
13	Junk Gatherer	
14	Resident	348
15	Nonresident	280
16	Licensed Tour Guide	206
17	Loudspeaker	
18	Commercial	315
19	Noncommercial	37
20	Vehicle	315
21	Masked Ball	637
22	Massage Establishment	1,323
23	Masseur/Masseuse	153
24	Trainee	153
25	Mechanical Amusement Devices	430

1	Mechanical Contrivance	430
2	Miniature Golf Course	456
3	Mobile Caterer	622
4	Additional Stop	58
5	Assistant	58
6	Transfer of Stop	48
7	Museum	489
8	Nude Models in Public Photographic Studio	
9	Owner	562
10	Employee	153
11	Off-Heliport Landing Site	384
12	Outcall Massage	362
13	Pawnbroker	607
14	Peddler	
15	Fish, Vegetables, Fruit	428
16	Food for Human Consumption	428
17	Nonfood	262
18	Employee	58
19	Pedicab Driver	58
20	Pedicab Owner	
21	First Pedicab	282
22	Each Additional Pedicab	64
23	Photographer, Public Place	
24	Owner	337
25	Solicitor	58

1	Photographic Solicitor	
2	Owner	337
3	Employee	58
4	Place of Entertainment	1,108
5	Amendment to Permit	500
6	Poker	724
7	Amendment to Permit	63
8	Public Bathhouse	897
9	Public Outcry Sales	423
10	Pushcart Peddler	497
11	Recreational Equipment Vendor	321
12	Rodeo Exhibition/Wild West Show	551
13	Second Hand Dealer	451
14	Second Hand Dealer, Auto Accessories	451
15	Shooting Gallery	576
16	Skating Rink	572
17	Street Photographer	
18	Owner	287
19	Solicitor	175
20	Tow Car Driver	150
21	Tow Car Firm	346
22	Trade-In Dealer	451
23	Valet Parking	
24	Fixed Location	405
25	Annual Special Event	265

1 Vehicle for Hire, Nonmotorized

488

2

3

4 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

5

6 By: _____
THOMAS J. OWEN
Deputy City Attorney

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25