

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE CITY CLERK
OAKLAND
City Attorney
2003 MAY 29 PM 8:20

ORDINANCE No. 12509 C.M.S.

AN ORDINANCE REPEALING AND REENACTING CHAPTER 8.02 OF THE OAKLAND MUNICIPAL CODE RELATING TO SECURITY ALARM SYSTEMS AND MODIFYING CHAPTER 1.12 TO PROVIDE FOR FINES IN CHAPTER 8.02

WHEREAS, intrusion alarms are a valuable crime deterrent and provides safety and security to the business and residents of the city of Oakland; and

WHEREAS, the growing number of false alarms are 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:

Chapters 1.12 to read as follows:

1.12.060 Assessment.

A. The City Manager, or his or her designee, is authorized to establish a schedule of violations and assessments or similar guidelines for issuing administrative citations.

B. Except as otherwise provided herein, administrative citations, excluding accruing interest, shall not be assessed at more than five thousand dollars (\$5,000.00) cumulatively per calendar year for an individual parcel or separate structure thereon for any related series of violations. The citation amount shall not exceed one hundred dollars (\$100.00) for the first issuance, two hundred fifty dollars (\$250.00) for the second issuance, and five hundred dollars (\$500.00) for all subsequent issuances for any related series of violations occurring within a calendar year. For offenses involving violations of Oakland Municipal Code Sections 8.28.060, 8.28.070, 8.28.150, 8.28.160, 13.16.100, 13.16.110, administrative citations shall not exceed seven hundred fifty dollars (\$750.00) for the first issuance, one thousand dollars (\$1000.00) for the second issuance, and one thousand five hundred dollars (\$1500.00) for all subsequent issuances for any related series of violations occurring within a calendar year. For offenses involving Oakland Municipal Code section 8.02. the fines shall be as specified in 8.02.030, 8.02.050, 8.02.060, 8.02.100.

C. The issuance of administrative citations may begin to accrue on the date of initial occurrence of the violation, as identified by the city.

D. The issuance of administrative citations shall cease when all violations are wholly and permanently corrected.

E. Administrative citations shall be issued in accordance with the following factors:

1. The duration and frequency of recurrence of the violation;
2. The detrimental effects of the violation on the occupants of the property and the surrounding

neighborhood and the community at large;

3. The history of compliance efforts by the responsible person to correct the violation wholly and permanently;

4. The viability of the administrative citation to effect abatement of the violation wholly and permanently;

5. Other factors that serve justice. (Ord. 12401 § 1 (part), 2002; Ord. 11805 § 1 (part), 1995: prior code § 1-7.06)

Furthermore Chapter 8.02 of the Oakland Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 8.02 Burglar Alarm Systems

8.02.000 PURPOSE

The purpose of this ordinance is to promote the responsible use of security alarm systems in order to facilitate the effective and efficient response to alarms by the Oakland Police Department. Furthermore, the provisions of this chapter are intended to reduce the number of false alarm activations and responses by Oakland Police and to require a permit to operate alarm systems. It is not the intention of this ordinance to interfere with the contractual obligations between Alarm Businesses and Alarm Users or to supersede any provisions of State law. To that end, this ordinance establishes the following Goals:

- A. Alarms per installation rate of .7 by January 2005
- B. Alarms per installation rate of .6 by January 2006
- C. Alarms per installation rate of .5 by January 2007

8.02.010 DEFINITIONS

“Alarm Administrator” means a Person or Persons designated by the Oakland Police Chief to administer, control and review alarm applications, permits and Alarm Dispatch Requests.

“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 Dispatch Request” means a notification to the police by the Alarm Business that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

“Alarm Site” means a single premise or location served by an Alarm System or systems.

“Alarm System” means any mechanical device or electrical device designed to emit a sound or generate a signal or message during the commission of an unlawful act in or an unauthorized entry into a building, structure or facility. The following devices shall not constitute an alarm system:

1. Alarm devices affixed to motor vehicles
2. Alarm devices installed on a temporary basis by the Oakland Police Department
3. Hand held/portable personal safety devices

“Alarm User” means any person, firm, partnership, corporation or other entity who (which) uses an Alarm System at its Alarm Site.

“Alarm User Permit” is the approval document from the Oakland Police Department listing the name and contact information for the Alarm User. It shall also contain other information the Department requires for the effective implementation and management of this ordinance

“Automatic 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.

“Cross Zone Structure” is a system design that ensures coverage of zones by multiple devices, to minimize potential false alarms.

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

“False Alarm” means any activation of an alarm not caused by or because of a criminal act or unauthorized entry.

“False Alarm Waiver” is issued to an Alarm User after successful completion of a False Alarm Awareness Class.

“Manually Activated Burglar Alarm” or “Panic Alarm” means an audible alarm signal generated by the manual activation of a device at a residence, intended to signal an attempted or in-progress unlawful entry.

“New Installation” means new physical installation of an alarm system, change of alarm service provider, or change in alarm user for a particular alarm site.

“Notice of Non-Compliance” Formal 60-day notification by the Alarm Administrator, advising of the intent to put the alarm business in Substantial Non-Compliance status.

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

“Proprietary Information” means specific information pertaining to individual alarm business customers.

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

“Verify” means two (2) attempts by the Alarm Business or its representative, to contact the Alarm User by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

“Substantial Compliance Failure” means failure to achieve compliance with select elements of this ordinance resulting in penalty assessment.

“Substantial Non Compliance Status” mean failure to come into compliance within a specified time period after notification of Substantial Compliance Failure.

8.02.020 ALARM COMPANIES

- A. All Alarm Businesses shall comply with the State of California licensing requirements for the Alarm Company.
- B. Register with the Oakland police Department as a licensed California Alarm Business

8.02.030 ALARM BUSINESS DUTIES

The duties of an Alarm Business shall be as follows:

- A. To install an Alarm or Alarm System compatible with the environment and be available to maintain the system in good working order, and to take reasonable measures to prevent the occurrence of false alarms.
- B. To provide each purchaser and Alarm User with a copy of the provisions of this article relating to Alarm User duties, False Alarm assessments and appeal procedures, within 60 days of the enactment of this ordinance.
- C. Each Alarm Business shall provide accurate and complete instruction to the Alarm User in the proper use and operation of said system. Specific emphasis shall be placed on the avoidance of False Alarms. All businesses which sell alarm systems, but which are not an Alarm Business as defined in this Article, are similarly responsible for instructing the buyer of the Alarm System in the proper use of said system.
- D. Each Alarm Business leasing, renting or monitoring an Alarm System shall maintain records of the location of these Alarm Systems, devices or services and the name and telephone number of the person and two alternates to be notified whenever the alarm is activated, and to readily report such information to the police department upon request.
- E. Each Alarm Business, at the time of installation or service of any monitored alarm system, will confirm that the Alarm User has readily available the 24-hour phone number for the central monitoring station.
- F. An Alarm Business performing or contracting monitoring services shall have written procedures to ensure efforts are made to verify every alarm signal, except Duress, Robbery, or

Robbery Alarm activation before requesting a police response to an alarm signal. Those procedures shall minimally include the following procedure.

1. PROCEDURE

For alarm signals received from commercial burglar alarm systems or any residential burglar alarm system signal, except duress or panic, the following procedures shall be followed:

a. **CALL 1**

The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.

b. **CALL 2**

If a monitoring facility operator gets a busy signal, no answer, or an answering machine on the first call to the protected premises, a second call or calls shall be made to an alternate phone number such as a cellular, work or second number at the protected premises.

c. **ANSWERING MACHINES**

If the first or second call reaches an answering machine, a message should be left clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.

d. **PERSON ON PREMISES WITHOUT PROPER CODE**

If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code, then the operator shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue, then the operator should proceed to notify the Police Department.

e. **SCHEDULED EVENTS**

If an alarm signal is received in connection with an abort/cancel event, then the operator will not contact the Police Department.

f. **VERIFIED FALSE**

If the alarm is verified as being false during the first, second or succeeding call as a result of getting a valid pass code, the operator shall cancel any previous dispatch of the police relating to the specific signal being worked.

g. **NOTIFICATION CALL**

Call to the law enforcement authority such as 911.

h. **CALL LISTS AND PRIORITY**

Following notification of law enforcement authorities, attention shall be placed on completing the entire emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to

phone numbers in the customer's database shall be first to numbers where there is a high probability of reaching an alarm user. The succeeding calls shall be made next to neighbors, then to non-premises people such as relatives or secondary key holders.

i. **VERIFICATION PHONE ACCESSIBILITY GUIDELINE**

Care shall be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises shall be accessible after normal business hours (not locked up in an office), such as in the vicinity of commonly used entrances. The verification phones shall not direct callers to voice mail so that employees and cleaning people who are working after normal business hours may hear and answer the phone.

2. ADDITIONAL METHODS

Audio verification, video verification, or cross zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this enhanced verification standard.

- G. Alarm Businesses shall have installation quality control tracking for all installation personnel, in relation to false alarms within the first 60-days after installation of a new system.
- H. Each Alarm Business shall obtain written confirmation from an alarm user or lessee documenting the training on the newly installed alarm systems
- I. Each Alarm Business shall provide group training for commercial installations, including false alarm prevention.
- J. Each alarm business shall provide a 1-year minimum parts and 90 day labor warranty on the installation and equipment for each new alarm system.
- K. No Alarm Business may 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.
- L. Within 10 business days, any alarm businesses placed in substantial non-compliance status shall notify its customers in writing of the companies noncompliance status and provide the customers a copy of the false alarm ordinance highlights. Failure to comply with this section of the ordinance shall result in fines of \$250 per day.
- M. Every Alarm Business shall, within 30 days of the sale or assignment of it's obligations to service the Alarm Users, notify the Oakland Police Department and the affected Alarm Users in writing of the transfer of such responsibility, whether partial or total.

- N. Every Alarm Business shall maintain, for a period of at least one (1) year, records relating to alarm notification and shall provide such records to the Police Chief within twenty-one (21) days of request. Failure to maintain such records shall be considered a Substantial Compliance Failure and shall result in daily fines.
- O. Each Alarm Business shall respond to the scene of an activated alarm within 45 minutes if requested by the Oakland Police Department.
- P. Installation of all new alarm components shall adhere to manufactures installation guidelines

8.02.040 ALARM USER DUTIES

The duties of he Alarm user shall be as follows:

- A. To be familiar with the provisions of this Article and ensure maintenance of a valid Alarm User Permit from the Oakland Police Department.
- B. To maintain the Alarm System in good working order, periodically test, and take reasonable measures to prevent the occurrence of false alarms.
- C. To instruct all persons who are authorized to place the alarm system into operation, in the appropriate method of operation and to lock and secure all points of entry, such as doors and windows.
- D. To inform all persons who are authorized to place the alarm system into operation of the provisions of this Article, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this Article shall be maintained on the premises and be made available to all persons who are authorized to place an Alarm System into operation.
- E. To provide a sign or notice posted on or near every audible device with the name and 24 hour telephone number of the person or company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. All silent Alarm Systems shall have a notice on the premise which provides the same information.
- F. Persons over the age of sixty-five (65) shall be entitled to a waiver of the permit fee. It is the option and responsibility of Alarm Users, over the age of sixty-five (65), to apply for permit fee waivers with proof that they are the primary resident of the residence and that no business is conducted in the residence.
- G. To respond to the scene of an activated alarm within 45 minutes of the alarm activation after being notified by the Alarm Business or the Oakland Police Department. This response shall include, when necessary, the opening of the premises so that they may be searched.

- H. To have a licensed Alarm Business annually service and test any alarm system that does not have a self-test of the backup battery and wireless sensors. Proof of such service shall be submitted each year with permit renewal application.

8.02.050 FEATURES AND INTERCONNECTION

- A. It shall be unlawful for anyone 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 of the building.
- B. It shall be unlawful to operate an audible Alarm System which does not shut off within a maximum time of 15 minutes from the time of activation. This may be accomplished with either an automatic cutoff, or by manual operation. If the Alarm System has an automatic cutoff 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 dialing device shall be interconnected to dial the 9-1-1 operator or any telephone number of the Oakland Police Department. Any person who knowingly interconnects or permits such interconnection of an automatic dialing device is guilty of an infraction as provided in this ordinance.
- D. It shall be unlawful for any Alarm System to terminate directly at the Oakland Police Department unless specifically authorized in writing by the Chief of Police.
- E. All Alarm Systems shall have a standby backup power supply which will automatically assume the operation of the Alarm System for a minimum of four 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.
- F. All equipment for new installations shall meet or exceed the Good Faith Standards in Section 8.02.130 of this ordinance. The Department shall work with the alarm industry to publish and revise these guidelines annually.
- G. **Duress, Hold-up, and Panic Alarm Activating Devices:** After July 1, 2003, alarm companies shall not install a device for activating a duress, hold-up, or panic alarms, in commercial sites which have a single action, non-recessed button. Violation of this section shall result in a fine of \$150.
- H. Each Alarm Business shall ensure that all duress, hold-up, and panic alarm activating devices, in commercial sites, are upgraded to meet or exceed the specification of the Good Faith Standards within 6-months of the enactment of this ordinance. Violation of this section shall cause daily fines of \$150.

8.02.060 ADMINISTRATION

- A. The provisions of this Chapter shall be administered and enforced by the Chief of Police and the Alarm Administrator. The Chief of Police and the Alarm Administrator is authorized to inspect alarm systems and the premises where such systems are located to determine whether an alarm user permit is required. The Chief of Police or Alarm Administrator shall also have the authority to make and enforce such rules and regulations as are necessary to implement the provisions of this chapter. This may include a no response policy on the part of the Oakland Police Department to alarms at locations, which have repeated instances of false alarms.
- B. Newly installed and reinstalled Alarm Systems shall not be subject to the provisions of this article relating to the counting and assessment of false alarms for a period of thirty days from the date the Alarm System becomes operational. For the purpose of this section, reinstalled Alarm System means the installation of a new control panel.
- C. Alarm Business proprietary information furnished and secured pursuant to this ordinance 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 clearly outweighs the public interest served by disclosing said information.
- D. The Alarm Administrator shall consider an Alarm Business in Substantial Compliance Failure when the business has failed to comply with the following sections of this ordinance.
- a. 8.02.020 (A)
 - b. 8.02.030 (F)(1)
 - c. 8.02.030 (M)(N)
 - d. 8.02.050 (H)
 - e. 8.02.070 (A)
 - f. 8.02.090 (A) 1-3
 - g. or fail to comply with three or more components of section 8.02.130
- E. When an Alarm Business is deemed to be in “Substantial Compliance Failure” by the Alarm Administrator, the following procedure shall be applied.
- a. The Alarm Administrator shall send the Alarm Business a “Notice of Noncompliance with the following information:
 - i. The section of the ordinance to which the Alarm Business has failed complied.
 - ii. The specific remedy for the compliance failure.
 - iii. The date by which the Alarm Business must come into compliance, and
 - iv. The specific action that will be taken by the Department, including the date that action shall be taken.

- b. Unless otherwise specified in this ordinance, the Notice of Noncompliance shall give the Alarm Business 30 Days to come into compliance with the specified section.
- c. Failure to come into compliance, within the time specified in the Notice of Noncompliance, will immediately invoke section 8.02.030 (K) and associated fines of \$250 per day.

8.02.070 ALARM USER PERMITS

- A. Every Alarm Business shall apply for and receive an Alarm User Permit on behalf of the Alarm User on every new installation. Application shall be made with the Police Department for a permit within ten (10) days of the installation, including residential or Commercial fees in accordance with the Master Fee Schedule. Failure to meet this section shall be considered a Substantial Compliance Failure.
- B. Every Alarm User with systems installed prior to the effective date of this section shall apply for the Alarm User Permit within 90 days of the enactment of this ordinance, including the residential or commercial fees according to the Master Fee Schedule.
- C. An Alarm User Permit shall be available for inspection by the Police Department. Permits are not transferable from one Alarm User to another Alarm User or from one address to another address.
- D. Alarm Systems which are owned or maintained by the City of Oakland or Oakland Unified School District and installed on premises in which these entities have a property interest shall be subject to this article and shall be required to obtain a permit, but a permit shall be issued without payment of the fee.
- E. Multiple alarms located at a single address may be installed and operated under a single permit or under multiple permits as specified below:
 - a. Any person who desires to operate or maintain more than one Alarm System at any business or residential property may apply for a single alarm user permit for multiple alarm systems at a single address. For the purposes of determining false alarm and service fees, all alarm activity by the Alarm Systems under the single permit will be cumulative.
 - b. Any person who desires to operate more than one Alarm System at any business or residential property may apply for separate Alarm User Permits for each Alarm System operated or maintained at such location. If the applicant chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each system, and a separate permit fee shall accompany each application. Where multiple Alarm User Permits are issued for multiple Alarm Systems at one address, alarm activity will be charged only to the permit for the alarm system

which resulted in the alarm activity.

- F. No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid permit issued by the Alarm Administrator.
- G. An Alarm User Permit may be denied for the following:
 - a. Failure to pay Alarm User Permit fees
 - b. Failure to pay fines
- H. Every Alarm Business shall, within 30-days of request, provide an electronic data file to the Oakland Police Department with the name, complete address, and account number of each alarm user in the City of Oakland. This proprietary information shall be used for the administrative purposes of the Alarm Administrator and shall be maintained as a confidential data file in accordance with Section 8.02.060 (C) of this ordinance. Failure to comply with this section shall be deemed a Substantial Compliance Failure.

8.02.080 PERMIT DURATION AND RENEWAL

- A. A permit shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application and a permit renewal fee to the Alarm Administrator. The Department shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of their permit. It is the responsibility of the Alarm User to submit an application prior to the permit expiration date.

8.02.090 MAINTAINING AND PROVIDING SPECIFIED INFORMATION; CANCELLATION OF RESPONSE

- A. Any central station, monitoring company, or telephone answering service that relay messages to the Oakland Police Department, and request the dispatch of police officers to an Alarm System location, shall maintain and shall provide the following information to police dispatch at the time each message is relayed:
 - (1) The name of the permittee;
 - (2) The address of the alarm system; and
 - (3) The alarm permit number.
- B. An Alarm Business must cancel any request for police response immediately when the alarm business determines that the alarm signal is a false alarm. No false alarm assessment will be made for such canceled alarm unless, at the Oakland Police Department's discretion, the responding officer continues the response to investigate unusual or suspicious circumstances arising from the alarm activation, or the responding officer is already at the premises. This section shall not apply to Robbery or Holdup Alarms which are not subject to cancellation and for which an assessment shall be made for all responses to a false alarm.

8.02.100 VIOLATIONS AND FINES

- A. Beginning with the Second false alarm in any 12-month period a \$100 fine shall be assessed. The third false alarm shall result in a \$200 fine, and the fourth false alarm and all subsequent false alarms in any 12-month period will result in a \$300 fine.
- B. Activation of a duress, panic, or holdup alarm for an event not consistent with the elements of Section 211 of the California Penal Code or life threatening situations such as shootings and stabbings, shall be considered a violation of this section and will result in fine of \$150 for a first offense, \$250 for a second offense, \$350 for a third offense, \$450 for a fourth offense and \$550 for a fifth offense in any 12-month period.
- C. In determining the number of false alarms penalties, multiple alarms occurring in any twenty-four (24) hour period may be counted as one false alarm, to allow the Alarm User time to take corrective action, except where the Alarm User has a history of chronic false alarms.
- D. Any person, operating a non-permitted Alarm System (whether suspended or never acquired) will be subject to a fine of \$250 for each and every false alarm dispatch. The Alarm Administrator may waive the fine for a non-permitted system if the Alarm User applies for a permit within 30 days after such violation.
- E. Any Alarm Business that dispatches police to a non-permitted alarm system within 12-months of a new installation shall be subject to a fine of \$250, for each false alarm dispatch.
- F. Before the second false alarm dispatched to police, an Alarm User shall have the option of attending an Alarm User Awareness Class offered by the Oakland Police Department, as provided for in Section 8.02.120 (B). Only one False Alarm Waiver may be obtained in any 24-month period.
- G. Alarm Dispatch Requests caused by actual criminal offenses or with evidence of a criminal attempt shall not be counted as a false alarm dispatch.
- H. A false alarm response fee may be waived if the Alarm System was activated by an act of God, including violent conditions of nature; such as, earthquake, high intensity winds, extreme storms including thunderstorms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the Alarm Business or Alarm User. The Oakland Police Department may request a written statement/report from a licensed alarm company representative, which details the reasons for the false alarms under this section.
- I. Whenever an alarm user has two (2) false alarms in 30 days, the Alarm User shall submit proof of system service and problem resolution by a licensed Alarm Business within 30 days. Failure to comply shall immediately advance false alarm fines to the maximum allowable amount of \$300 per offense.

8.02.110. APPEAL PROCESS

An Alarm User whose application for a permit has been denied, or has been denied a waiver of fines, or an Alarm Business that has received a Notice of Noncompliance may appeal that decision.

- A. The initial appeal shall be to the Alarm Administrator. A letter of appeal must be filed with the Alarm Administrator within 15 days of the date of the letter of notification of the proposed action. While the appeal is pending the action proposed by the Oakland Police Department shall not be implemented. This initial appeal shall be informal and a written decision shall be prepared. Failure to file a timely appeal shall constitute a waiver of the Alarm User's or Alarm Business's right to appeal provided however, that the Alarm Administrator may in his/her sole discretion waive the 15 day limit if good cause is shown or there is cause to believe that it might encourage substantial cooperation from the Alarm User. There shall be no rights to appeal the decision of the Alarm Administrator to not waive the 15 day time limit for appeal.
- B. If the Alarm User or Alarm Business is dissatisfied with the decision of the Alarm Administrator, the appeal may be considered by the Deputy Chief of Police or their designee. A copy of the Alarm Administrator's decision shall be submitted with the Appeal Request completed. The appeal must be filed with the Deputy Chief within 15 days of the mailing of the letter of notification of the Alarm Administrator's decision. While the appeal is pending the action proposed by the Oakland Police Department shall not be implemented. Failure to file a timely appeal shall constitute a waiver of the Alarm User's or Alarm Business's right to appeal. The Decision of the Chief of Police shall be final.

8.02.120 ALARM USER AWARENESS CLASS

- A. The Oakland Police Department shall provide an educational program for the prevention of false alarms. The Police Department shall allow an Alarm User to attend any Alarm User Awareness Class for the purposes provided in this section. Each person who attends the Alarm User Awareness Class shall pay a fee of \$25.00 dollars. The police department shall collect the fee established by this section before or at the time of a person's attendance in the program.
- B. If an Alarm User successfully completes the Alarm User Awareness Class, the Police Department shall issue the person a certificate. The certificate may be used in lieu of payment of one (1) one hundred dollar (\$100.00) assessment imposed pursuant to subsection A of this section, provided that the certificate is submitted within two years of its issuance.
- C. An Alarm User who attends any Alarm User Awareness Class pursuant to this section may attend additional classes, but is not eligible to receive another certificate within twenty-four (24) months from the day on which the person last attended the program.

8.02.130 GOOD FAITH STANDARDS

Each Alarm Business shall, the greatest extent possible, adhere to the following consumer protection and equipment standards for all new installations in the City of Oakland.

- Participate in an alarm system upgrade program for seniors on fixed incomes
- Participate in quarterly False Alarm Prevention Classes with the Oakland Police Department
- Conduct ongoing research with the Oakland Police Department to create "False Alarm Immunity" rating system for intrusion detection equipment
- Participate in ongoing research to reduce false Alarms.
- Report unlicensed alarm businesses operating within the City of Oakland
- Establish single point of contact for the Alarm Administrator
- Install only UL listed Equipment
- Conduct follow-up calls on the second false alarm in a 30 to 90 day period.
- Maintain active membership in a local alarm association
- Install cross-zone structures in all new installations, where possible.
- Work with the Oakland Police Department to develop and implement a web based permit system
- Present false alarm prevention information at Home Alert and Neighborhood Crime Prevention Councils, upon request

8.02.140 SEVERABILITY

If any section, subsection, clause sentence, or phrase of the Ordinance is for any reasons 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 this Ordinance. The City Council of the City of Oakland hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof without said sections, subsections, sentences, clauses, or phrases.

JUN 19 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, and PRESIDENT DE LA FUENTE

-8

NOES-

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ABSENT-

0

ABSTENTION-

0

ATTEST: 

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date: **JUN 05 2003**