

FILE NO. 021078

ORDINANCE NO. **154-02**

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 through 3710; and by enacting a**
5 **new Article 37 (Police Emergency Alarm Ordinance), Sections 3700 through 3721,**
6 **creating a system, to be administered by the Treasurer, for permitting alarm systems,**
7 **imposing penalties for false alarms, and setting permit fees.**

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

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

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

15
16 ~~**SEC. 3700. SHORT TITLE.**~~

17 ~~*This ordinance shall be known as "The Police Emergency Alarm Ordinance."*~~

18
19 ~~**SEC. 3701. FINDINGS AND STATEMENT OF PURPOSE.**~~

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

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

24 ~~*(b) The public and the police are subjected to needless danger when the police are called to*~~
25 ~~*respond to false alarms. In addition, police officers responding to false alarms are not available to*~~

Mayor Brown
BOARD OF SUPERVISORS

1 ~~carry out other police duties. In the interest of using limited law enforcement resources most effectively~~
2 ~~and efficiently, the number of false alarms can and must be reduced.~~

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

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

8
9 **~~SEC. 3702. DEFINITIONS.~~**

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

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

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

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

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

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

22 ~~(d) — “False alarm” means an alarm system signal resulting in a response by the police~~
23 ~~department when an emergency does not exist. An alarm shall be presumed to be false if the police~~
24 ~~officers responding do not locate any evidence of an intrusion or commission of an unlawful act or~~
25 ~~emergency on the premises which might have caused the alarm to sound. Alarms caused by~~

1 ~~earthquakes, hurricanes, tornadoes, or other violent acts of nature shall be deemed not to be false~~
2 ~~alarms.~~

3 ~~(e) "Person" includes an individual, partnership, unincorporated association or~~
4 ~~corporation.~~

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

9
10 **~~SEC. 3703. MOTOR VEHICLE ALARM SYSTEM.~~**

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

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

23 ~~(c) Except as provided in this Section, the provisions of this Article are otherwise not~~
24 ~~applicable to alarm systems affixed to motor vehicles. Audible vehicle alarms are, however, subject to~~

1 ~~the requirements of Article 29 which prohibits unnecessary, excessive and offensive noise from all~~
2 ~~sources.~~

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

5
6 **~~SEC. 3704. LIMITATIONS ON AUDIBLE ALARM SYSTEMS.~~**

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

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

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

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

21
22 **~~SEC. 3705. LIMITATIONS ON AUTOMATIC DIALING DEVICES.~~**

23 ~~A device which is interconnected to a telephone line and programmed to select a predetermined~~
24 ~~telephone number, and which transmits by voice message or code signal an emergency message~~

1 ~~indicating need for emergency response, may not be programmed to select any telephone line assigned~~
2 ~~to the San Francisco Police Department.~~

3
4 ~~**SEC. 3706. BACK UP POWER SUPPLY.**~~

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

9
10 ~~**SEC. 3707. PROHIBITION AGAINST ALARM SYSTEMS WHICH EMIT FALSE ALARMS:**~~
11 ~~**NOTICE OF FALSE ALARMS.**~~

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

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

16
17 ~~**SEC. 3708. PENALTIES FOR FALSE ALARMS.**~~

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

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

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

22 ~~(iii) — For the fifth and for each additional false alarm in any 60 day period, \$150.~~

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

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

4
5 **~~SEC. 3709. SEVERABILITY.~~**

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

10
11 **~~SEC. 3710. EFFECTIVE DATE.~~**

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

13
14 Section 2. The San Francisco Police Code is hereby amended by adding a new Article
15 37, Sections 3700 through 3720, to read as follows:

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 and County of San Francisco finds and declares that:

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

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

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

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

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

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

21 (e) "Alarm permit" means authorization granted by the Chief of Police to an alarm user to
22 operate an alarm system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (u) "Monitoring company" means a person in the business of providing monitoring services.
24
25

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) "Treasurer" means the Treasurer-Tax Collector of the City and County of San Francisco.

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

1 (dd) "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 (ee) "Department of Emergency Communications" and "Director of Emergency
4 Communications" mean the Department of Emergency Communications and Director of Emergency
5 Communications of the City and County of San Francisco, respectively.

6
7 **SEC. 3703. MOTOR VEHICLE ALARM SYSTEM.**

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

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

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

24
25 / / /

1 **SEC. 3704. LIMITATIONS ON AUDIBLE ALARM SYSTEMS.**

2 (a) It shall be unlawful to install or sell an audible alarm system which upon activation emits a
3 sound similar to the sound emitted by sirens in use on emergency vehicles or for civil defense purposes.

4 This does not apply to sirens mounted inside a building which cannot be heard outside the building.

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

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

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

14
15 **SEC. 3705. BACK-UP POWER SUPPLY.**

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

20
21 **SEC. 3706. PROHIBITION AGAINST ALARM SYSTEMS WHICH EMIT FALSE ALARMS.**

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

23
24 / / /

25 / / /

1 SEC. 3707. PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE

2 STATEMENTS

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

5 (b) There shall be a fee, to be paid by the alarm user, for an alarm permit or an alarm permit
6 renewal. There shall be separate permit fees for residential and commercial premises, and the fees
7 shall be non-refundable. The initial alarm permit fee must be submitted to the Treasurer within five (5)
8 days after the alarm system installation or alarm system takeover. The Treasurer shall give the
9 applicant a receipt at the time the permit fee is paid, which shall serve as a temporary receipt until the
10 regular permit is issued.

11 (c) Upon receipt of a completed alarm permit application form and the alarm permit fee, the
12 Treasurer shall issue a permit to the applicant unless the applicant has:

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

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

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

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

20 (f) An alarm permit cannot be transferred to another person or alarm site. An alarm user shall
21 inform the Treasurer of any change that alters any of the information listed on the alarm permit
22 application within five (5) business days of such change.

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

1 **SEC. 3708. ALARM PERMIT DURATION AND RENEWAL.**

2 An alarm permit shall expire one year from the date of issuance, and must be renewed every
3 year by submitting an updated application and a permit renewal fee to the Treasurer. The Treasurer
4 shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the permit.
5 It is the responsibility of the alarm user to submit an application prior to the permit expiration date.
6 Failure to renew will be classified as use of a non-permitted alarm system and citations and penalties
7 shall be assessed without waiver. A late fee in the amount of one-half of the permit renewal fee may be
8 assessed if the renewal is more than thirty (30) days late.

9
10 **SEC. 3709. DUTIES OF THE ALARM USER.**

11 (a) An alarm user shall:

12 (1) maintain the alarm site and the alarm system in a manner that will minimize or
13 eliminate false alarms;

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

16 (A) deactivate an alarm system;

17 (B) provide access to the alarm site; and/or

18 (C) provide alternative security for the alarm site.

19 (3) not activate an alarm system for any reason other than an occurrence of an event
20 that the alarm system was intended to report.

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

24 (c) An alarm user shall have a licensed alarm installation company inspect the alarm system
25 after two (2) false alarms in a one (1) year period. The Treasurer may waive a required inspection if

1 he or she determines that a false alarm(s) could not have been related to a defect or malfunction in the
2 alarm system. After four (4) false alarms within a one (1) year period, the alarm user must have a
3 licensed alarm installation company modify the alarm system to be more false alarm resistant or
4 provide additional user training as appropriate.

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

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

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

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

18
19 **SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY.**

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

23 (b) Upon the effective date of this Article, alarm installation companies shall not program
24 alarm systems so that they are capable of sending one-plus duress alarms. Monitoring companies may
25 continue to report one-plus duress alarms received from alarm systems programmed with one-plus

1 duress alarms prior to enactment of this Article. However, upon the effective date of this Article, when
2 a takeover or conversion occurs or if an alarm user requests an alarm system inspection or
3 modification pursuant to Section 3709(c) of this Article, an alarm installation company must remove
4 the one-plus duress alarm capability from such alarm systems.

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

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

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

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

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

18 (h) A monitoring company shall:

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

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

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

1 (4) communicate cancellations to the Department of Emergency Communications in a
2 manner and form determined by the Director of Emergency Communications;

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

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

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

8 (8) provide an alarm user permit number when requesting Department of Emergency
9 Communications dispatch;

10 (9) after an alarm dispatch request, promptly advise the Department of Emergency
11 Communications if the monitoring company knows that the alarm user or the responder is on
12 the way to the alarm site;

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

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

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

4
5 **SEC. 3711. LICENSE OR LICENSING.**

6 All alarm installation companies and monitoring companies shall maintain any license required
7 under state law.

8
9 **SEC. 3712. DUTIES AND AUTHORITY OF THE DIRECTOR OF EMERGENCY**
10 **COMMUNICATIONS AND THE TREASURER.**

11 (a) The Director of Emergency Communications shall:

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

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

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

18 (1) identification of the permit number for the alarm site;

19 (2) identification of the alarm site;

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

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

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

24 (6) weather conditions;

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

1 (8) identification of the responsible alarm installation company or monitoring

2 company;

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

4 and

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

6 (c) The Treasurer shall establish a procedure for the notification to the alarm user of a false
7 alarm. The notice shall include the following information:

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

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

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

12 (d) The Treasurer may require a conference with an alarm user and the alarm installation
13 company and/or monitoring company responsible for the repair or monitoring of the alarm system to
14 review the circumstances of each false alarm.

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

19 (f) The Treasurer may require an alarm user to remove an alarm device that is a single action,
20 non-recessed button, if a false alarm has occurred.

21 (g) The Treasurer will make a copy of this Article and/or an Article summary sheet available to
22 the alarm user.

24 / / /

25 / / /

1 **SEC. 3713. PERMIT ADMINISTRATION, SUSPENSION AND REVOCATION.**

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

5 (b) The Treasurer may adopt such rules, regulations, and procedures as he or she determines
6 necessary for the department to administer the provisions of this Article.

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

9
10 **SEC. 3714. PENALTIES.**

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

<u>Number of False Alarms</u>	<u>Penalties</u>
<u>1</u>	<u>\$100</u>
<u>2</u>	<u>\$150 per alarm</u>
<u>3</u>	<u>\$200 per alarm</u>
<u>4 or more</u>	<u>\$250 per alarm</u>

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17
18
19 (b) In addition to the penalties provided in subsection (a), any person operating a non-
20 permitted alarm system will be subject to a penalty of \$250 for each false alarm, including the first
21 false alarm during the calendar year. A non-permitted alarm system includes a system where the permit
22 has been suspended or revoked. The Treasurer may waive the additional penalty for a non-permitted
23 system if the alarm user submits an application for alarm permit (or for reinstatement of a permit)
24 within ten (10) days after of notification of such violation.
25

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

3 (d) If cancellation occurs prior to the Police Department arriving at the scene, the Treasurer
4 may determine that the cancellation will not be counted as a false alarm for the purpose of assessing
5 penalties.

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

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

11 (g) The alarm installation company will be issued a penalty of \$500 if the Treasurer determines
12 that an alarm installation company employee knowingly made a false statement concerning the
13 inspection of an alarm site or the performance of an alarm system.

14
15 **SEC. 3715. NOTIFICATION.**

16 The Treasurer shall notify the alarm user in writing after each false alarm. The notification
17 shall include: the amount of the penalty for the false alarm, notice that the alarm user can attend alarm
18 user awareness class in lieu of the penalty for any one false alarm within the calendar year, and a
19 description of the appeals procedure available to the alarm user.

20 The Treasurer will notify the alarm user and the alarm installation company or monitoring
21 company in writing after an alarm permit has been suspended or revoked. This notice will include the
22 reason(s) for the suspension or revocation, any outstanding fees or penalties, any outstanding
23 corrective action(s) required by the Treasurer, and a description of the appeals procedure available to
24 the alarm user and the alarm installation company or monitoring company.

25 Notice shall be by first class mail to the alarm user within five (5) days of police response to a

1 false alarm, or to the alarm user and the alarm installation company or monitoring company within
2 five (5) days after an alarm permit has been suspended or revoked.

3
4 **SEC. 3716. APPEALS.**

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

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

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

16 (2) The Treasurer shall appoint a hearing officer to conduct a formal hearing within
17 thirty (30) days of the receipt of the request and consider the evidence submitted by any
18 interested person(s). The hearing officer shall not be a employee whose regular duties include
19 administration or enforcement of this Article. The hearing officer shall make his or her
20 decision affirming or reversing the decision of the Treasurer on the basis of the preponderance
21 of evidence presented at the hearing, and must render the decision within fifteen (15) days after
22 the date of the hearing.

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

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

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

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

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

5 (4) hours;

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

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

8 and/or

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

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

16
17 **SEC. 3717. REINSTATEMENT.**

18 (a) A person whose alarm permit has been revoked or suspended may, at the discretion of the
19 Treasurer, have the alarm permit reinstated if the person:

20 (1) in the case of revocation, submits a new application and pays a reinstatement fee
21 equal to one-half of the permit renewal fee;

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

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

1 (b) In addition, the Treasurer may require one or more of the following as a condition to
2 reinstatement:

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

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

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

8 (4) a written statement from an independent inspector designated by the Treasurer that
9 the alarm system has been inspected and is in good working order;

10 (5) confirmation that all motion detectors are "dual technology" type;

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

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

15 (8) certification that the monitoring company will confirm the need for police response
16 by a listen-in device;

17 (9) certification that the monitoring company will confirm the need for police response
18 by a camera device; or

19 (10) certification that the monitoring company will confirm the need for police response
20 by a person at the alarm site.

21
22 **SEC. 3718. ENFORCEMENT.**

23 (a) Any fee or penalty imposed under this Article shall be delinquent 30 days after the City
24 mails a bill to the affected party or a decision has been issued in an appeal under the Article,

1 whichever occurs later. Penalties for late payment, in part or in full, shall accrue at the rate of ten (10)
2 percent each month, compounded.

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

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

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

13
14 **SEC. 3719. GOVERNMENT IMMUNITY.**

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

21
22 **SEC. 3720. PERMITS FEES.**

23 (a) The alarm permit fee (original or annual renewal) for a commercial premises shall be \$60.
24 The alarm permit fee (original or annual renewal) for a residential premises shall be \$40.

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

4 No later than April 15th of each year, the Treasurer shall submit the current fee schedule to the
5 Controller, who shall apply the price index adjustment to produce a new fee schedule for the following
6 year.

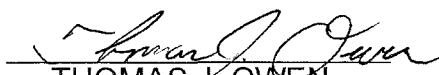
7 No later than May 15th of each year, the Controller shall file a report with the Board of
8 Supervisors reporting the fee new schedule and certifying that: (a) the fees produce sufficient revenue
9 to support the costs of providing the services for which each fee is assessed, and (b) the fees do not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

12
13 **SEC. 3721. SEVERABILITY.**

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

18
19
20 APPROVED AS TO FORM:

21 DENNIS J. HERRERA, City Attorney

22
23 By: 
24 THOMAS J. OWEN
25 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 021078

Date Passed:

Ordinance amending the San Francisco Police Code by repealing the current Article 37 (Police Emergency Alarm Ordinance), Sections 3700 through 3710; by enacting a new Article 37 (Police Emergency Alarm Ordinance), Sections 3700 through 3720, providing for permitting of alarm systems and penalties for false alarms; and by amending Police Code Section 2.26, to set permit fees for commercial and residential alarm systems.

July 1, 2002 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

July 8, 2002 Board of Supervisors — FINALLY PASSED

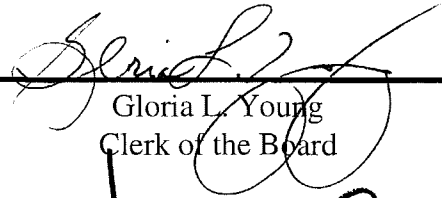
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 021078

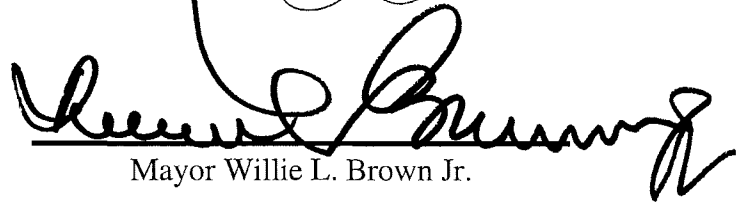
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 8, 2002 by the Board of Supervisors of the City and County of San Francisco.

JUL 12 2002

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.