



---

*675 Wildwood Avenue  
Rio Dell, CA 95562*

**For Meeting of: February 6, 2024**  
☑ Public Hearing Item

**TO:** Mayor and Members of the City Council  
**FROM:** Greg Allen, Chief of Police  
**THROUGH:** Kyle Knopp, City Manager  
**DATE:** February 6, 2024  
**SUBJECT:** Ordinance No. 402-2024 – False Alarms and Fees

**RECOMMENDATION**

That the City Council:

1. Conduct second reading (by title only) of Ordinance No. 402-2024 Establishing False Alarms and Fees in Title 9.20 of the Rio Dell Municipal Code (RDMC); and
2. Open the public hearing and receive public input, close the public hearing, deliberate; and adopt Ordinance No. 402-2024.

**ATTACHMENTS:**

Ordinance No. 402-2024

ORDINANCE NO. 402-2024



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING FALSE ALARMS AND FEES IN TITLE 9.20 OF THE RIO DELL MUNICIPAL CODE.**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS**, the Rio Dell Police Department is tasked with responding to residential and commercial alarms; and

**WHEREAS**, the majority of alarms officers are dispatched to are false alarms. The false alarms are caused by malfunctioning equipment that is not being repaired or maintained by the responsible with the alarm company; and

**WHEREAS**, the resources that are being utilized for reoccurring false alarm calls limits resources throughout the City of Rio Dell for true emergencies; and

**WHEREAS**, after extensive research, it was determined multiple allied agencies have a municipal code to enforce false alarms and fees.

**WHEREAS**, the Chief of Police recently discussed this issue with the Nuisance Committee; and

**WHEREAS**, the Nuisance Committee supported and recommends the City Council adopt the False Alarm and Fees.

**WHEREAS**, pursuant to Government Code Section 66016 the specific fees to be charged for special services must be adopted by the City Council by Ordinance or Resolution, after providing notice and holding a public hearing; and,

**WHEREAS**, Pursuant to California Government Code Sections 66013 and 50076, the fees adopted by this Ordinance do no exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed and are not "special taxes"; and,

**WHEREAS**, The Council hereby adopts, approves and incorporates herein the False Alarms and Fees.

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the False Alarm and Fees Ordinance 9320 of the Rio Dell Municipal Code to include:

**False Alarms and Fees  
Title 9**

**Article I**

**Purpose, Definitions and Exemptions**

- 9.20.010 Purpose
- 9.20.020 Definitions
- 9.20.030 Exemptions

**Article II**

**Duties of the Alarm User, Alarm Permit Application and Issuance, Permit Revocations and Reinstatements**

- 9.20.040 Duties of the Alarm User
- 9.20.050 Alarm Permit
- 9.20.060 Permit Application and Issuance
- 9.20.070 Permit Nontransferable
- 9.20.080 Permit Revocation
- 9.20.090 Permit Revocation Appeals
- 9.20.100 Permit Reinstatement

**Article III**

**False Alarms, Alarm Standards and Duties**

- 9.20.110 False Alarms
- 9.20.120 Alarm Standards
- 9.20.130 Duties of Monitoring Company

**Article IV**

**Penalties, Fees, Charges, Regulations and Enforcement**

- 9.20.140 Penalty for Violation of Permit Process
- 9.20.150 Fees and Charges
- 9.20.160 Applicability of Ordinance Existing Alarm Systems
- 9.20.170 Regulations
- 9.20.180 Enforcement
- 9.20.190 Posting the Permit on Premises
- 9.20.200 Confidentiality

**Article V**

**Discontinuance of Alarm Response**

- 9.20.210 Discontinuance of Alarm Response by Police; Public Nuisance
- 9.20.220 Disclaimer of the Rio Dell Police Department
- 9.20.230 Severability
- 9.20.240 Non-Exclusivity

**PASSED, AND ADOPTED** by the City Council of Rio Dell on this 6<sup>th</sup> day of February, 2024 by the

following vote:

Mayor Debra Garnes:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Amanda Carter:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Frank Wilson:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Robert Orr	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Julie Woodall:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debra Garnes, Mayor

ATTEST:  
I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be full, true and correct copy of Ordinance No. 402-2024 adopted by the City Council of the City of Rio Dell on February 6, 2024.

\_\_\_\_\_  
Karen Dunham, City Clerk

**9.20 FALSE ALARMS AND FEES**

**(DRAFT)**

**False Alarms and Fees**

**Title 9**

**Article I**

**Purpose, Definitions and Exemptions**

9.20.010 Purpose  
9.20.020 Definitions  
9.20.030 Exemptions

**Article II**

**Duties of the Alarm User, Alarm Permit Application and Issuance, Permit Revocations and Reinstatements**

9.20.040 Duties of the Alarm User  
9.20.050 Alarm Permit  
9.20.060 Permit Application and Issuance  
9.20.070 Permit Nontransferable  
9.20.080 Permit Revocation  
9.20.090 Permit Revocation Appeals  
9.20.100 Permit Reinstatement

**Article III**

**False Alarms, Alarm Standards and Duties**

9.20.110 False Alarms  
9.20.120 Alarm Standards  
9.20.130 Duties of Monitoring Company

**Article IV**

**Penalties, Fees, Charges, Regulations and Enforcement**

9.20.140 Penalty for Violation of Permit Process  
9.20.150 Fees and Charges  
9.20.160 Applicability of Ordinance Existing Alarm Systems  
9.20.170 Regulations  
9.20.180 Enforcement  
9.20.190 Posting the Permit on Premises  
9.20.200 Confidentiality

**Article V**  
**Discontinuance of Alarm Response**

<b>Nuisance</b>	<b>9.20.210</b>	<b>Discontinuance of Alarm Response by Police; Public</b>
	<b>9.20.220</b>	<b>Disclaimer of the Rio Dell Police Department</b>
	<b>9.20.230</b>	<b>Severability</b>
	<b>9.20.240</b>	<b>Non-Exclusivity</b>

**9.20.010 PURPOSE**

The immediate preservation of the public safety, health, and welfare required the adoption of this chapter. The public has purchased alarm systems which have malfunctioned, causing an increase in the false alarm reports which require an immediate response of emergency service units subjecting the general public to a dangerous situation.

**9.20.020 DEFINITIONS**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**ALARM AGENT:** Any person who is employed by an alarm business operator, either directly or indirectly, who does not respond to activated alarms but whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, installing, replacing, or moving on or in any building, structure or facility, any alarm system.

**ALARM BUSINESS:** The business of any person consisting of: selling and installing, maintaining, servicing, altering, replacing or moving any alarm system or component parts thereof in or on any building, structure or facility, or responding to alarm systems.

**ALARM BUSINESS OPERATOR:** Any person who operates any business engaged in the sale and installation, maintenance, alteration, or servicing of the alarm systems, or which responds to such alarm systems. Alarm business operator shall not include a business which merely sells from a fixed location or manufactures alarms systems, unless such business services, installs, monitors, or responds to alarm systems at protected premises.

**ALARM SYSTEM:** Any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises or the existence of an emergency on such premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this subsection:

- (1) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (2) Devices which are not installed, operated or used for the purpose of reporting an emergency to the police;
- (3) Alarm devices affixed to motor vehicles; and
- (4) Alarm devices installed on a temporary basis by the police department.

**AUDIBLE ALARM:** Any alarm system which, when activated, emits a sound which is capable of being heard outside the structure where the system is located, even if the system is completely located within the structure.

**ANSWERING SERVICE:** A telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of said messages by live voice to the communication center.

**AUTOMATIC DIALING DEVICE:** An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

**CENTRAL STATION:** An office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

**DIRECT LINE:** A telephone line leading directly from a central station to the communication center, where said line is used only to report emergency signals on a person to person basis.

**DURESS ALARM:** A silent alarm system signal generated by the entry of designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requests law enforcement response.

**EMERGENCY:** The commission or attempted commission of a robbery or burglary.

**ENHANCED CALL CONFIRMATION:** An attempt by the alarm system monitoring company to contact the alarm site and/or alarm user, to determine whether an alarm event is valid before requesting law enforcement response. A second call will be made to contact the alarm user if the first attempt fails. **EXCEPT:**

- (1) As defined by ANSI/CSAA CS V 01 2016 or current version, in case of a fire, panic robbery-in-progress alarm or verified alarm, or
- (2) As defined by the local jurisdiction or state law.

**FALSE ALARM:** means an alarm signal that prompts a response by the Rio Dell Police Department when an emergency does not exist:

- (1) Alarms generated by severe storms, earthquakes, or other violent acts of nature when an emergency does not exist shall not be deemed a false alarm.

(2) Alarm users may intentionally activate alarms only when necessary to alert police regarding human life in imminent jeopardy or in response to armed robberies, burglaries, or other felonies occurring on alarm premise at the time of such intentional alarm activation. All other alarm activations shall be deemed false alarms.

(3) Alarm users, or alarm companies authorized by alarm users, may notify the Rio Dell Police Department by telephone after it is determined that a mechanical problem exists in the alarm system, that any alarm from said alarm is to be deemed a false alarm, and no response from the Rio Dell Police Department is necessary:

(a) There is no evidence of a crime or other activity that warrants the assistance of the Rio Dell Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for dispatch or confirmed a need for police response; or

(b) The dispatch of police was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police personnel at the alarm site.

**HOLD-UP ALARM:** Activation of an alarm system or alarm device that notifies Rio Dell Police Department that the alarm site is being held-up.

**INTERCONNECT:** To connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

**INTRUSION ALARM:** An alarm whose purpose is to detect entry or attempted entry into a structure or a defined area, whether interior or exterior in nature.

**LATE APPLICATION FEE:** If Police or Fire responds to the alarm activation without having an alarm permit on file, the permit holder is subject to a late alarm application fee for the first false alarm activation and shall be subject to the normal false alarm assessments for the second and subsequent false activations. (See the City of Rio Dell's Master Fee Schedule for specific fee and assessment amounts.)

**PANIC ALARM:** Any alarm system that is activated by the direct action of the person who believes they are or are about to be the victim of a crime requesting the emergency response of police officers.

**PENALTY ASSESSMENT:** The civil penalty against the permit holder in the form of a letter or bill for the misuse or false activation of any alarm.

**PERMITTEE:** The person to whom an alarm system permit is issued.

**PERSON:** means any natural person, partnership, corporation, unincorporated association, or other business entity.

**PRIVATE MEDICAL LIFELINE ALARM:** Any alarm system which is activated by a person needing emergency medical/welfare assistance and/or the alarm monitoring company requests an emergency medical response because the alarm subscriber did not respond to a regularly scheduled "well person" check.



**RESIDENTIAL:** Any premises used as dwelling units which includes apartments, hotels, motels and lodging houses, whether or not the location is occupied.

**RESPONSE:** The point in time that a police unit has been dispatched or an engine company has moved the fire apparatus to respond to an alarm activation.

**ROBBERY/HOLD-UP:** Any alarm system that is activated by the direct action of the person being robbed or an observer of the robbery.

**SILENT ALARM:** Any alarm system which, when activated, transmits an alarm signal to a receiving center without obvious local indication of alarm activation.

**SIREN:** Any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in section 21055 of the California Vehicle Code.

**VERIFY:** An attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made to attempt to determine whether an alarm signal is valid before requesting police or fire dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this subchapter, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

### **9.20.030 EXEMPTIONS**

This chapter shall not apply to alarm systems affixed to automobiles, boats, or recreational vehicles or systems which do not require a response by the Rio Dell Police Department. However, in systems other than those affixed to automobiles, boats, or recreation vehicles, if any person requests a response by the Rio Dell Police Department, that alarm system will be brought within the permit requirements from that time forward.

### **9.20.040 DUTIES OF THE ALARMS USER**

- (1) An alarm user shall:
  - (a) Obtain an alarm permit from the City of Rio Dell;
  - (b) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
  - (c) Ensure that a responsible party is available, at all times, to verify that an alarm signal is valid;
  - (d) Ensure that a responsible party responds to the alarm system's location within 30 minutes when requested by Police in order to:
    - (i) Deactivate an alarm system;
    - (ii) Provide access to the alarm site; and/or
    - (iii) Provide alternative security for the alarm site.

(e) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

(2) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated. An alarm user shall have a licensed alarm installation company inspect the alarm system after two false alarms in a 12-month period. The Rio Dell Police Department may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system or malfunction in the alarm system. After three false alarms within a 12-month fiscal-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false-alarm resistant or provide additional user training as appropriate. The alarm user shall also be subject to penalties for such false alarms.

(3) An alarm user/alarm system shall not use automatic voice dialers.

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

(5) The Police Chief may require an alarm user to remove or modify a hold-up alarm that is single action, non-recessed button, if two false hold-up alarms have occurred.

#### **9.20.050 ALARM PERMIT**

(1) It shall be unlawful for any person to use, install, or cause to be installed an alarm system on any premises within the city without first applying for and receiving an alarm permit. Alarm systems installed prior to the effective date of this chapter shall be required to be brought within the alarm standards set forth by this chapter within 90 days.

(2) It shall be unlawful for any person to use or operate an alarm system within the city under a revoked permit.

(3) Any person operating an alarm system within the city without an alarm permit as required by this chapter, or under a revoked permit, shall be subject to all applicable penalty fees. (See the City of Rio Dell Master Fee Schedule.)

#### **9.20.060 PERMIT APPLICATION AND ISSUANCE**

(1) Each application for an alarm system permit shall be made on a form prescribed by the city which may include any information which is necessary for effective administration of this subchapter, including the following information:

(a) Name, address and telephone number of the applicant.

(b) Name, address, and telephone number of the business or premises where the alarm system will operate.

(c) The names and telephone numbers of two or more persons who have the ability to verify and respond to the alarm site within 30 minutes, if activation occurs, during any hour of the day or night, and that the person(s) have the ability to deactivate the alarm. In the event a person able to respond to the alarm site as mentioned above cannot be located, the responsible alarm company shall release the public safety response agency(s) from the scene.

(d) A description of the alarm system, its purposes, the alarm system model number, the manufacturer's name and the name of the company performing the installation and maintenance.

(e) Any dangerous or special conditions present at the alarm site.

(f) Schedule for regular maintenance of the alarm system.

(2) The Alarm Administrator shall approve and issue the permit upon finding:

(a) The application contains the required information;

(b) The alarm system meets the standards prescribed by this chapter;

(c) That the applicable fees have been paid (pursuant to the City of Rio Dell's Master Fee Schedule);

(d) That the alarm system is accessible to Police;

(e) The permit is issued subject to the proper maintenance and operation of the alarm's system.

(3) Change of information on alarm permit. The permittee shall give written notice to the Alarm Administrator within five (5) working days of any change in the information provided on the alarm permit application.

(4) The permit is good for two years from the date of issuance. It is incumbent upon the permittee to ensure that the permit does not expire, and that the renewal application questionnaire is completed and returned to the Rio Dell Police Department in a timely fashion.

#### **9.20.070 PERMIT NONTRANSFERABLE**

The permit shall not be transferable and shall terminate when there is a change of alarm user, change of location, or upon revocation or suspension.

#### **9.20.080 PERMIT REVOCATION**

(1) An alarm permit may be revoked by recommendation of the Rio Dell Police Department for any of the following reasons:

(a) False representations were made upon the permit application; or

(b) The alarm system emits excessive false alarms, deeming the system an immediate safety hazard as prescribed by this chapter; or

(c) Failure to observe any of the regulations or provisions of this chapter.

(2) Notice and effective dates. A written notice of revocation, setting the reason for the action, shall be mailed by certified mail giving the permittee ten working days from the mailing date to disconnect or remove the alarm from the premises. Any person failing to disconnect the alarm system when required by this chapter shall be subject to the penalties as set forth in the City of Rio Dell's Master fee Schedule

### **9.20.090 PERMIT REVOCATION- APPEALS**

- (1) Revocation of an alarm system permit may be appealed to the Alarm Administrator. The permittee may submit a written statement, setting forth the reasons why the permit should not be revoked, to the Alarm Administrator not more than ten working days from the mailing date of the notice of revocation.
- (2) The alarm user may continue to operate the alarm system during the appeal process, unless the Alarm Administrator recommends the disconnection of the alarm system.
- (3) The decisions of the Alarm Administrator with respect to this chapter will be final and conclusive.

### **9.20.100 PERMIT REINSTATEMENT**

Following the revocation of the alarm permit, the permit may be reinstated upon recommendation of the Alarm Administrator when:

- (1) The cause for the revocation has been corrected; and
- (2) The permittee pays a permit reinstatement fee to the city. (See the City Rio Dell's Master Fee Schedule".)

### **9.20.110 FALSE ALARMS**

- (1) It shall be unlawful for any person to use, operate, or maintain an alarm system within the City of Rio Dell that emits excessive false alarms.
- (2) It shall be unlawful for any person who operates, manages, maintains, or uses the premises on which an alarm system is located to permit the alarm system to emit excessive false alarms.
- (3) The number of false alarms to be considered "excessive" as described in subsections (1) and (2) of this section is any false alarm in excess of six (6) false alarms within any six (6) month period shall be deemed an "excessive false alarm." Any alarm system, either silent or audible, that emits more than six (6) false alarms within any six (6) month period shall be deemed an "immediate safety hazard" and by recommendation of the Rio Dell Police Department the alarm permit shall be revoked.
- (4) Whenever any alarm activation occurs because of apparent or suspected alarm malfunction, the alarm user shall arrange for an alarm system inspection by a licensed alarm business.
- (5) The Rio Dell Police Department may require an alarm user's permit holder to submit a report within ten (10) days of request, describing the action taken to discover and eliminate the cause or causes of false alarms. Failure to submit such a report within ten (10) days of request shall be cause for revocation of the permit. If the alarm system is not repaired satisfactorily in the opinion of the Rio Dell Police Department or its agent, then the Rio Dell Police Department may order deactivation of the permit holder's alarm system until the alarm system is properly repaired.

## 9.20.120 ALARM STANDARDS

It shall be unlawful for any person to sell, install or operate any alarm system for use within the city that does not meet the minimum standards as prescribed as follows:

### (1) *Audible alarms.*

(a) All audible alarm systems shall have a sign or notice posted on or near the system, (visible from the exterior), with the name and telephone number of the person responsible for the service and maintenance of the system. The notice shall be conspicuously posted and readable from ground level.

(b) All audible alarms shall be equipped with a device that will deactivate the alarm system not more than ten minutes after activation. It is unlawful for an alarm user maintaining an audible alarm system to cause, permit, suffer, or allow such system to ring for period in excess of one (1) hour after notification of the alarm activation or after efforts of notification have been made of such conduct shall constitute grounds for revocation of the permit. In addition, should an alarm fail to be silenced within the time limits prescribed in this chapter, the Rio Dell Police Department shall have the authority to hire an alarm agent to silence the alarm. All costs and expenses incurred by the city in hiring an alarm agent to silence the alarm, costs incurred from damage to the alarm site or vehicle as a result of silencing the alarm, and costs incurred to obtain materials and security personnel to re-secure the alarm site, shall be borne by the permittee or owner.

(c) Any alarm system that has an automatic shut-off with a re-arming phase must be able to distinguish between an open and closed circuit; and, if the circuit is open, will not rearm.

(d) No audible alarm shall be installed, maintained or activated which emits the sound of a siren similar to those utilized on emergency vehicles or for civil defense disaster warnings.

### (2) *Alarms.*

(a) No alarms shall have an automatic dialing system as defined in this chapter. This chapter does not apply to alarm devices that relay a digital coded signal to the alarm company.

(b) All alarm systems shall have a standby back-up power supply which will automatically assume operation of the alarm system should any interruption occur in the power to the system. The transfer of power from the primary source to the back-up source must occur in a manner that does not activate the alarm. Back-up power supply must be capable of at least 12 hours of operation.

(c) All silent burglar alarm systems installed after the effective date of this chapter shall have a pre-alert or pre-alarm unit allowing the user to reset the system if activated in error, before the system goes into full alarm activation. This section does not apply to banks, savings and loans and other high-risk businesses as determined by the Rio Dell Police Department.

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

(e) Homeowners shall test systems in accordance with the manufacturer's instructions and shall have every household fire alarm system having a control panel tested by a qualified service technician every three years.

(3) The Rio Dell Police Department reserves the right to inspect all alarm systems after giving 48 hours advance warning to the permittee to ensure that the alarm standards have been met.

#### **9.20.130 DUTIES OF MONITORING COMPANY**

(1) An alarm company responsible for monitoring services shall make two attempts to contact user or users of alarm system prior to requesting law enforcement response.

(a) Communicate any available information regarding specifics of the alarm event.

(b) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(2) It shall be unlawful for any person to engage in, conduct, or carry on any alarm/monitoring business within the city unless said person has first registered the intention to engage in such alarm business with the city, giving the city such information as it may require; and has displayed to the city a current valid city business license and a permit issued by the State of California, where state law requires such a permit or license.

(3) Any person engaging in, conducting, or carrying on any alarm/monitoring business within the city shall notify each alarm owner of the permit and false alarm process upon the request of installation of an alarm system and verify said notification in writing has been signed by the alarm user. Violation of said requirement shall be considered a violation of this chapter and subject to a fine for each occurrence. (See the City of Rio Dell's Master Fee Schedule)

#### **9.20.140 PENALTY FOR VIOLATION OF PERMIT PROCESS**

Any violation of the provisions of this ordinance shall be considered an infraction, punishable by a fine of seventy-five dollars (\$75.00) for the third offense; a fine of one hundred dollars (\$100.00) for a fourth offense; a fine of one hundred fifty dollars (\$150.00) for the fifth offense; and revocation of the permit for the sixth offense in a twelve (12) month period. If an alarm user's permittee fails to pay within thirty (30) days of its billing any charges authorized by this chapter a penalty assessment for thirty (30), sixty (60), or ninety (90) days late payment as set forth in City of Rio Dell's Master Fee Schedule.

#### **9.20.150 FEES AND CHARGES**

(1) The City Council may, from time to time, by resolution, adopt such fees and service charges for the following items, as it deems appropriate:

(a) Alarm permit.

(b) Reinstatement fee.

(c) False alarm fee.

(d) Late application fee.

(e) Renewal fee.

(2) Any failure to pay, within 30 days of billing, any fees authorized by this chapter shall result in a penalty assessment being added.

(3) The City of Rio Dell's Master Fee Schedule adopted by the City Council as of the adoption date of this Ordinance is recited as follows (the "City of Rio Dell's Master Fee Schedule"):

**City of Rio Dell's Master Fee Schedule (Alarm Ordinance):**

<u>SERVICE OR CHARGE</u>	<u>FEES</u>
New alarm permits	Free
Renewal Fee (Every 2 years)	\$20.00
Late application fee	\$50.00
Permit reinstatement fee	\$100.00
False alarms	2 free per 12-month period
3 <sup>RD</sup> false alarm in 12-month period	\$75.00
4 <sup>TH</sup> false alarm in 12-month period	\$100.00
5 <sup>TH</sup> false alarm in 12-month period	\$150.00
Alarm permit violation – 1 <sup>st</sup> offense	\$50.00
Alarm permit violation – 2 <sup>nd</sup> offense	\$100.00
Alarm permit violation – 3 <sup>rd</sup> offense	\$150.00
Alarm permit violation – 4 <sup>th</sup> offense	Permit revoked
Alarm fees 30-day late payment penalty	\$5.00
Alarm fees 60-day late payment penalty	\$10.00
Alarm fees 90-day late payment penalty	\$25.00

The initial alarm permit will be free of charge. A renewal charge every two years of \$20.00 will be levied for all alarm permits. It is incumbent upon the subscriber to insure that the permit does not expire, and that the renewal application questionnaire is completed and returned to the Police Department in a timely fashion. If the Police Department responds to an alarm activation at a location that does not have a valid alarm permit on file, the responsible party will be notified of the need to obtain an alarm permit and will be assessed a late application fee of \$100 if the permit is not obtained within 30 days of the notification.

Failure to apply for a permit prior to installing an alarm will result in the new permit fee of \$50.00, late application fee of \$50.00, and alarm permit violation fee first offense of \$50.00.

Additional charges will be levied for false alarms in excess of the guidelines set forth in the alarm ordinance. A charge of \$100.00 will be levied for the reinstatement of any alarm permit previously revoked by the Chief of Police.

#### **9.20.160 APPLICABILITY OF ORDINANCE TO EXISTING ALARM SYSTEMS**

All alarm systems within the City of Rio Dell installed prior to the effective date of this chapter shall be brought within standards set forth within ninety (90) days of the effective date of this chapter.

#### **9.20.170 REGULATIONS**

The City of Rio Dell may, by resolution, adopt such rules and regulations necessary or appropriate to reduce or eliminate false alarms.

#### **9.20.180 ENFORCEMENT**

The Rio Dell Police Department shall enforce this chapter. Each violation shall constitute a separate offense.

#### **9.20.190 POSTING THE PERMIT ON PREMISES**

The alarm user's permit shall be posted on the premises where the alarm system is located.

#### **9.20.200 CONFIDENTIALITY**

Information furnished and secured pursuant to this chapter 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 subchapter or for legitimate law enforcement needs.

#### **9.20.210 DISCONTINUANCE OF ALARM RESPONSE BY POLICE; PUBLIC NUISANCE**

(1) *Discontinuance of alarm response.*

(a) The Rio Dell Police Department reserve the right to discontinue response to any location of a silent or audible alarm, where an alarm system has been declared a public nuisance by an Alarm Administrator. An alarm system may be declared a public nuisance when all of the following conditions have been met.

- (i) The alarm user permit has been revoked due to false alarms;
- (ii) The revoked alarm user permit has not been reinstated;
- (iii) The cause of the false alarms has not been corrected; or

(b) Any alarm that activates falsely more than two times per 24-hour period and is in apparent need of repair, adjustment or correction shall be deemed a nuisance by the Rio Dell Police Department. In order to minimize danger to emergency responders and to the public



during the response of any alarm, the on-duty watch commander or officer may use their discretion to discontinue additional responses. Any such decision shall be followed up by making the permittee or their alarm agent aware of the decision to discontinue response if possible. The Alarm Administrator or designee shall make the contact to relay the decision to discontinue response.

(2) *Unavailability or refusal by alarm user.* When an alarm user, responsible alarm agent, or property owner of an unsecured alarmed premises cannot be located or refuses the request from a police officer, the Police Departments shall be under no obligation to remain or secure the premises and the permittee's alarm permit may be subject to suspension or revocation.

#### **9.20.220 DISCLAIMER OF THE RIO DELL POLICE DEPARTMENT**

Passage of the ordinance codified in this chapter does not in any way constitute an agreement, in fact or implied, that the Rio Dell Police Department must respond to an activated alarm, even though an alarm user has fully complied with this chapter.

The Rio Dell Police Department and the City of Rio Dell shall not be liable in any manner whatsoever for any claim, demand or suit for damages arising out of or in any manner occasioned by connection to or use of any alarm system or device or by reason of Rio Dell Police Department failure or inability to respond to an alarm.

#### **9.20.230 SEVERABILITY**

The provisions of this subchapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this subchapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this subchapter, or the validity of its application to other persons or circumstances.

#### **9.20.240 NON-EXCLUSIVITY**

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws.