CHAPTER 10.80
SECURITY ALARM SYSTEMS

ORDINANCE NO. 1724

10.80.010. LEGISLATIVE PURPOSE AND INTENT.

The Merced County Board of Supervisors finds and declares that:

1. Inadequately maintained security alarm systems present a growing danger to the health, safety and welfare of the residents of the County of Merced ;
2. The volume and frequency of nuisance alarms have persisted and increased so as to create a hazard and cause a serious drain upon limited police services and equipment needed at other locations;
3. The unnecessary waste of tax dollars for responding to nuisance alarms must be reduced;
4. Every residence and business property is entitled to the safety and protection afforded by local law enforcement;
5. The necessity for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of public policy in pursuing security and the promotion of the public health, safety and welfare of the County of Merced and its residents.

10.80.030. PERMIT REQUIRMENTS AND FEES .

1. Alarm Business Operator License. No person shall operate an alarm business in the County prior to filing with the Sheriff copies of a valid Alarm Company Operator's license issued by the State of California . No fee or application shall be required for such filing.
2. Alarm Agent Identification Card. No person shall operate or shall be employed as an alarm agent in the County prior to filing with the Sheriff a copy of a valid Alarm Agent's identification card by the State of California . No fee or application shall be required for such filing.
3. Alarm System User Permit. No person shall own, possess, install, lease or use an alarm system without an alarm user permit issued by the Sheriff. A separate permit shall be required for each separate alarmed building or facility and for each separate alarm system and shall be valid only for that location. No permit may be transferred to any new location or alarm user. Each application shall contain that information determined by the Sheriff to be necessary to determine responsibility for the proper functioning and maintenance of the alarm system being permitted. Applications shall be filed within thirty days of installation of an alarm system. Permit information shall include:

    - i. Name of alarm system owner.
    - ii. Business Name, if any.

• iii. Telephone number to contact.
• iv. Address where alarm system is located.
• v. If unable to contact owner, alternate name to contact.
• vi. Alternate address.
• vii. Alternate telephone number.
• viii. How many alarms are located at that address.
• ix. Location of alarms.
• x. Billing address.
• xi. Who is authorized to respond other than law enforcement.
• xii. Other pertinent information as required.

1. Application for Alarm Permit. Applications for alarm permits shall be filed with the Sheriff. The Sheriff shall issue a permit unless he finds that good cause exists to deny the permit. Good cause to deny the permit shall include but not be limited to, installation of unreliable or otherwise faulty alarm system equipment, the failure of the applicant to pay permit fees or penalty fees on any system operated by the applicant or favors which demonstrate that the public health and/or safety would be endangered by the issuance or reissuance of the permit.
2. Duration. Permits shall be valid for an indefinite period unless there is a change in alarm user, address location of the alarm system, type of alarm permit or unless an alarm permit is revoked in which case a new permit is required by filing a renewal application with the proper fee within ten (10) days from the date such change or revocation occurs, except in the case of revocation. A renewal application may be accepted upon proof that the conditions causing the revocation have been corrected.
3. Fee. The fee for an alarm permit shall be set forth in the Sheriff's Fee Schedule.

10.80.040. PROHIBITIONS.

1. It shall be unlawful to install or modify an alarm system, which upon activation emits a sound similar to sirens used on emergency vehicles or for civil defense purposes.
2. It shall be unlawful to continue operation of a nuisance alarm system without instituting corrective measures to eliminate the generation of false alarms.

10.80.050. FALSE ALARM PREVENTION FEE.

Any person who uses an alarm system for the protection of his real or personal property or person which has caused any signal, message or alarm, to be transmitted, either by direct communication from an alarm agent or an alarm business, or by a person responding to an audible alarm, and which is proven to be false, shall pay a false alarm prevention fee to the County as follows:

1. The first two (2) false alarms in any six (6) month shall be considered accidental and fees shall not be charged. The owner or lessee of the alarm system shall be notified in writing after the occurrence of the second false alarm that additional false alarms within six (6) months of the first shall result in the following fees. Such assessments shall be established by the Merced County Sheriff's Department to offset law enforcement salary costs and administrative cost overhead for this program:

Third false alarm:	$ 50.00
Fourth false alarm:	100.00
Fifth false alarm:	150.00
Each additional false alarm:	200.00

1. The sheriff shall cause to be issued a monthly bill for unpaid fees accrued during any monthly billing period and any prior periods. Such bill shall be due and payable within thirty (30) days after the billing date.
2. A late fee of fifteen percent (15%) shall be added to the fees required by this section in connection with any fees not paid in the time and manner set forth above.
3. The amount of any fee and late fee assessed pursuant to this article shall be deemed a debt to the County, and an action may be commenced in the name of the County in any court of competent jurisdiction in the amount of the delinquent debt. Payment of any user fees and late fees shall not prohibit criminal prosecution for the violation of any provisions of this division.

10.80.060 . ALARM SYSTEM STANDARDS .

1. No alarm system shall be installed unless the alarm user has either a service agreement with an alarm business qualified under this division, or has available a designated person who will respond to the site of the activated alarm with the ability to deactivate the alarm.
2. All alarm systems shall be supplied with an uninterruptible power supply in such a manner 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 (4) hours of continuous operation.
3. An audible alarm system shall terminate the emission of its audible signal within thirty (30) minutes of its being activated, and the Sheriff or his representative shall have the right to take such steps as may be necessary and reasonable to disconnect any activated alarm.
4. No alarm system shall be equipped with either a Direct Dial Device or any direct line equipment which when activated will automatically dial a telephone number in or signal any office of the Sheriff's Department.
5. All burglary detection alarm systems, excluding such alarm systems that are activated with a "key" device or which generate an audible alarm, shall include a

device which will provide a thirty-second delay before the original alarm transmission and immediately upon being activated shall emit a signal in such a manner as to be perceptible to a person lawfully entering, leaving or occupying the premises. Such a device is intended to provide an opportunity for the person having lawful control of the alarm system to terminate its operation after activation but prior to the transmission of a false alarm.

10.80.0 70. ALARM BUSINESS STANDARDS AND RESPONSIBILITIES .

1. It shall be the responsibility of the alarm business operator or the alarm agent or both to inform their respective alarm system users of the provisions of this ordinance.
2. Alarm businesses operating within the unincorporated area shall comply with all state and local licensing requirements.

10.80.080 . ALARM USER STANDARDS AND RESPONSIBILITIES .

1. The permitted alarm user shall ensure that the Sheriff is in possession of the name, telephone number and business address of the licensed alarm agent or business under contract to the user to respond or a minimum of two (2) names, telephone numbers, and home address of persons with twenty-four (24) hour access to the alarm location and the alarm system, who are authorized to and will respond to the location where an alarm has been activated. The response shall be within a reasonable time and, in any event, within thirty (30) minutes of being requested to do so. At any time that one or these persons no longer possess such access to the alarm location, the alarm user shall, within forty-eight (48) hours, notify the Sheriff that such person no longer possesses access to that location.
2. It shall be the responsibility of the alarm user to properly use the alarm system and to maintain it mechanically and technically to insure safe and responsible operation and to minimize the number of false alarms. If the Sheriff determines that a system lacks in quality, components, servicing, or is improperly used by the alarm user, he may require that modifications be made to the system to insure compliance with this ordinance.
3. In the event that an alarm system which has been permitted by the Sheriff has been wired into building, structure or facility and the last alarm user moves from that location, it shall be the responsibility of the last alarm user to notify the Sheriff of such changes prior to the change.
4. When any false alarm caused by a malfunction of an alarm system has occurred, the alarm user shall cause the alarm system to be repaired to eliminate the malfunction. The alarm system annunciator shall be disconnected while repairs are made. The alarm user shall contact the alarm monitoring company prior to

any service, test, repair, maintenance, alteration or installation of an alarm system, which might produce a false alarm. Any alarm activated when such prior notice has been given shall not constitute a false alarm.

5. The alarm user shall notify the sheriff, in writing, within ten (10) days of any fact noted in the permit application form.

10.80.0 90. FALSE ALARM DETERMINATIONS .

The cause for activation of an alarm system shall be determined by the Sheriff, and upon failure to find any evidence of an illegal entry on the protected premises or the commission or intended commission of an unlawful act, the Sheriff shall make the determination that the alarm was false as defined in Section 10.80.020(k).

10.80.1 00. SUSPENSION OR REVOCATION OF PRIVILEGE TO USE ALARM SYSTEM.

1. If at any time it comes to the attention of the Sheriff that the user of an alarm system has violated any provisions of this ordinance, including but not limited to Section 10.80.020(j), the Sheriff may serve such alarm user with a written order of suspension or revocation, which shall state the reasons for such suspension or revocation. The said order shall be effective immediately if personally served, or seventy-two hours after the same has been deposited by certified mail in any branch of the United States Post Office, addressed to the user of such alarm system at the address listed on the Alarm System Permit Application on file with the Sheriff.
2. Upon such an order becoming effective, such alarm user shall immediately discontinue the use of said alarm system or systems.
3. Upon failure of the user of the alarm system to pay the false alarm prevention fee provided for Section 10.80.050 to cause the alarm system or alarm systems to be properly repaired, or to be properly used and operated, or to perfect an appeal to the Sheriff as provided for in Section 10.80.110, such alarm user shall immediately discontinue the use of said systems. The alarm system or systems shall not thereafter be used until such payment has been made, such repairs have been effected, or such alarm user satisfies the Sheriff that such system or systems shall be properly used in the future, or such appeal has been resolved in favor of the alarm user.

10.80. 110. APPEALS.

If the alarm user disputes any suspension or revocation of an alarm system, such person may appeal such action with the Sheriff or his representative.

10.80.120. LIMITATION OF LIABILITY .

The County of Merced shall be under no duty or obligation to a permittee or any other person by reason of any provision of this division; nor shall said provisions impose any liability, obligation or duty upon the County in regards to, but not limited to, any delay in transmission of an alarm message to any emergency unit, damage or injury caused by non-response.

10.80.130. OTHER ALARM SYSTEMS .

The provisions of this division do not apply to alarm systems used by Federal Deposit Insurance Corporation insured institutions, or to alarm systems affixed to automobiles, boats, boat trailers, recreational vehicles and aircraft, nor to any personal medical alarm system.

10.80.140. GOVERNMENTAL ENTITIES .

The provisions of this division do not apply to municipal, county, state and federal agencies or any other governmental entity.

10.80.150. CONFIDENTIALITY .

To the extent authorized by State law, the information furnished and secured pursuant to this division shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this ordinance.