

CITY COUNCIL OF THE CITY OF OXNARD

Ordinance No. 2601

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
REPEALING AND ADOPTING A PORTION OF CHAPTER 16.1 OF THE CITY CODE

The City Council of the City of Oxnard does ordain as follows:

Part 1. Article III (consisting of sections 16.1-18 through 16.1-49) of Chapter 16.1 of the City Code is repealed.

Part 2. Article III (consisting of sections 16.1-18 through 16.1- 49) of Chapter 16.1 of the City Code is adopted to read:

ARTICLE III. ALARM SYSTEMS

Division 1. In General

Sec. 16.1-18. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm. A sound, signal or message generated by an alarm system, alarm user or other person, to which police or fire personnel are expected to respond.

Alarm agent. A person employed by an alarm business, whose duties include installing, maintaining, moving, repairing, altering, replacing or servicing alarm systems.

Alarm administrator. The city employee designated by the chief of police to administer and determine alarm system permit applications, permits and alarm dispatch requests.

Alarm business. A business that sells, leases, installs, moves, maintains, repairs, alters, replaces, services or monitors alarm systems, not including a business that only sells alarm systems from a fixed location or that only manufactures alarm systems sold to retailers, and not to the public.

Alarm dispatch. A visit by police or fire personnel to an alarm site in response to an alarm dispatch request.

Alarm dispatch request. A notification to police or fire personnel that an alarm has been activated at an alarm site.

Alarm site. A mobile location (e.g., vehicle, vessel, bicycle), a building or portion thereof, or a person equipped with an alarm system, except that in a multitenant structure, each alarm system shall

be considered to serve a separate alarm site.

Alarm system. Any device, whether mechanical or electrical, fixed or mobile, designed and used to notify police or fire personnel, either directly or through a third party, of an event to which police or fire personnel are expected to respond. An alarm system does not include a battery operated smoke detector or the conventional use of a cellular or landline telephone. An alarm system does include manual and automatic alarm systems and mobile security devices. An alarm system that notifies police personnel is a police alarm system. An alarm system that notifies fire personnel is a fire alarm system.

Alarm user. An individual, corporation, partnership, association, organization or other entity, including a permittee, owning, leasing or controlling an alarm site.

Audible alarm. An alarm system device that, when activated, emits an audible sound at or about the alarm site.

Automatic alarm system. An alarm system that is activated automatically by one or more sensors such as, but not limited to, motion detectors, reed switches, vibration sensors, acoustic sensors, glass break detectors, smoke sensors, heat detectors or fire suppression devices. Manually activated alarms or alarms operating from a mobile security device are not automatic alarms.

Automatic dialing device. A device that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police or fire personnel are expected to respond.

Building. A structure used or intended for use as human habitation, including attached nonhabitable areas, such as storage and garage areas, and excluding yards and open areas and detached accessory buildings not used or intended for use as human habitation.

False alarm, fire false alarm and police false alarm.

(a) A false alarm is an alarm as to which responding police or fire personnel, having investigated the alarm site, find no evidence of a situation requiring a response by such personnel, or, except for an alarm based on fire or medical emergency, find that the alarm site contains one or more unsecured exterior doors or windows. A false alarm includes an alarm caused by a power outage, but does not include an alarm caused by an act of God or an extraordinary condition not reasonably within the control of the alarm business or alarm user.

(b) A fire false alarm is a false alarm to which fire personnel respond.

(c) A police false alarm is a false alarm to which police personnel respond.

Hearing officer. A person appointed by the city manager to hear and decide certain matters arising under this article.

Manual alarm system. An alarm system that is activated manually by one or more devices such as, but not limited to, buttons, keys, switches or rails, sometimes referred to as panic alarms, panic buttons, trouble alarms, hold-up alarms, emergency buttons, emergency keys, medical alarms, robbery alarms, duress alarms, takeover alarms, hostage alarms, ambush alarms, bill traps, money traps, medical alarms, pull stations, early morning switches, foot rails or foot switches.

Mobile security device. An alarm system that is carried on the person or installed in a motor vehicle or other mobile location, that transmits an alarm to an alarm business.

Monitoring. The process by which an alarm business or alarm user receives signals from alarm systems or otherwise monitors alarm sites and relays an alarm dispatch request to police or fire personnel.

Permittee. A person holding a valid alarm system permit issued pursuant to this article or a person having an alarm system for which this article does not require a permit.

Person. Any person as defined in section 1-3 of the city code or any other firm, institution or public entity.

Police or fire personnel. Employees of the city police and fire departments; employees of police and fire departments of other public entities with which the city has entered into mutual aid agreements; or any person with which the city has contracted to respond to alarms.

Private patrol operator. A person licensed as a private patrol operator by the Chief of the California Bureau of Security and Investigative Services pursuant to Business and Professions Code section 7582.11 and holding a current city business license for a private patrol business.

Silent alarm. An alarm system device that is connected to a telephone line and that, when activated, automatically transmits a message or signal to an alarm business, indicating the need for an emergency response to the alarm site.

Unsecured. Not equipped with a lock, bar or other device that is attached to or in contact with the door or window, that is in the fixed or locked position, and that prevents the door or window from being opened from the exterior of the alarm site without breaking the door or window.

211 alarm. A silent alarm dispatch request generated by a manual alarm system located at a place of business as set out in section 16.1-28(f), intended to signal that a robbery is in progress or that the alarm site is being taken over by intruders.

Sec. 16.1-19. No duty to respond.

Nothing in this article shall impose a duty on the city or on police or fire personnel to respond to any alarm, whether or not the alarm is false.

Sec. 16.1-20. Silent or audible alarm, presumption.

When the silent or audible alarm of an alarm system is activated, a conclusive presumption arises that an alarm dispatch request is made, whether by an alarm user, an alarm business, or another person hearing or otherwise alerted by the alarm.

Sec. 16.1-21. Alarm business duties.

Every alarm business that monitors alarm systems shall:

(a) Before making an alarm dispatch request, attempt to verify every alarm signal by contacting the alarm site by telephone or other electronic means; provided, however, that the alarm business may make an alarm dispatch request without attempting to verify alarm signals generated by a fire alarm, a hazardous environment alarm, a 211 alarm, a takeover alarm, or a mobile security device in a vehicle that generates an auto accident alarm, such as air bag deployment or vehicle rollover.

(b) If the alarm business receives no response to an attempt to verify an alarm signal generated by a mobile security device in a vehicle, and the vehicle is stationary and the alarm business detects no sounds of distress emanating from the vehicle, the alarm business shall not make an alarm dispatch request. If the alarm business receives no response to an attempt to verify an alarm signal generated by a mobile security device in a vehicle, and the vehicle is moving, the alarm business shall monitor conversations to determine if an emergency exists, and shall not make an alarm dispatch request unless the alarm business receives information indicating that an emergency exists.

(c) Make alarm dispatch requests in a form and to telephone numbers designated by the alarm administrator.

(d) Communicate verified cancellations of alarm dispatch requests in a form and to telephone numbers designated by the alarm administrator.

(e) Maintain for at least one year following a request for an alarm dispatch to an alarm site, records relating to the dispatch, including the name, address and telephone number of the alarm user; the alarm system zones or points activated; the time of request for dispatch; and information concerning the alarm business's attempt to contact the alarm site by telephone or other electronic means before requesting the dispatch.

(f) Make such records available to the alarm administrator on request.

(g) Not install a single-action, non-recessed button as a device to activate a manual alarm.

(h) Not install an automatic dialing device in an alarm system.

(i) When making alarm dispatch requests, not use incorrect, misleading or unverified information or terminology or withhold information to facilitate an alarm dispatch.

(j) When making a mobile security device alarm dispatch request, provide additional information indicating:

(1) The nature of the crime or emergency, such as air bag deployment, emergency key activation, auto accident, robbery, theft or fire.

(2) The current location by street address (not global positioning system coordinates) of the mobile security device.

(3) The direction of travel, if applicable.

(4) The description of the vehicle (color, year, make, model, and license number), if the mobile security device is vehicle mounted.

(5) The name of the owner or operator of the mobile security device.

(k) After making an alarm dispatch request, remain in continuous contact with police or fire personnel, unless otherwise instructed by police or fire personnel.

(l) If the alarm business monitors mobile security devices, register with the alarm administrator the following information: Business name, address, telephone and fax numbers, person responsible for liaison with police or fire personnel, and his or her e-mail address.

Sec. 16.1-22. Alarm agent duties.

Alarm agents shall, on request, display the registration issued by the California Department of Consumer Affairs to any alarm user, police or fire personnel, or the alarm administrator.

Sec. 16.1-23. Alarm user duties.

(a) An alarm user shall respond or make a representative available to respond to the alarm site within 45 minutes of notification by city staff to deactivate a malfunctioning alarm system, to provide access to the alarm site, or to assume responsibility for an alarm site that has been rendered unsecured. An alarm user who fails to so respond or to provide a representative to so respond shall

be charged a fine equal to the false alarm dispatch fee and penalty for the third false alarm dispatch within a 12 month period, whether or not the dispatch was a false alarm dispatch.

(b) If city staff cannot contact the alarm user or his or her representative and confirm a response within 45 minutes, city staff may enter any structures at the alarm site in order to deactivate the alarm and/or secure the alarm site and shall not on account thereof be held liable for trespass, unlawful entry or other violation of law. Such authorization does not require city staff to take such actions. However, if city staff performs such acts, the alarm user shall reimburse the city for the cost of city staff's taking such actions.

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

(d) Mobile security device users shall be familiar with the operation of the device, including alarm activation and cancellation techniques.

Sec. 16.1-24. Alarm user duties imposed jointly and severally.

The duties imposed by this article on alarm users are imposed jointly and severally on each alarm user for an alarm site, regardless of whether each alarm user installed, operated or knew of the existence of an alarm system at the alarm site.

Sec. 16.1-25. Business licenses.

Before doing any business in the city, alarm businesses and those alarm agents who are independent contractors shall obtain city business licenses.

Division 2. Alarm System Permits

Sec. 16.1-26. Alarm system permit required.

(a) Except as provided in section 16.1-27, every alarm user shall obtain a permit in accordance with this article for each police alarm system or fire alarm system for each alarm site before the alarm system therein becomes operative. The alarm user shall maintain the permit in effect while the alarm system remains operative.

(b) The alarm administrator shall charge a fine equal to the false alarm fee and penalty for the third false alarm within a 12 month period to an alarm user who does not have an alarm permit in effect and whose alarm system causes any alarm dispatch or false alarm dispatch. The alarm administrator shall waive the fee and penalty if an alarm permit for the alarm site is issued to the alarm user within 30 days of the date of the alarm dispatch or false alarm dispatch.

Sec. 16.1-27. Exemptions.

The provisions of this division shall not apply to:

- (a) Mobile security devices.
- (b) Alarm systems that are designed to alert only the inhabitants of the alarm site and that do not have audible alarms that can be heard at the exterior of the alarm site.

Sec. 16.1-28. Application; fees.

(a) Initial applications for alarm system permits shall be on a form provided by the alarm administrator and shall be filed with the alarm administrator. Renewal applications for alarm system permits shall require the permittee to update the information contained in the initial application. The alarm administrator shall mail a renewal application form to each permittee at least 20 days before the permit expires.

(b) The owner or property manager of a multi-unit structure containing alarm systems in unoccupied units or in common, storage or equipment areas shall obtain an alarm system permit in accordance with subsection (a) of this section for each such alarm system.

(c) Each initial and renewal application shall be submitted with a nonrefundable fee and a surcharge, if applicable, in an amount set by resolution of the city council. The alarm administrator shall collect the surcharge when the initial application is filed after the alarm system becomes operative.

(d) No fee shall be required for applications submitted for alarm sites wholly occupied by a governmental or public education entity or for applications submitted by persons 60 years or older for alarm sites that are their residences. However, such applications are subject to the surcharge referred to in subsection (c) of this section.

(e) A person whose request to submit an application without paying a fee or surcharge is denied by the alarm administrator may file with the alarm administrator a notice of appeal, stating the reasons why the applicant is entitled to file such application without paying the fee or surcharge. The notice of appeal shall be accompanied by the appeal fee set by resolution of the city council. The appeal procedure shall be as provided in section 16.1-31, excluding subsection (d) thereof. Instead of the procedure provided in subsection (e) of section 16.1-31, the appellant shall first present evidence, by written statement or otherwise, that he or she is entitled by this article to exemption from the fee or surcharge, and the alarm administrator may then present evidence that the appellant is not entitled to exemption.

(f) Permits for alarm systems containing 211 alarms shall be issued only for alarm sites identified as the address of a business for which a city business license and, if applicable, a home occupation permit have been issued.

(g) Permits are not transferable to another alarm user or another alarm site.

(h) Permits are issued for a two year period from July 1 to June 30 of the next following year, or from the date after July 1 that the application is approved to June 30 of the next following year. The application fee shall not be prorated based on the date of application. Permits expire and shall be renewed biennially. An application for renewal filed after an alarm system permit has expired shall be processed as an initial application and shall be accompanied by the initial application fee.

Sec. 16.1-29. Permit issuance or denial.

The alarm administrator shall determine whether the alarm system described in the application meets the standards established by this article. If so, the permit shall be issued. If not, the permit shall be denied. The alarm administrator shall state in writing the reasons why an alarm system does not meet the standards established by this article.

Sec. 16.1-30. Right to appeal.

(a) Within ten days after the alarm administrator determines whether the alarm system meets the standards established by this article, the alarm administrator shall mail a permit to an applicant whose alarm system meets such standards, and shall mail to an applicant whose alarm system does not meet such standards a notice that the application is denied, together with a statement of reasons why the alarm system does not meet such standards.

(b) A notice that the application is denied shall also advise the applicant of the right to appeal by filing a notice of appeal with the alarm administrator within 15 days after the notice of denial was mailed. The notice of appeal shall state the reasons why the alarm system is claimed to meet the standards established by this article and shall be accompanied by the appeal fee set by resolution of the city council.

(c) Permits and notices of denial mailed by the alarm administrator shall be placed in the United States mail, postage prepaid, addressed to the applicant at the mailing address stated in the application.

Sec. 16.1-31. Appeal procedure.

(a) On receipt of the notice of appeal and the appeal fee, the alarm administrator shall immediately refer the notice of appeal to the hearing officer, who shall set the appeal for hearing within 30 days after the notice of appeal is filed.

(b) The hearing officer shall provide the appellant at least ten calendar days' notice of the time and place of hearing by personal service or by depositing the notice in the United State mail, postage prepaid, addressed to the appellant at the address stated in the notice of appeal.

(c) The appellant may appear at the hearing in person or through a representative. The appellant may also submit a written statement of the appellant's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(d) The hearing officer shall determine all issues raised in the appeal. The hearing officer shall conduct the appeal in an informal manner and shall not be bound by the technical rules of evidence. The hearing officer shall make his or her decision on the basis of the preponderance of the evidence.

(e) The alarm administrator shall first present evidence that the alarm system does not meet the standards established by this article. The appellant may then present evidence, by written statement or otherwise, that the alarm system does meet the standards established by this article.

(f) Within 14 days of the conclusion of the appeal, the hearing officer shall issue and mail to the appellant a written decision containing a statement of the reasons on which the decision is based.

(g) The decision of the hearing officer shall be final and may be reviewed only within the time and in the manner provided by section 1094.5 of the Code of Civil Procedure.

Sec. 16.1-32. Removal or modification of alarm system.

If an applicant whose application is denied does not appeal, or if on appeal the hearing officer's decision is that the alarm system does not meet the standards established by this article, the applicant shall immediately remove the alarm system from the alarm site or modify the alarm system to meet the standards established by this article and file a new application.

Sec. 16.1-33. Change in application information.

(a) Whenever any change occurs in the information contained in the application, the permittee shall give the alarm administrator written notice of the change within 30 days of the date that the change becomes effective.

(b) If an alarm user fails to give the alarm administrator timely written notice of a change in the information contained in the application, the alarm administrator shall charge the alarm user a fine equal to the false alarm fee and penalty for the third false alarm within a 12 month period.

Division 3. Alarm System Standards

Sec. 16.1-34. Alarm system standards.

(a) All alarm systems and appurtenant equipment shall meet the standards contained in this article.

(b) In addition, alarm systems and appurtenant equipment designed as fire alarm systems shall meet the standards of the National Fire Protection Association, the Uniform Fire Code, or the city fire department conditions of approval of the building or development in which the alarm system is installed, whichever such standards are most restrictive.

Sec. 16.1-35. Deactivation of audible alarm.

Every audible alarm shall have a timer that automatically deactivates the alarm within 15 minutes after it begins to emit sound. If an audible alarm continues to emit sound after 45 minutes, police or fire personnel may silence the alarm and shall not be liable to the alarm user for any damage to the alarm system caused thereby or for any other matter arising out of silencing the alarm.

Sec. 16.1-36. Emergency power supply.

Alarm systems shall be equipped with an uninterruptable power supply so that the failure or interruption of normal utility electricity will not activate or deactivate the alarm system. The emergency power supply must be capable of at least four hours of operation.

Sec. 16.1-37. Automatic dialing device.

An alarm system shall not consist of or include an automatic dialing device.

Sec. 16.1-38. Audible alarms.

An alarm system shall not consist of or include an audible alarm that:

(a) Sounds similar to the noise made by an emergency vehicle, siren or civil defense warning system; or

(b) Activates for any purpose other than detection of an unauthorized entry into the alarm site or a hazard requiring attention.

Sec. 16.1-39. Audible device for silent alarms.

Silent alarms other than manual alarms shall include a device that makes a sound audible at least within the interior of the alarm site. The purpose of this device is to alert persons inside the alarm site that the alarm system has been activated.

Sec. 16.1-40. Activation of alarms.

(a) Manual alarms installed on or after January 1, 1997 shall not be activated by means of a single-action, non-recessed button.

(b) An alarm user shall not activate a manual alarm system for any situation other than an unauthorized entry into the alarm site or a hazard requiring attention.

Division 4. Excessive False Alarms

Sec. 16.1-41. Excessive false alarms prohibited.

(a) An alarm user shall not allow more than two police false alarms and two fire false alarms to be generated by the alarm user's alarm system within a 12 month period; provided, however, that the alarm user shall not allow any false alarms to be generated by a mobile security device, a manual alarm system, or an automatic alarm system activated by a manual alarm system device.

(b) Each false alarm generated by an alarm system in excess of two police false alarms and two fire false alarms during a 12 month period is an excessive false alarm and is a violation of this article; provided, however, that any false alarm is an excessive false alarm and is a violation of this article if generated by a mobile security device, a manual alarm system, or an automatic alarm system activated by a manual alarm system device.

(c) Notwithstanding the foregoing subsections (a) and (b) of this section, fire false alarms generated by a location detection system that the city fire department designated and required to be installed in an industrial or commercial building of at least 20,000 square feet and having multiple points of entry shall not be considered false alarms until the fire department gives written notice to the alarm user that subsequent false alarms will be considered false alarms. Such subsequent false alarms shall be subject to the foregoing subsections (a) and (b) of this section.

(d) The excessive false alarm fees and penalties referred to in section 16.1-42 are civil penalties for which an alarm user is liable. If an alarm user does not timely pay the fees and penalties when billed in accordance with section 16.1-44, the city may recover the fees and penalties either by an administrative hearing as provided in section 16.1-44(h) or by a civil lawsuit.

(e) If an alarm user does not timely pay the excessive false alarm fees and penalties referred to in section 16.1-42 when billed in accordance with section 16.1-44, the city may suspend alarm dispatches to the alarm systems that generated the false alarms on which such fees and penalties are based.

(f) If an alarm system generates eight or more excessive police false alarms or fire false alarms in

a period of 12 consecutive months, the city may suspend police or fire alarm dispatches to the alarm system, whether or not the alarm user has timely paid excessive false alarm fees and penalties.

Sec. 16.1-42. Fees and penalties for excessive false alarms.

(a) Except as provided in subsection (b) of this section, an alarm user shall pay for each excessive false alarm, fees and penalties in amounts set by resolution of the city council. The excessive false alarm penalties shall increase with additional excessive false alarms.

(b) The alarm business that made the alarm dispatch request shall pay fees and penalties in amounts set by resolution of the city council for each excessive false alarm generated by a mobile security device. The excessive false alarm penalties shall increase with additional excessive false alarms.

Sec. 16.1-43. Alarm dispatch reports and notices.

(a) A police report shall be prepared for every alarm dispatch request to which police personnel respond. A fire dispatch report shall be prepared for every alarm dispatch request to which fire personnel respond.

(b) The alarm administrator shall prepare a notice of such response, including the date and time of response; an identification of the responding police or fire personnel; a statement urging the alarm user to ensure proper operation of the alarm system in order to avoid fees and penalties; and the fees and penalties then in effect for false alarms.

(c) The alarm administrator shall deposit such notice in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the alarm administrator shall address the bill to the owner of the alarm site, as shown in the records of the Ventura County assessor.

Sec. 16.1-44. Bills for fines, fees and penalties; hearing.

(a) Except with regard to alarm dispatch requests originating from mobile security devices, the alarm administrator shall review each police or fire report prepared for an alarm dispatch request and determine whether an alarm permit is required for the alarm site and if so, whether an alarm permit is in effect for the alarm site. If an alarm permit is required and is not in effect, the alarm administrator shall mail to the alarm user an application form for an alarm permit and a bill for the fee and penalty referred to in subsection (b) of section 16.1-26.

(b) When the alarm administrator determines that an excessive false alarm has occurred, whether or not an alarm permit is required for the alarm site, the alarm administrator shall mail to the alarm user a bill for the applicable fees and penalties.

(c) The alarm administrator shall mail a bill to each alarm user that incurs a fine pursuant to subsection (a) of section 16.1-23, subsection (b) of section 16.1-33 or subsection (b) of section 16.1-48.

(d) The fines, fees and penalties referred to in this article are cumulative. The alarm administrator may prepare a separate bill for each fine, fee and penalty or may include in the same bill all or some of the fines, fees and penalties incurred by an alarm user.

(e) Each bill shall state that the alarm user shall pay the bill within 15 days of the date the bill was mailed.

(f) The alarm administrator shall deposit each bill in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the alarm administrator shall address the bill to the owner of the alarm site, as shown in the records of the Ventura County assessor.

(g) The alarm administrator shall include with every bill a notice of hearing, informing the alarm user of the date, time and place where a hearing will be held on the imposition of the fees, fines and penalties if not timely paid.

(h) If the fees, fines and penalties are not timely paid, the hearing officer shall hold a hearing and issue a decision as to whether imposition of the fees, fines and penalties is justified by this article. The hearing officer shall hold the hearing in the manner set out in subsections (c) through (f) of section 16.1-47 of this article, whether or not the alarm user attends the hearing.

(i) The alarm administrator shall also review each police or fire report prepared for an alarm dispatch request originating from a mobile security device. When the alarm administrator determines that a false alarm has occurred, the alarm administrator shall mail to the alarm business that made the alarm dispatch request a bill for the applicable fees and penalties. The bill shall state that the alarm business shall pay the bill within 30 days of the date the bill was mailed. The alarm administrator shall include with every bill a notice of hearing, informing the alarm business of the date, time and place where a hearing will be held on the imposition of the fees and penalties if not timely paid. If the fees and penalties are not timely paid, the hearing officer shall hold a hearing and issue a decision as to whether imposition of the fees and penalties is justified by this article. The hearing shall be held in the manner set out in subsection (c) through (f) of section 16.1-47 of this article, whether or not the alarm business attends the hearing.

(j) If the hearing officer finds such justification for fees and penalties for a false alarm based on an alarm dispatch request originating from a mobile security device, and the alarm business does not timely pay the fees and penalties, the city may suspend alarm dispatches requested by the alarm business. In such case, the alarm administrator shall mail to the alarm business by certified mail a notice that the city will suspend such alarm dispatches, effective 30 days from the date the notice was

mailed.

Sec. 16.1-45. Conference with alarm administrator; reduction or waiver of fines, fees and penalties.

(a) When an alarm system generates eight or more excessive police false alarms or fire false alarms in a period of twelve consecutive months, and there is reason to believe that the alarm system is not being used or maintained so as to ensure proper operation and suppression of false alarms, the alarm user and the alarm business, if any, responsible for maintaining the alarm system shall confer with the alarm administrator to review the circumstances of the false alarms.

(b) The alarm administrator shall deposit in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site, and to any alarm business identified in such application as responsible for maintaining the alarm system, notice of the time and place of the conference. The notice shall also state that the city has suspended police or fire alarm dispatches to the alarm site, effective 30 days from the date of mailing, and that in order to begin the process to cancel such suspension, the alarm user must attend the conference.

(c) If the alarm user attends the conference at the time and place stated in the notice and satisfactorily completes training at the City of Oxnard False Alarm School within 180 days thereafter, the alarm administrator shall mail to the alarm user by certified mail a notice canceling the city's suspension of alarm dispatches to the alarm user's police or fire alarm system that generated the false alarms. Such notice shall state the effective date of such cancellation.

(d) If the alarm user agrees to take action as specified by the alarm administrator to prevent the recurrence of false alarms, and the alarm administrator verifies that the alarm user has taken such action, the alarm administrator may reduce or waive excessive false alarm fines, fees and penalties incurred and not yet paid by the alarm user, provided that the alarm administrator obtains the city manager's prior written approval of the reduction or waiver.

Division 5. Suspension or Revocation of Permit; Suspension of City Response

Sec. 16.1-46. Suspension or revocation of permit.

(a) In accordance with the procedure contained in section 16.1-47, a permit may be revoked or may be suspended for up to 30 days if:

(1) The permittee violates any provision of this article.

(2) The permittee fails to make timely payment of false alarm dispatch fees or false alarm fines or penalties or fails to attend a conference with the alarm administrator.

(3) The permittee made any false statement of a material matter in the application for the permit.

(b) The city shall suspend alarm dispatches to an alarm system for which the permit was revoked or suspended.

Sec. 16.1-47. Notice and hearing.

(a) The hearing officer shall give to the permittee written notice of the alarm administrator's recommendation for revocation or suspension of the permit. Such notice shall include the reason for the proposed revocation or suspension and the time, place and date of a hearing thereon, which date shall be no sooner than ten days or longer than 15 days from the date of the notice. Such notice shall be deposited in the United States mail, postage prepaid, addressed to the permittee at the mailing address stated in the application for the permit.

(b) The hearing shall be held before the hearing officer, who shall decide all issues raised by the proposed revocation or suspension. The permittee may appear at the hearing in person or through a representative. The permittee may also submit a written statement of the permittee's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(c) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The hearing officer shall make a decision based on the preponderance of the evidence presented at the hearing.

(d) The alarm administrator shall first present evidence of the basis for the recommended action. The permittee (or other person billed pursuant to section 16.1-44) may then present evidence, by written statement or otherwise. The burden of proof by preponderance of the evidence is on the alarm administrator.

(e) Within 14 days of the conclusion of the hearing, the hearing officer shall issue and mail to the permittee (or other person billed pursuant to section 16.1-44) a written decision containing a statement of reasons on which the decision is based. If the hearing was held pursuant to section 16.1-44(h), and the decision is that imposition of the fees and penalties is justified by this article, the decision shall also add to the amount of the fees and penalties a fee for the hearing and provide that interest at the rate provided by resolution of the city council shall be added to the total amount until paid.

(f) The decision of the hearing officer shall be final and may be reviewed only within the time and in the manner provided by section 1094.5 of the Code of Civil Procedure.

(g) A hearing not yet held or completed may be terminated or a suspension may be rescinded if the permittee proves to the satisfaction of the alarm administrator that action has been taken to resolve the basis for suspension.

Sec. 16.1-48. Duties after suspension or revocation.

(a) A permittee whose permit is suspended shall immediately render the police or fire alarm system inoperable during the period of suspension, and a permittee whose permit is revoked shall immediately remove the police or fire alarm system from the alarm site. A permittee whose permit is revoked may file a new application, but no alarm system of the type (police or fire) for which the permit was suspended may operate at the alarm site until the new application is granted.

(b) A permittee whose permit is suspended or revoked and whose alarm system causes any alarm or false alarm within the period of suspension or after revocation and before issuance of a new permit shall be charged a fine equal to the fee and penalty for the sixth false alarm within a 12 month period.

(c) After a permit is revoked, the alarm administrator shall not issue a new permit for the same type of alarm system (police or fire) for which the permit was revoked at the same alarm site unless the applicant submits a new application and pays the application fee and all fines and penalties due, and submits a signed letter from an alarm business, stating that the alarm business has inspected the alarm system and has found that the alarm system is in good operating condition and complies with the standards contained in this article.

Division 6. Enforcement.

Sec. 16.1-49. Collection of civil debt.

The fees, fines and penalties imposed by this chapter shall be deemed a civil debt owed to the city by the alarm user or alarm business. If legal action is brought by the city or its assignee against the alarm user or alarm business to enforce collection of such fees, fines or penalties, any judgment rendered in favor of the city shall include costs of suit incurred by the city or its assignee, including reasonable attorneys' fees.

Part 3. The City Attorney shall prepare a summary of this ordinance. Within 15 days after adoption of the ordinance, the City Clerk shall publish the summary with the names of those City Council members voting for and against the ordinance, and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance.

Part 4. Ordinance No. 2061 was first read on May 21, 2002, and finally adopted on June 4, 2002, to become effective thirty days thereafter.

AYES: Councilmembers Lopez, Maulhardt, Pinkard and Zaragoza.

NOES: None.

ABSENT: Councilmember Holden.

/s/ Manuel M. Lopez
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/ Jill Beaty for
Daniel Martinez, City Clerk

/s/ Paula Kimbrell for
Gary L. Gillig, City Attorney