Call to Order
Roll Call: Council

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not.

SCHEDULED MATTERS
1. Review of City’s Regulations Pertaining to Alarm Systems
   Re: Reviewing Section 18-23 of the Porterville Municipal Code regarding alarm systems and discussing possible assessment of false alarm service fees.

ORAL COMMUNICATIONS

OTHER MATTERS

ADJOURNMENT to the Council Meeting of September 18, 2007.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
SUBJECT: REVIEW OF CITY’S REGULATIONS PERTAINING TO ALARM SYSTEMS

SOURCE: ADMINISTRATION

COMMENT: The purpose of this Study Session is to consider the City’s regulations pertaining to alarm systems, and to consider assessing a Police False Alarm Fee.

On March 7, 2006, a proposal to increase the Police False Alarm Service Fee from $16.00 to $50.00 was brought before the Council for consideration. At that time, a fee of $16.00 was assessed for the third false alarm response in a six-month period. Such assessment was preceded by a letter to the property owner explaining the City’s ordinance and the potential for incurring a fee. The Council took no action with regard to the Police False Alarm Fee at that meeting, and continued the matter.

On September 5, 2006, the Council again considered a proposal to increase the False Alarm Service Fee from $16.00 to $50.00. At that time, the Council directed staff to remove the fee from the schedule, and to continue the matter to a date unspecified. Currently, no fee is assessed for false alarm responses.

Attached for the Council’s review is a copy of Section 18-23 of the Porterville Municipal Code.

RECOMMENDATION: None.

ATTACHMENTS: Porterville Municipal Code Section 18-23
OFFENSES--MISCELLANEOUS

Sec. 18-22. Discharging of Firearms; exception.
It is hereby declared to be unlawful for any person to shoot, fire or discharge any rifle, shotgun, pistol, revolver, firearm, deadly weapon, air gun, air rifle, air pistol, pellet gun, pellet pistol or pellet revolver, paint ball gun or marker, or any other form of deadly weapon in the City; provided, however, that the provisions of this section shall not apply to any police officer in the performance of his official duties. (Ord. Code, § 5313; Ord. No. 1537, § A, 8-6-96; Ord. 1561 §1, 7-21-98; Ord. 1609, 4-2-02)

Sec. 18-23. Alarm systems.
(a) Purpose. The city hereby finds and determines that the regulation of alarm systems and the control of false alarms is necessary to promote the health, welfare and safety of the people in that some users have alarm systems which either mechanically malfunction or are not operated properly by their users, causing an increase in false alarm reports, thereby resulting in unnecessary costs and expense to the city and constituting a hazard to the safety of police officers and the public in general.

(b) Definitions. For the purpose of this section, the following definitions shall apply:

(1) Alarm system shall mean an assembly of equipment and devices arranged to signal the presence of a hazard requiring attention and to which police are "called upon" to respond.

(2) False alarm shall mean an alarm signal, either silent or audible, necessitating response by the police department where an emergency situation for which the alarm system was designed or used does not exist.

   a. The activation of an audible alarm system for one second or less shall not be deemed a false alarm.

   b. In those situations where an alarm is reported, then canceled prior to the arrival of the police department by the alarm company operator or the person(s) responsible for the premises, that shall not be considered a false alarm.

(3) Premises shall mean any building or structure identified by a numerical or lettered address where an alarm system is installed, or group of units within one (1) building or structure with one (1) alarm system.

(4) Police department and police chief shall mean the police department and police chief, respectively, of the city.
OFFENSES--MISCELLANEOUS

(5) *Person* shall mean and include any natural person, partnership, corporation, unincorporated association, or other business entity.

(6) *City* shall mean the City of Porterville.

(c) *Registration of alarm company operators.* It shall be unlawful for any person required to be registered as an alarm company operator by the California Alarm Company Act to engage in the business of alarm company operator within the city without first filing copy of such state license with the police department.

(d) *Registration of alarm agents.* It shall be unlawful for any person required to be registered as an alarm agent by the California Alarm Company Act to act as an alarm agent within the city without first registering his name and filing a copy of his state identification card with the police department.

(e) *Alarm system regulations.*

(1) *Automatic deactivation.* Every audible alarm system shall be equipped with a device which will automatically deactivate the alarm system not more than thirty (30) minutes after the alarm system is activated.

(2) *Prohibited sound.* No alarm system shall be installed or used which emits a sound outside the premises which is similar to that of an emergency vehicle siren or a civil defense warning system.

(3) *Notification.* An alarm system operator shall cause the police department to be notified prior to any service, test, repair, maintenance, alteration, or installation of an alarm system which might produce a false alarm.

(4) *Repairs.* After any false alarm caused by a malfunction of an alarm system, the person operating such system shall cause the alarm system to be repaired to eliminate the malfunction before the reactivation of the alarm system.

(5) *Power supply.* Alarm systems shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of normal utility electricity will not activate the alarm system. The power supply must be capable of at least four (4) hours of operation.

(6) *Prohibited systems.* No person shall have installed any system which, when activated, automatically dials the police department with a pre-recorded message of any type.
(f) **Confidentiality.** Information as to the presence or absence or type or operation of any alarm system coming into the possession of the chief of police, any of his subordinates, or any other city employee in the course of their official duties shall be held in strictest confidence and shall not be disclosed other than to such public officials who might require such information in the performance of their official duties.

(g) **False alarm service fee.** Any person who maintains or has an alarm which has caused any signal, message, or alarm to be transmitted to the police department, either by direct telephone or other direct communication, or by communication from an alarm agent, or an alarm business, or by a person responding to an audible alarm, and which is a false alarm, shall pay a false alarm service fee to the city as established by resolution of the city council; provided that the false alarm was the third or subsequent such alarm in the immediately preceding six (6) calendar months.

1. **Late payment of false alarm service fee.** In the event a false alarm service fee is levied and such fee is not paid within thirty (30) calendar days, an additional charge shall be applied to the fee provided under this section.

2. **City fees not related to any private alarm service fees.** False alarm service fees are levied to deter incidences of false alarms. They have no relationship to any fees which may or may not be charged by any alarm company operators for services they may perform.

(h) **Forgiveness of false alarm service fee.** When a person comes under the provisions of subsection (g) (above) due to “acts of God” or mechanical malfunction of the alarm system and repair service was not immediately available to correct the malfunction and the alarm system has subsequently been repaired, the chief of police may forgive the false alarm service fee upon presentation of adequate documentation of those facts from a licensed repair organization.

(i) **Nonresponse by police department.** When any person maintains, or has an alarm system, or operates an alarm system in such a manner which causes any signal, message, or alarm to be transmitted to the police department, either by direct telephone or other direct communication, or by communication from an alarm agent, or an alarm business, or by a person responding to an audible alarm, and which is a false alarm twelve (12) or more times in any three (3) consecutive calendar months, that premises may be placed on a nonresponse list by the chief of police. Failure to pay any false alarm service fee for a period of over thirty (30) days may result in the premises being placed on a nonresponse list by the chief of police. The person responsible for the premises shall be notified by the chief of police via United States Mail that the premises has been placed on the non-response list. While a premises is listed on that nonresponse list, officers of the police department will not respond to alarm calls at the premises.
OFFENSES--MISCELLANEOUS

(1)  *Removal from nonresponse list.* The chief of police shall remove any premises from the nonresponse list upon adequate documentation of proper repairs to the alarm system or training of the persons operating the alarm system so that the high incidence of false alarms will not occur.

(2)  Payment of fees. The chief of police shall remove any premises from the nonresponse list which was placed there for nonpayment of fees upon proof that such fees and appropriate penalty fees have been paid.

(j)  *Limitation on liability.* The city or its police department, or any employee thereof, is under no obligation or duty to any person or premises by reason of any provision of this chapter, or the exercise of any privilege by any person or premises hereunder, including, but not limited to, any delay in transmission of an alarm message to any emergency unit, or damage caused by delay in responding to any alarm by any city officer, employee, or agent.

(k)  *Criminal penalties.* Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. (Ord. No. 1403, §§ A—K, 7-5-88)

Editor's note—Ordinance No. 1403, adopted July 5, 1988, repealed the following ordinances from which former § 181-23, "Automatic telephone alarm systems," was derived: Ord. No. 1023, § A, adopted June 20, 1972; Ord. No. 1291, § A, adopted Dec. 20, 1983; Ord. No. 1317, adopted Aug. 7, 1984. A new § 18-23 was enacted by §§ A—K of Ord. No. 1403; § L, relative to severability, was not printed, at the editor's discretion.

Sec. 18-24.  Alcoholic beverages in parks.

(a)  *Regulated.* It shall be unlawful for any person at Murry Park, Veterans' Park, Olivewood Park, Noon Lion's Park, North Park, Zalud Park or Hayes Field to possess or consume any alcoholic beverages unless the person has a valid permit and is in the immediate vicinity of the event for which the permit was issued.

(b)  *Permit.* A permit may be obtained from the city to consume alcoholic beverages at the aforementioned city parks. The party requesting such permit shall apply to the director of parks and leisure services for such permit, on a form specified by that department, for any person or group activity, no less than five (5) working days prior to the requested date.

(c)  *Sales at city facilities.* Except as provided in subsection (d) below, no person shall be allowed to sell alcoholic beverages at any city facilities for consumption on such city facilities, except as provided herein:

(1)  Any person seeking to sell alcoholic beverages must first obtain: