

TITLE 3 PUBLIC SAFETY, MORALS AND WELFARE*

DIVISION 6. CONDUCT DISTURBING COMMUNITY HARMONY*

CHAPTER 5. SECURITY ALARM SYSTEMS*

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***Note**—Amended by Ord. No. 9970 (N.S.), effective 3-12-09, as Chapter 5, SECURITY ALARM SYSTEMS. (Provisions previously codified at § 310.101 et seq.)

Cross reference(s)—Possession and storage of explosives, § [33.201](#) et seq.; noise regulations relative to burglar alarms, § [36.415](#).

SEC. [36.501](#). PURPOSE AND INTENT.

The purpose of this chapter is to regulate security alarm systems in the unincorporated area of the County. False alarms waste law enforcement resources because law enforcement officers responding to false alarms are not available to respond to other service calls. False alarms also waste tax dollars. The regulations in this chapter are intended to reduce the number of false alarms and promote the public health and safety of the residents of the County.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.502. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Alarm system" means any device which when activated, emits a signal or message to which the Sheriff is expected to respond that indicates there has been an unauthorized entry on property or the commission of an unlawful act. An "alarm system" also includes a device which emits a signal within a protected property only and is supervised by the proprietor of the property.

(b) "Alarm agent" has the same meaning as the term "alarm agent" in Business and Professions Code section 7590.1(o).

(c) "Alarm company operator" has the same meaning as the term "alarm company operator" in Business and Professions Code section 7590.2.

(d) "Alarm user" means any person who owns, leases, rents, uses or makes available for use by the user's agents, employees, representatives or immediate family an alarm system in the unincorporated area of the County.

(e) "Audible alarm" means a device designed to emit an audible sound outside of protected property to signal the occurrence of an unauthorized entry on property or the commission of an unlawful act.

(f) "False alarm" means the activation of an alarm system due to a cause other than an unauthorized intrusion on the property or the commission or attempted commission of an unlawful act, which the alarm system is designed to detect. An activation of an alarm system caused by any malfunction of telephone line or power line circuits or violent atmospheric or geologic conditions does not constitute a false alarm. A false alarm shall also not include the accidental tripping of an alarm if the Sheriff is not dispatched to the scene.

(g) "Nuisance alarm system" means a system with five or more false alarm activations within a six month period or three or more within each of two consecutive six month periods.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.503. LICENSED OPERATORS, AGENTS AND PERMITS.

(a) No person shall engage in business or accept employment as an alarm company operator in the unincorporated area of the County unless the person has filed with the Sheriff a copy of a valid alarm company operator's license issued by the State of California.

(b) No person shall operate or be employed as an alarm agent in the unincorporated area of the County unless the person has filed with the Sheriff a copy of a valid alarm agent's identification card issued by the State of California.

(c) No person shall own, possess, install, lease or use an alarm system in the unincorporated area of the County without an alarm user permit issued by the Sheriff. A separate permit shall be required for each alarmed building or facility and for each alarm system. A permit issued under this chapter shall only be valid for the location for which it was issued and may not be transferred to another location or alarm user.

(d) An application for an alarm user permit shall be filed with the Sheriff on a form provided by the Sheriff. The application shall include that name of the alarm company operator who will monitor the alarm or the names, residence addresses and telephone numbers of at least two persons who have 24 hour access to the alarm system and who will respond to the alarm when the alarm has been activated. The Sheriff shall issue a permit if the applicant submits a completed application and pays the permit fees, unless the Sheriff finds good cause exists to deny the permit. Good cause to deny a permit includes, installing an unreliable or otherwise

faulty alarm system, the applicant's failure to pay any overdue fees on any system used or operated by the applicant or the existence of facts which demonstrate that the public health or safety would be endangered by issuing the permit.

(e) An alarm permit shall be valid for an indefinite period. If the alarm user at a location changes, an alarm user moves the alarm system to a new location or modifies or replaces an existing alarm system, the existing permit shall expire and a new permit is required.

(f) Whenever an alarm permit is revoked pursuant to this chapter, a new permit application is required before the alarm may be activated. A permit for an alarm system permit that has previously been revoked may be granted if the applicant provides reliable evidence that the conditions causing the revocation have been corrected.

(g) The fee for an alarm permit shall be as provided in section 21.1901.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.504. ALARMS THAT SIMULATE EMERGENCY SIRENS AND NUISANCE ALARM SYSTEMS PROHIBITED.

(a) It shall be unlawful to install or modify an alarm system which, when activated, emits a sound similar to a siren used on an emergency vehicle or used for civil defense purposes.

(b) It shall be unlawful to continue to knowingly operate a nuisance alarm system without instituting corrective measures to eliminate the generation of false alarms.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.505. FALSE ALARM PREVENTION FEE.

(a) Any person who uses an alarm system regulated by this chapter which has caused more than two false alarms in a six month period to be transmitted to the Sheriff, either by direct communication from an alarm agent, an alarm company operator or from a person responding to an audible alarm, shall pay a false alarm prevention fee to the County General Fund as provided in subsection (b) below.

(b) The Sheriff shall notify the alarm user in writing after the occurrence of the second false alarm that any additional false alarms within six months of the first false alarm will result in the following fees being assessed:

Third false alarm, \$50.00

Fourth false alarm, \$100.00

Fifth false alarm, \$150.00

Each additional false alarm, \$200.00

(c) The County shall issue a monthly bill for any unpaid fees accrued during any monthly billing period and any prior periods. The bill shall be due and payable within 30 days after the billing date.

(d) A 15% late penalty shall be added to the fees imposed by this section for any fees not paid by the due date.

(e) The amount of any fee and late penalty shall be deemed a debt to the County. The County may commence an action in any court of competent jurisdiction for the unpaid debt.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.506. ALARM SYSTEM STANDARDS.

(a) No alarm system shall be installed unless the alarm user has entered into a written service agreement with a licensed alarm company operator to monitor the alarm system or has designated a person who will respond to the site of an activated alarm with the ability to deactivate the alarm.

(b) All alarm systems shall be supplied with an uninterruptible power supply so that the failure or interruption of the normal utility electric service will not activate the alarm system. The back up power supply shall be capable of at least four hours of continuous operation.

(c) An audible alarm system shall terminate the emission of its audible signal within 15 minutes of being activated. Any deputy Sheriff may terminate any activated alarm system when responding to the site of the alarm.

(d) No alarm system shall be equipped with a device or equipment which when activated will automatically transmit an alarm or signal directly to the Sheriff's Department.

(e) All burglary detection alarm systems, excluding alarm systems that are activated with a "key" device or which only generate an audible alarm, shall include a device which will provide a thirty-second delay before the alarm system transmits a signal indicating that the alarm has been activated. During the delay period the alarm system shall emit a signal perceptible to a person lawfully entering, leaving or occupying the alarmed property to provide an opportunity for a person having lawful control of the alarm system to terminate its operation after activation, prior to the transmission of an alarm.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.507. NO ALARM SYSTEMS ALLOWED WITHOUT A PERMIT.

No alarm agent or alarm company operator shall install, maintain, alter, replace, repair, service, move, monitor or respond to any alarm unless the alarm user has an alarm system permit issued by the Sheriff.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.508. ALARM USER STANDARDS AND RESPONSIBILITIES.

A person issued an alarm user permit under this chapter shall:

- (a) Notify the Sheriff within five business days if any of the information required by the permit application has changed.
- (b) Be responsible to maintain the alarm system covered by the permit to insure the alarm system functions properly.
- (c) Notify the Sheriff within 48 hours that the alarm user has moved from a location where an alarm system has been wired into a building or structure.
- (d) Disconnect the alarm system annunciator when the alarm user becomes aware that an alarm system malfunction has caused a false alarm and repair the alarm system promptly.
- (e) Contact the alarm company operator prior to any service, test, repair, maintenance, alteration or installation of an alarm system which might produce a false alarm. An alarm activated when prior notice has been given shall not constitute a false alarm.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.509. FALSE ALARM DETERMINATION.

The determination of whether a false alarm occurred shall be the sole province of the Sheriff's Department.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.510. REVOCATION OF PRIVILEGE TO USE ALARM SYSTEM.

- (a) The Sheriff may revoke an alarm user's permit if the Sheriff determines that the alarm user is violating or has violated this chapter, is using an alarm system improperly, has not repaired a defective or faulty system, has failed to pay an overdue false alarm prevention fee or is operating a nuisance alarm system. The notice of revocation shall be served pursuant to section [11.112](#) of this code. If the notice is served personally the revocation shall take effect immediately. If the notice is served by mail the revocation shall take effect three business days after the notice is mailed. The notice shall state the reasons for the revocation, advise the permit holder that there is a right to appeal the notice of revocation and that continued use of the alarm system is unlawful even if the permit holder files an appeal.

(b) It shall be unlawful to continue to use an alarm system after the effective date of the notice of revocation. Filing an appeal does not stay the revocation order.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.511. APPEALS.

An alarm user may appeal a permit revocation by filing an appeal with the Sheriff within 15 days of the date of the notice of revocation by filing the appeal in person at any Sheriff's station or by U.S. mail. If the alarm user files the appeal by mail the appeal shall be postmarked within 15 days of the date of the notice of revocation. The appeal shall be assigned to an employee of the Sheriff's Department who has not been involved in any determination that the permit should be revoked. A hearing on the appeal shall be scheduled no more than 30 days and no less than 15 days after the Sheriff's Department receives the appeal request. The Sheriff's Department shall notify the appellant in writing of the date, time and location of the appeal hearing. Following the hearing the person assigned to hear the appeal shall send a written decision to the appellant within 15 days of the hearing. The decision on the appeal shall be final.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.512. LIMITATIONS OF LIABILITY.

Neither the County of San Diego nor any of its employees shall be under a duty or obligation to a permittee or any other person by reason of any provision of this chapter. Nothing in this chapter shall impose any liability, obligation or duty upon the County or any of its employees, including administering or enforcing this chapter, responding to alarms or transmitting an alarm message to any other person or entity.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.513. OTHER ALARM SYSTEMS.

This chapter does not apply to an alarm system used by Federal Deposit Insurance Corporation insured institution or an alarm system that only emits an audible alarm for an automobile, boat, boat trailer, recreational vehicle or aircraft. The chapter also does not apply to any personal medical alarm system.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)

SEC. 36.514. GOVERNMENTAL ENTITIES.

This chapter does not apply to a municipal, county, State or federal agency or other governmental entity.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09)