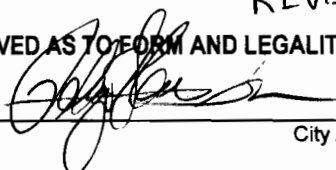


OFFICE OF FILED  
OF THE CITY CLERK  
OAKLAND  
2010 APR 29 PM 7:38

REVISED  
APPROVED AS TO FORM AND LEGALITY  
  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13015 C.M.S.**

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC)  
CHAPTER 8.02, BURGLAR ALARM SYSTEMS, TO MODIFY ALARM  
COMPANY RESPONSIBILITIES**

**WHEREAS**, the City wishes to fully implement a program to recoup the costs of responding to false alarms and false alarm reduction efforts; and

**WHEREAS**, minor clarification and correction amendments are necessary; and

**WHEREAS**, the City is transferring responsibility for alarm permit renewal billing requirement from alarm businesses to the alarm administrator; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** It is the intent of the City Council in enacting this ordinance, to improve the effectiveness of false alarm reduction efforts.

**Section 2.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**Section 3.** Oakland Municipal Code Chapter 8.02 is hereby amended as follows. Additions are indicated by underline type, and deletions are indicated by ~~strike through~~ type. Text not appearing here is unchanged:

**8.02.010 Definitions.**

~~“Verified Response” means a police response that is based on information received from a person physically present at a location (e.g., an alarm site) or from real-time audio or video surveillance positively verifying that there is evidence of either a crime or an attempted crime at the location.~~

**8.02.20 Alarm Registration & Permits.**

F. The initial permit application shall be given to the alarm user by the alarm installation company at the time of alarm installation. The ~~permit application~~ and fees shall be submitted by the alarm installation company to the alarm administrator (or designee) within thirty (30) days of the installation date.

- K. The fee for a new alarm permit shall be collected by the alarm installation company and an alarm permit renewal fee shall be collected by the alarm ~~business~~ administrator.
  
- N. Any fee required to be paid by an alarm user under the provisions of this Chapter shall be deemed a debt owed by the alarm user to the City until it has been paid to the City, ~~except that proof of actual payment to an alarm company is sufficient to relieve the alarm user from further liability for the fee~~
  
- O. Any fee required to be collected by an alarm ~~company~~ business under the provisions of this Chapter shall be deemed a debt owed to the City by the ~~company~~ business required to collect and remit such fee, if the alarm ~~company~~ business has failed to take reasonable steps to collect the fee. ~~A company will be deemed to have taken reasonable steps if, at a minimum, it bills the alarm user, waits 30 days, timely bills the user a second time, and then informs the City of the user's continued nonpayment.~~
  
- ~~P. Whenever an alarm company remits funds collected as a license or license renewal fee to the City, the alarm company shall also provide the City with the name and address of any customer refusing or failing to pay the fee for a period of one or more billing periods and shall state the amount of such fee remaining unpaid, and such other information as the Alarm Administrator may require. The City may assume responsibility for collection of any fees due and payable for the stated periods and demand payment of such fees, plus administrative costs, interest, and penalties, if any.~~

**8.02.040 Alarm User Responsibilities**

- G. Failure to meet the responsibilities listed in this section may lead to ~~suspension or~~ revocation of an alarm permit and loss of the privileges associated with that permit.

**8.02.050 Alarm Business Responsibilities.**

The duties of the alarm business shall be to:

- B. Provide the Alarm Administrator (or designee) with an electronic data file and hard copy file with name, complete address and account number of each new alarm user in the City no later than the last day of each month.
  
- C. Notify the Alarm Administrator by the 15th day of each month of all their alarm users within the City of Oakland that have discontinued their alarm service with the business in the previous month. For each discontinued alarm user that is not listed on the notification, the alarm business shall pay a fee as

set forth in the Master Fee Schedule. Fees shall be waived when the alarm business provides credible evidence that it has a valid contract with the respective alarm user, or that the alarm user discontinued service without formal termination.

~~C.~~ D. Comply with California licensing requirements, and maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company and/or Alarm Company Employee permit with the alarm administrator.

~~D.~~ E. Ensure that installation of all new alarm components adhere to manufacturer’s installation guidelines.

~~E.~~ F. Install alarm systems and alarm system components appropriate for the location ~~installed~~; be available to maintain the system in good working order, and take reasonable measures to prevent the occurrence of false alarms.

~~F.~~ G. Submit an alarm permit form, the correct fee and required documentation on behalf of the alarm user to the alarm administrator (or designee) ~~prior to~~ within thirty (30) days of the installation date of a new alarm system. Alarm Businesses and Alarm Installation Companies shall hold fee revenues received from customers in trust for the City. ~~The fees collected by alarm companies under this Article shall be stated separately in the alarm companies' billings to their customers. If the amount paid by a customer is less than the full amount of the charges for service and the permit or permit renewal fee which have accrued for the billing period, and if the customer remitting has not indicated how to allocate the payment as between alarm company service charges and alarm permit fees, then a proportionate share of both the charges for service and the fee shall be deemed to have been paid~~

~~G.~~ Notify each of its customers of the license renewal requirement for the following year and bill such customers for the license fee required under this Ordinance. Such bill shall be due and payable before the expiration of the customer’s current license.

**Section 4.**

This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

**MAY 18 2010**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

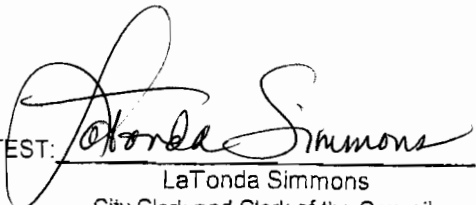
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER. -- 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date: MAY 4 2010

DATE OF ATTESTATION:   
\_\_\_\_\_

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE (OMC)  
CHAPTER 8.02, BURGLAR ALARM SYSTEMS**

**NOTICE AND DIGEST**

This Ordinance amends Oakland Municipal Code Chapter 8.02, and changes the responsibility of alarm business regarding renewal of alarm permits and requires alarm business to give notice to the alarm administrator when alarm users discontinue their service. It also authorizes an administrative fee to be charged to any alarm business that fails to inform the alarm administrator of a user that has discontinued service.