

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 APR 29 PM 7:38

**TO:** Office of the City Administrator  
**ATTN:** Dan Lindheim  
**FROM:** Oakland Police Department  
**DATE:** May 4, 2010

**RE:** **A Supplemental Report Regarding: 1) An Ordinance Amending Oakland Municipal Code (OMC) Chapter 8.02, Burglar Alarm Systems, To Modify Alarm Company Responsibilities; 2) An Ordinance Amending Ordinance No. 12948 (Master Fee Schedule) To Create A Fee Associated with Failure To Report Discontinued Alarm Users**

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## **SUMMARY**

This Supplemental Report is in response to requests made at the April 27, 2010 meeting of the Finance and Management Committee. Committee members requested the following information: 1) an explanation as to why it benefits the City of Oakland to continue processing renewals for alarm permit users instead of requiring Alarm Businesses to assume the responsibility, 2) details outlining the basis of the proposed new requirement that directs alarm businesses to notify the City of Oakland, by the 15<sup>th</sup> day of each month, of alarm user systems that have been disconnected or pay a service fee in the amount of \$100.

## **KEY ISSUES AND IMPACTS**

### **1. How will it benefit the City of Oakland to continue processing renewals as opposed to requiring alarm businesses to assume this responsibility?**

#### ***Community Confidence & Program Efficiency***

Alarm businesses have repeatedly stated that they are not in the position to assume the responsibility of processing alarm permit renewals. Alarm businesses have also confirmed that if they are faced with the possibility of assuming this responsibility, the cost they incur will be passed on to the citizens of Oakland. Renewals will be delayed and citizens will be inconvenienced.

It is possible that citizens will more readily respond to an invoice collectable by the City of Oakland versus an additional fee billed by individual alarm businesses. Citizens may become confused by alarm business billing. They may have questions or concerns concerning the fee and the alarm program. More than likely, they will contact alarm businesses that can not efficiently address their questions or concerns. City renewal invoices include alarm program information which has proven to limit citizen questions and concerns. Staff contact information is also conveniently included, should citizens have question or concerns.

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### ***Stakeholder Partnership***

The primary goal of the alarm program is to reduce false alarms. The City of Oakland will continue to benefit from the current partnership it holds with alarm businesses, and working in partnership with alarm businesses that serve the citizens of Oakland is the best way to achieve that goal. Alarm businesses have been instrumental in implementing the new alarm program.

As stated at the Finance and Management Committee meeting on April 27, 2010, the Oakland Police Department has a long standing, positive relationship with alarm businesses that spans over 30 years. Staff would like to continue this positive partnership with alarm businesses in our overall effort to reduce false alarms.

### ***Financial Impact***

The cost associated with processing the initial alarm registration renewal notification for 27,000 alarm users is \$91,800. The proposed new fee is expected to generate \$81,000 in revenue which will cover a majority of the cost to process renewals.

Typically, the percentage of unpaid permit renewals is approximately 3%. The cost of collections for unpaid invoices will remain unchanged even if alarm businesses are required to assume the responsibility of alarm permit renewals because they are only required to make two attempts to collect the fee. Alarm businesses would then notify the City of the user's continued nonpayment and the City would assume the collection process as usual.

## **2. Details outlining the basis of the new proposed fee:**

The fee will be charged to alarm businesses only. The fee is charged only if alarm businesses fail to 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 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 (\$100). 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.

The City will incur the expense associated with renewals but is not entitled to collect the renewal fee and recover those costs from the customer if they have cancelled their alarm service. Logically, a person who has canceled their account but was inappropriately invoiced will call the City to complain that they were billed in error. Staff will be required to assist the customer and research registration status.

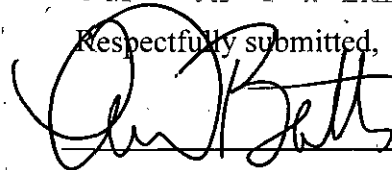
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The cost analysis for the new proposed service fee is outlined in Exhibit A. The proposed new fee is calculated based on staff time used to invoice, provide customer service and research registration status. We are passing this expense to alarm businesses, as their timely notification would have avoided inaccurate invoice processing, customer service provided, and unnecessary research. Alarm businesses agree that the proposed new fee is reasonable.

**ACTION REQUESTED OF THE CITY COUNCIL**

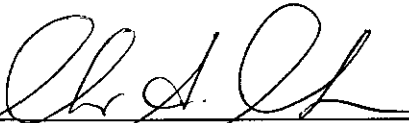
Staff requests that the Council 1) adopt an Ordinance amending Oakland Municipal Code (OMC) Chapter 8.02, Burglar Alarm Systems, to modify alarm company responsibilities; 2) an Ordinance amending Ordinance No. 12948 (Master Fee Schedule) to reflect fee changes associated with false alarm service fees.

Respectfully submitted,



Anthony W. Batts  
Chief of Police

APPROVED AND FORWARDED TO  
THE CITY COUNCIL:



Office of the City Administrator

Prepared by:  
Ms. Antoné Hicks  
Alarm Administrator  
False Alarm Reduction Unit

Reviewed by:  
Ms. Cynthia Perkins  
Legislative Analyst  
Oakland Police Department

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City Council:  
May 4, 2010

CITY OF OAKLAND



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Office of the City Attorney  
John Russo  
City Attorney

May 4, 2010

(510) 238-3601  
FAX: (510) 238-6500  
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Honorable City Council  
City Hall  
Oakland, California


**Re: AN ORDINANCE AMENDING ORDINANCE NO. 12809 (MASTER FEE SCHEDULE) TO CREATE A FEE ASSOCIATED WITH FAILURE TO REPORT DISCOUNTED ALARM USERS.**

Dear President Brunner and Members of the City Council:

The attached document includes Exhibit A to the Agenda report for this Item that was omitted from the Agenda packet. It contains cost of service facts offered by staff to support the recommendation that Council adopt the proposed amendment to the Master Fee Schedule Ordinance. It is offered pursuant to the authority provided under the Sunshine Ordinance sections 2.20.080(B)(3) and (4), to supplement agenda related materials with information not known at the time agenda-related materials were filed and correct errors in agenda related materials. In addition, the correction is presented pursuant to the authority provided under the Sunshine Ordinance section 2.20.080(G), which provides an exception that allows the City Attorney to conform documents as to form and legality.

Very truly yours,

John A. Russo  
City Attorney

By:   
Kathleen Salem-Boyd  
Deputy City Attorney

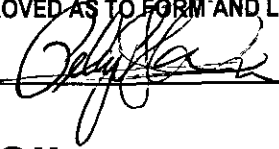
**Exhibit A**

**Fee for Failure to Report Disconnected Alarm Users  
Cost Analysis**

**Service Fees for Failure to Report Disconnected Alarm Users**

<i>Invoicing, Customer Service, Research</i>	# of emp.	Hrly. Rate	Hours	Fee
Admin Analyst II	1	82.44	0.72	\$ 59.00
Police Records Specialist	1	57.5	0.72	\$ 41.00
O&M - Paper, software, mailing (waived)				
Alarm Permit (Residential)				\$ 100.00

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REVISED  
APPROVED AS TO FORM AND LEGALITY  
  
City Attorney

**OAKLAND CITY COUNCIL**  
ORDINANCE NO. \_\_\_\_\_ C.M.S.

**ORDINANCE AMENDING ORDINANCE NO. 12948 (MASTER FEE SCHEDULE) TO CREATE A FEE ASSOCIATED WITH FAILURE TO REPORT DISCONTINUED ALARM USERS**

**WHEREAS**, causing police to engage in a false alarm response constitutes an appropriation of public police services for private purposes and is subject to a cost recovery fee; and

**WHEREAS**, concurrent with this ordinance, Council is amending Oakland Municipal Code Chapter 8.02, Burglar Alarm Systems, to modify alarm company responsibilities, including a requirement that they report monthly to the alarm administrator any customers who's service has been discontinued; and

**WHEREAS**, the City wishes to recoup the costs of sending and following up on alarm permit renewal notices to alarm customers who's service has been discontinued; now, therefore

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

**Section 1.** Master Fee Schedule. The Master Fee Schedule, Ordinance No. 12809 C.M.S. is amended to add these service fees as follows in Section 3.

**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** The Master Fee Schedule is amended as follows to add the text indicated in underline type:

**POLICE SERVICES**

**AS. False Alarm Program**

**5. Service Fee for Failure to Notify Alarm Administrator of Alarm User System Disconnection (responsibility of alarm company holding alarm agreement) per OMC section 8.02.050.C.**

**100.00      Incident**

**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.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

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

**ORDINANCE AMENDING ORDINANCE NO. 12809 C.M.S (MASTER FEE SCHEDULE) TO CREATE A FEE ASSOCIATED WITH FAILURE TO REPORT DISCONTINUED ALARM USERS**

**NOTICE AND DIGEST**

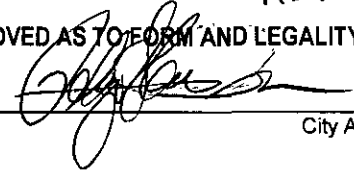
This Ordinance amends the Master Fee Schedule to establish a fee for alarm business which fail to report to the alarm administrator any alarm users who have discontinued service during the prior month. This change follows amendments Oakland Municipal Code Chapter 8.02.



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REVISED

APPROVED AS TO FORM AND LEGALITY



City Attorney

# OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ 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 ~~strikethrough~~ 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.

- ~~E.~~ 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.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

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.

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**OAKLAND CITY COUNCIL**  
**ORDINANCE No. \_\_\_\_\_ C.M.S.**

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**ORDINANCE REPEALING AND REENACTING OAKLAND MUNICIPAL  
CODE (OMC) CHAPTER 8.02, BURGLAR ALARM SYSTEMS**

**WHEREAS**, intrusion alarms are a valuable crime deterrent and provide safety and security to the businesses and residents of the City of Oakland; and

**WHEREAS**, the growing number of false alarms is increasingly drawing down the effective resources of the Oakland Police Department; and

**WHEREAS**, the most effective alarm management is accomplished through a multi-disciplinary approach including consumer education, improved industry standards, and user and industry accountability; 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 responsibly used alarm systems in the City of Oakland.

**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, Burglar Alarm Systems, is hereby repealed and amended in its entirety to read as follows.

**Section 4.** Oakland Municipal Code Chapter 8.02 is enacted as follows:

Sections:

8.02.000 Purpose.

8.02.010 Definitions.

8.02.020 Alarm Registration & Permits.

8.02.030 Alarm System Standards.

8.02.040 Alarm User Responsibilities.

8.02.050 Alarm Business Responsibilities.

8.02.055 Security Alarm Business Licensing of Alarm Businesses and Alarm Installation Companies

8.02.060 Administration.

8.02.070 Alarm Dispatch Requests.

8.02.071 Alarm Dispatch Cancellation Requests.

8.02.080 Appropriating Public Police Services for Private Purposes Subject to Cost Recovery Fees.

8.02.090 Appeals.

8.02.100 Scope of Police Duty – Immunities Preserved.

8.02.110 Severability.

**8.02.000 Purpose.**

The City regulates security alarm businesses to assure that responses to false alarms do not diminish the availability of police services to the general public, and to assure that residents who cannot afford or choose to not operate security alarm systems are not penalized for their condition or choice.

The intent of this chapter is to encourage alarm businesses and alarm users to maintain the operational viability of security alarm systems, and to significantly reduce or eliminate false alarm dispatch requests made to the Oakland Police Department.

The purpose of this chapter is to provide for and promote the health, safety and welfare of the general public; not to protect individuals, or create (or otherwise establish or designate) any particular class or group of persons who will or should be especially benefited by the terms of this chapter. This chapter does not impose or create duties on the part of the City or any of its departments. The obligation of complying with the requirements of this chapter, and any liability<sup>1</sup> for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, installing or maintaining security alarm systems.

**8.02.010 Definitions.**

“Alarm Administrator” means a person or persons designated by the Oakland Chief of Police to administer the City’s security alarm program to issue citations and levy fees pursuant to this chapter.

“Alarm Appeals Officer” means a person or persons designated by the Oakland Chief of Police to provide impartial judgment and determine whether fees that have been levied for false alarms are justified when a person appeals the assessment of those fees.

“Alarm Business” means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system in an alarm site. Alarm businesses do not include persons doing installation or repair work solely on premises they own, lease, or rent where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

“Alarm Dispatch Request” means communication to the police has been initiated by an alarm business (via police dispatch) indicating a security alarm system has been activated at a particular

alarm site and Police Department response is requested to that alarm site.

“Alarm Installation Company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system at an alarm site.

“Alarm Response Manager (ARM)” means a person designated by an alarm business or installation company to act as a primary point of contact for the jurisdiction’s Alarm Administrator.”

“Alarm Site” means a single fixed premise or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

“Alarm System” means a device or series of interconnected devices, including but not limited to, systems interconnected with hard wiring or radio frequency signals, which are designed to emit and/or transmit a remote or local audible, visual or electronic signal indicating that an intrusion may either be in progress or being attempted at the alarm site. Alarm system does not include an alarm installed in a vehicle or someone's person unless the vehicle or the personal alarm is permanently located at a site.

“Alarm User” means any person, firm, partnership, corporation, or other entity who (which) uses an alarm system at a particular alarm site.

“Automatic Voice Dialer” means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message (when activated or if self activated) over a telephone line, radio or other communication system, to the police department.

“Duress Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a crisis requesting a police response.

“False Alarm” means response to an alarm dispatch request where the responding police officer finds no reasonable evidence of the commission or attempted commission of a crime, or determines the alarm activation is the result of mechanical failure, improper installation or maintenance, or alarm user negligence.

“Hold Up Alarm” – See “Robbery Alarm”

“Notice of Non-Compliance” is a formal notification by the alarm administrator to the alarm business of any violations of this chapter.

“Oakland Security Alarm Business License” is a license required to provide installation and/or



monitoring services to alarm users in the City of Oakland issued by the Police Department to an alarm business or installation company.

“OPD” means the City of Oakland Police Department.

“Panic Alarm” – See “Duress Alarm”

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Robbery Alarm” or “Hold-Up Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery is in progress or has just occurred.

“Subscriber” means an alarm user who is a customer of an alarm business.

~~“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.~~

“Unmonitored Alarm System” means an alarm system that is not actively monitored by an alarm business and whose function it is to evoke police response solely by means of a generally audible and/or visible signal.

#### **8.02.020 Alarm Registration & Permits.**

- A. Police response to private alarm sites in the City of Oakland is a privilege available only to those alarm users who have a current City of Oakland alarm permit.
- B. No alarm business providing monitoring service to security alarm sites in the City of Oakland shall activate alarm monitoring service or initiate alarm dispatch requests relative to any alarm site in the City that is not properly registered in accordance with this Chapter.
- C. Alarm permits are valid for one year.
- D. Alarm permits are issued to a person or persons (“alarm user”) having bona fide ownership or control of an alarm site (i.e., home owner, business owner, renter, leaseholder, etc.) specifically for that alarm site or address. Alarm permits remain in the name(s) of the alarm user of record until a change of ownership or control of the alarm site occurs.
- E. Alarm permits are valid only to the alarm site and alarm user; alarm permits are not transferable. No refund of a permit or permit renewal fee will be made. A new alarm site permit must be obtained whenever there is a change of ownership or control of an alarm site.

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 to the alarm administrator (or designee) within thirty (30) days of the installation date.

G. Registration information is determined by the alarm administrator and shall include, but not be limited to, the following:

1. Name and address of the alarm user (i.e., the person financially responsible for operation of the alarm system being registered).
2. Home, business, and cellular telephone number(s) of the alarm user.
3. Name, address, and telephone number of the alarm business providing monitoring service to the system.
4. Alternate telephone number for verification (i.e., secondary cell phone or other telephone designated by the alarm user).
5. Signature of the alarm user verifying that the information on the permit is factual, and agreement to pay the fees associated with false alarms.

H. Upon receipt of a completed application and fees, the alarm administrator (or designee) shall issue a security alarm permit number to the alarm user.

I. The security alarm permit number assigned to an alarm user remains the same for as long as the alarm user continuously maintains registration for the alarm site.

J. The alarm permit may be renewed under the following conditions:

1. The alarm site has no past-due fees.
2. The alarm user either updates his/her registration information or verifies that the current registration information is still correct.
3. The appropriate annual permit fee is paid.

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.

L. Renewal information and fees are submitted to the alarm administrator (or designee) on or before the initial permit anniversary date each year.

M. The rates for security alarm permit fees are listed in the City of Oakland Master Fee Schedule.

- 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 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 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.~~

#### 8.02.030 Alarm System Standards.

- A. It shall be unlawful for any person to install or sell an alarm system which upon activation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. This action shall not apply to sirens mounted inside a building which cannot be clearly heard from outside the building.
- B. Operating an audible alarm system that does not shut off (by manual or automatic operation) within fifteen (15) minutes from the time of activation is unlawful. If the alarm system has an automatic shutoff with a rearming phase, the rearming phase must be able to distinguish between an open and a closed circuit, and if the circuit is broken the system shall not rearm.
- C. No automatic voice dialing device shall be used to initiate an alarm dispatch request.
- D. All alarm systems shall have a standby backup power supply that will automatically power the operation of the alarm system for a minimum of four (4) hours, should any interruption occur in power to the alarm system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.
- E. Alarm businesses shall not install a device for activating duress, hold-up, or panic alarms in commercial sites that have a single action, non-recessed button.

#### 8.02.040 Alarm Users Responsibilities.

- A. Each alarm user is annually responsible for:
  - 1. registering the alarm system by obtaining an alarm permit;
  - 2. paying the permit fee; and
  - 3. providing current registration information.
- B. Alarm users who operate an alarm without a permit shall be charged a non-compliance remediation fee (listed in the Master Fee Schedule.)
- C. Each alarm user is responsible for assuring that the alarm system is used properly and in accordance with the manufacturer's directions and the law. Inherent in this responsibility is:
  - 1. Assuring that all persons with access to the alarm system are properly trained on correct use of the system and are authorized to cancel accidental activations, and
  - 2. Assuring that procedures and practices are followed that minimize the risk of false alarms.
- D. Each alarm user is responsible for keeping the alarm system properly maintained and in good working order.
- E. Each alarm user is financially responsible for paying service fees when police respond to false alarms from the alarm site. (See OMC 8.02.080 C.M.S.)
- F. Each alarm user is responsible for providing the Police Department with access to the structure or premises, within forty-five (45) minutes of the alarm dispatch request so that the alarm may be verified. Access may be granted by the alarm user or designated responder.
- 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:

- A. Designate one individual as the Alarm Response Manager (ARM) for the business. The individual designated as the ARM must be knowledgeable of the provisions of this ordinance and respond to requests from the Alarm Administrator. The name, contact number, and e-mail address of the ARM shall be provided to the Alarm Administrator.

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- ~~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.
- H. Provide alarm users with alarm ordinance and false alarm fee information, with each new installation.

- I. Provide accurate and complete instruction to the alarm user on the proper use of its alarm system. Specific emphasis shall be placed on the avoidance of false alarms. Each business that sells alarm systems, whether or not it is an alarm business as defined in this ordinance, is similarly responsible for instructing the buyer of the alarm system on the proper use of their system.
- J. Institute quality control procedures to track and prevent the occurrence of false alarms for the first thirty (30) calendar days after installing a new alarm system.
- K. Obtain written documentation (with newly installed alarm systems) from alarm users that they have been trained to operate the new system.
- L. Provide group training to commercial users for installations, including false alarm prevention.
- M. Not sell or transfer an alarm contract during the warranty period, without transfer of the existing warranty or insuring the warranty remains in force for the warranty period.

**8.02.055 Security Alarm Business Licensing of Alarm Businesses and Alarm Installation Companies.**

Security Alarm Business Licenses are independent licenses and only affect police response to alarm requests. The requirements imposed by this section are in addition to the business license fee and all other fees levied by the City. The issuance of a Security Alarm Business License does not create a contract between the City of Oakland and an alarm business or alarm installation company, nor does it create any duty or obligation, either expressed or implied, on the Police Department to respond to any alarm activation.

- A. Every alarm business and alarm installation company shall obtain an Oakland Security Alarm Business License from the Police Department. Only alarm businesses and installation companies in complete compliance with the provisions of this ordinance will be issued a license. There is no fee to obtain this license.

- B. The alarm installation company shall provide the name, address and phone number of any alarm business they are using to monitor their alarm sites within the City, and alarm businesses shall do the same for alarm installation companies that use their monitoring services within the City.
- C. The Police Department may not respond to any alarm dispatch request from any alarm business that does not possess a current, valid Oakland Security Alarm Business License issued pursuant to this section.
- D. The Alarm Administrator shall notify all known alarm users subscribing to an unlicensed alarm business that the company is unlicensed and the Police Department will no longer respond to the user's alarms.

**8.02.060 Administration.**

- A. The Alarm Administrator reserves the right to conduct an evaluation and analysis of the effectiveness of this ordinance and identify and implement system improvements as warranted.
- B. Alarm business and alarm user proprietary information furnished and secured pursuant to the ordinance codified in this chapter shall be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel, and that the public interest served by not disclosing said information to the public significantly outweighs the public interest served by disclosing said information.
- C. The alarm administrator shall consider an alarm business in non-compliance failure when the business has failed to comply with the provisions of this chapter.
- D. When an alarm business is deemed to be in noncompliance by the alarm administrator, the alarm administrator shall send the alarm business a “notice of noncompliance” with the following information:
  - 1. The section(s) of the ordinance to which the alarm business has failed to comply.
    - a. The specific remedy for the compliance failure;
    - b. The date by which the alarm business must come into compliance; and
    - c. The specific action that will be taken by the department, including the date action shall be taken.

2. Unless otherwise specified in this chapter, the notice of noncompliance shall give the alarm business thirty (30) days to come into compliance with the specified section(s).
3. Failure to come into compliance, within the time specified in the notice of noncompliance, will immediately invoke any applicable fees or penalties.

**8.02.070 Alarm Dispatch Requests.**

- A. Alarm dispatch requests shall be made only after the alarm business has attempted to make two calls to different phone numbers where the alarm user or their designee can be reached to verify whether police or medical personnel response is needed.
- B. Alarm dispatch requests may include, but are not limited to, the following information:
  1. Alarm site permit number
  2. Location of the alarm activation
  3. Type of alarm activation
- C. Alarm dispatch requests made to the police department must accurately indicate the type of alarm activation that is the proximate cause for the alarm dispatch request.
- D. Any person who violates the provisions of this section is subject to cost recovery fees for the improper activation of the security alarm system.

**8.02.071 Alarm Dispatch Cancellation Requests.**

- A. An alarm dispatch request may be canceled only by the alarm business initiating the request prior to the point the responding police officer reports arrival at the alarm site.
- B. Alarm dispatch requests may be canceled in accordance with the procedures established by OPD.
- C. Alarm dispatch requests canceled prior to the police officer's arrival on scene are not subject to false alarm service fees.

Dispatch requests and subsequent police response to a robbery alarm (as defined in this Chapter) may not be canceled by the alarm user. In every case, at least one officer shall respond to affirm that the alarm user is not under duress of any kind.

**8.02.080 Appropriating Public Police Services for Private Purposes Subject to Cost Recovery Fees.**



- A. Causing police to engage in a false alarm response constitutes an appropriation of public police services for private purposes and is subject to a cost recovery fee.
- B. The alarm user is responsible for payment of his permit and cost recovery fees.
- C. When, in the opinion of the responding police officer(s), an alarm dispatch request can be reasonably associated with an actual or attempted criminal offense at the involved alarm site, the alarm is valid and the response is considered a basic police service not subject to cost recovery fees.
  1. The following actions constitute use of an alarm system that improperly appropriates police services for private purposes and are subject to cost recovery fees:
    - a. suspicious circumstances, or
    - b. any non-criminal incident, or
    - c. a need for fire, medical or other non-police services; or
- D. When, in the opinion of the responding police officer(s), an alarm dispatch request can be reasonably attributed to an earthquake, hurricane, tornado or other unusually violent act of nature, a cost recovery fee shall be not assessed.
- E. When, in the opinion of the responding police officer(s), an alarm dispatch request cannot be reasonably attributed to the conditions described in subsection (C) or (D) of this section, the incident is a false alarm and the police officer response is considered an appropriation of public police services for private purposes that is subject to cost recovery.
- F. When the responding officer(s) is (are) unable to determine if an alarm is valid or false because of inaccessibility of the alarm site, the response is presumed to be a false alarm response, and is subject to cost recovery fees. (See OMC 8.02.010).
- G. The cost recovery fees for appropriating public police services for private purposes are listed in the City of Oakland Master Fee Schedule.
- H. Cost recovery fees are assessed based on the response requested. For example, an alarm dispatch request reporting a robbery alarm is subject to the false alarm penalty fee applicable to robbery false alarm responses, even if the alarm activation should properly have been reported as a burglary alarm.
- I. All fees are due and payable upon receipt of invoice.

**8.02.090 Appeals.**

Cost recovery fees may be appealed to the alarm appeals officer, as follows:

- A. The appeal process is initiated by the alarm user sending a letter to the alarm appeals officer requesting that the cost recovery fee be waived (an appeal conference,) specifying the reasons for the appeal, and submitting the scheduled appeal fee. This letter and appeal fee must be received by the alarm appeals officer within thirty (30) calendar days after mailing of the initial invoice to the alarm user.
- B. Service fees may be appealed only on the grounds that the incident cited as the basis for the service fee was, in fact, not a false alarm response. The alarm user must (in his or her letter requesting an appeal) describe detailed, credible evidence in his/her possession that supports the contention that the involved incident was a valid alarm, as described in OMC 8.02.080(C) or (D).
- C. The alarm appeals officer may reject requests for appeals that are not supported by detailed, credible evidence of criminal activity or for one of the listed reasons in the City of Oakland false alarm appeal guideline form by the appellant. Notice of rejection of a request for this initial appeal shall be sent to the appellant in writing within ten (10) working days following receipt of the appeal request by the alarm appeals officer.
- D. Whenever the first appeal is denied, the alarm user may then file a second written appeal requesting an in-person hearing.
  1. This request must be received within thirty (30) calendar days from the mailing of the denial of the first level of appeal.
  2. All hearings shall be heard by an appeals officer appointed by the Chief of Police.
  3. The alarm administrator shall serve as the City's representative in these hearings.
- E. The filing of a request for an appeal conference with an alarm appeals officer sets aside the pending service fee or related service suspension/revocation in appeal until the alarm appeals officer either rejects the appeal request, as described in subsection (A) of this section, or renders a final decision.
- F. The alarm appeals officer, on receipt of a request for a hearing, shall conduct an appeal conference within thirty (30) working days after receiving the appeal request. The alarm administrator may also contact the appellant and offer a resolution or modification of the cost recovery fees prior to the scheduled hearing.
- G. At the conference, the alarm administrator shall present evidence on the City's behalf supporting the case that the applicable cost recovery fees are based on police response to

an actual false alarm. The alarm appeals officer shall consider this evidence and any information presented by any interested person(s).

1. Because false alarm responses are based on the professional judgment of the responding police officer using the facts known to the officer at the time of the incident, the burden of proof in appeals is on the appellant.
  2. The appellant must establish with credible evidence that facts known to, but not considered by the police officer, existed at the time of the incident, that would have lead a reasonable police officer to the conclusion that the incident involved was a valid alarm, as described in OMC 8.02.080(C) or (D).
  3. The alarm appeals officer shall make his/her decision based on the presence of such facts and conclusions.
- H. The alarm appeals officer shall render a decision and notify the appellant and the alarm administrator thereof in writing within twenty (20) working days after the appeal conference is held. The alarm appeals officer may:
1. affirm,
  2. waive (in whole or in part),
  3. cancel, or
  4. modify
- the penalty fees or actions that are the subject of the appeal.
- I. If the alarm appeals officer affirms or modifies the amount of a service fee due, that amount becomes immediately due and payable.
  - J. Appeal decisions are reviewed and approved by the City Administrator prior to becoming official. The official decision of the alarm appeals officer is final, and no further appeals or remedies are available.

**8.02.100 Scope of Police Duty – Immunities Preserved.**

- A. The issuance of an alarm permit does not create a contract between the City of Oakland and any alarm user, alarm business, or alarm installation company, nor does it create any duty or obligation, either expressed or implied, on the police department to respond to any alarm activation.

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B. Any and all liability and/or consequential damage or loss resulting from the failure of the police department to respond to an alarm dispatch request is hereby disclaimed and governmental immunity as provided by law is fully retained.

By applying for an alarm permit, the alarm user acknowledges that police response to alarm activation is influenced by the availability of officers, priority of current calls for service, traffic and/or weather conditions, and staffing levels.

**8.02.110 Severability.**

If any section, subsection, clause sentence, or phrase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council of the City of Oakland hereby declares that it would have passed the ordinance codified in this chapter, any section, subsection, sentence, clause or phrase thereof without said sections, subsections, sentences, clauses, or phrases. (Ord. 12501 (part), 2003)

**Section 5.**

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.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

\_\_\_\_\_