[Revising administration of Police Emergency Alarm Ordinance.]

Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707 through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give the Director of Emergency Communications responsibility for administering the substantive provisions of the Police Emergency Alarm Ordinance and to provide for billing and collection of license and license renewal fees by alarm companies.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Section 3702, to read as follows:

SEC. 3702. DEFINITIONS.

In this Article the following terms and phrases shall have the following meanings:

(a) "Police" or "Police Department" means the San Francisco Police Department.

(b) "Chief of Police" means the Chief of the San Francisco Police Department or his or her designee.

(c) "Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site.

(d) "Alarm dispatch request" means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular alarm site.
(e) "Alarm license permit" means authorization granted by the Chief of Police to an alarm user to operate an alarm system.

(f) "Alarm monitoring company" means a person in the business of providing monitoring services.

(g) "Alarm site" means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

(h) "Alarm system" means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. Except as otherwise specifically provided in this Article, "alarm system" does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site. Independently controlled alarm systems within the same premises shall constitute separate alarm systems. Alarm devices installed on a temporary basis by the Police Department shall not constitute alarm systems. The Director of Emergency Communications may by regulation exclude low-end local alarm systems that are not intended to summon law enforcement response from some or all of the requirements of this Article.

(i) "Alarm user" means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.
(i) "Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

(j) "Arming station" means a device that allows control of an alarm system.

(k) "Automatic voice dialer" means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(l) "Cancellation" means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement officer that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

(m) "Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

(n) "Duress alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

(o) "False alarm" means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

(p) "Holder alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
(q) "Premises" means any land and building located within the City and County of San Francisco except land or buildings owned, rented, or leased by the federal government, the State of California or any political subdivision or agency thereof, or the City and County of San Francisco, including the public schools.

(r) "License" means a license issued or required by the State of California for an alarm system.

(s) "Local alarm system" means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

(t) "Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

(u) "Monitoring company" means a person in the business of providing monitoring services.

(v) "One-plus duress alarm" means the manual activation of a silent alarm signal by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code: 1234, one-plus duress code: 1235).

(w) "Panic alarm" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(x) "Person" means an individual, corporation, partnership, association, organization or similar entity.

(y) "Responder" means an individual capable of reaching the alarm site within 45 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

Standard, as may be updated from time to time, that details recommended design features for
security system control panels and their associated arming and disarming devices to reduce
the incidence of false alarms. Control panels built and tested to this standard by Underwriters
Laboratory (UL), or other nationally recognized testing organizations, will be marked to state:
"Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False
Alarm Reduction."

"Takeover" means the transaction or process by which an alarm user takes
over control of an existing alarm system, which was previously controlled by another alarm
user.

"Tax Collector" "Treasurer" means the Treasurer-Tax Collector of the City and
County of San Francisco.

"Verify" means an attempt by the monitoring company, or its representative, to
contact the alarm site by telephonic or other electronic means, whether or not actual contact
with a person is made to determine whether an alarm signal is valid before requesting law
enforcement dispatch in an attempt to avoid an unnecessary alarm dispatch request.

"Zones" means division of devices into which an alarm system is divided to
indicate the general location from which an alarm system signal is transmitted.

"Department of Emergency Communications" or "Director of Emergency
Communications" or "Director" mean the Department of Emergency Communications and
Director of Emergency Communications of the City and County of San Francisco.

Mayor Brown
BOARD OF SUPERVISORS
Section 2. The San Francisco Police Code is hereby amended by amending Section 3707, to read as follows:

SEC. 3707. LICENSE PERMIT REQUIRED; APPLICATION; FEE; FALSE STATEMENTS; TRANSFERABILITY; FALSE STATEMENTS.

(a) No alarm user shall operate or cause to be operated, an alarm system at its alarm site without a valid alarm license permit. A separate alarm license permit is required for each alarm site.

(b) There shall be a fee, to be paid by the alarm user, for an alarm license permit or an alarm license permit renewal. There shall be separate license permit fees for residential and commercial premises, and the fees shall be non-refundable. The initial alarm license permit fee must be paid to the alarm installation company at the time the alarm system is installed or to the alarm monitoring company at the time the alarm user contracts with the company for monitoring services. If the alarm user does not use an alarm installation or monitoring company, the fee must be submitted to the Tax Collector Treasurer within five (5) days after the alarm system installation or alarm system takeover. The Treasurer shall give the applicant a receipt at the time the permit fee is paid which shall serve as a temporary receipt until the regular permit is issued.

(c) Upon receipt of a completed alarm license permit application form and the alarm license permit fee, the Tax Collector Treasurer shall assign a license number issue a permit to the applicant unless the applicant has:

(1) Failed to pay a penalty assessed under Section 3714; or
(2) Had an alarm license permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(d) Each alarm license permit application must include information in a form and fashion specified by the Tax Collector Treasurer. The application shall be signed by the applicant under penalty of perjury.
(e) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm license permit shall be sufficient cause for refusal to issue a license permit.

(f) An alarm license permit cannot be transferred to another person or alarm site.

An alarm user shall inform the Tax Collector Treasurer of any change that alters any of the information listed on the alarm license permit application within five (5) business days of such change.

(g) All fees owed by an applicant must be paid before an alarm license permit may be issued or renewed.

Section 3. The San Francisco Police Code is hereby amended by amending Section 3708, to read as follows:

SEC. 3708. ALARM LICENSE PERMIT DURATION AND RENEWAL.

An alarm license permit shall expire at 12:01 a.m. on January 1 of each year one year from the date of issuance, and must be renewed every year by submitting an updated application and a license permit renewal fee to the Tax Collector, directly or through an alarm company Treasurer. The Treasurer shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the permit. It is the responsibility of the alarm user to submit an application prior to the license permit expiration date. Failure to renew will be classified as use of a non-licensed non-permitted alarm system and citations and penalties, including penalties provided in Sections 3710.5 and 3714, shall be assessed without waiver. A late fee in the amount of one-half of the permit renewal fee may be assessed if the renewal is more than thirty (30) days late.
Section 4. The San Francisco Police Code is hereby amended by amending
Section 3709, to read as follows:

SEC. 3709. DUTIES OF THE ALARM USER.

(a) An alarm user shall:

(1) Maintain the alarm site and the alarm system in a manner that will minimize or
eliminate false alarms;

(2) Make every reasonable effort to have a responder to the alarm system's location
within 45 minutes when requested by the Police Department in order to;

(A) Deactivate an alarm system;

(B) Provide access to the alarm site; and/or

(C) Provide alternative security for the alarm site.

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

(b) 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 fifteen (15) ten (10) minutes after being activated.

(c) An alarm user shall have a licensed alarm installation company inspect the alarm
system after two (2) false alarms in a one (1) year period. The Treasurer may waive a required
inspection if he or she determines that a false alarm(s) could not have been related to a defect or
malfunction in the alarm system. After four (4) false alarms within a one (1) 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.

(d) An alarm user shall not use automatic voice dialers.

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

Mayor Brown
BOARD OF SUPERVISORS
In order to reduce false alarms due to initial equipment problems, alarm users may agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven (7) days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to and will not respond to an alarm signal from the alarm site and will not make an alarm dispatch request to the Department of Emergency Communications, even if the alarm signal is the result of an actual alarm event.

An alarm user or alarm installation company shall notify the Department of Emergency Communications prior to any service, test, repair, maintenance, adjustment, or installation of an alarm system which would normally result in a police response. An alarm activated, where such prior notice has been given, shall not constitute a false alarm.

Section 5. The San Francisco Police Code is hereby amended by amending Section 3710, to read as follows:

SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY.

(a) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. The instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

(b) Upon the effective date of this Article, alarm installation companies shall not program alarm systems so that they are capable of sending one-plus duress alarms. Monitoring companies may continue to report one-plus duress alarms received from alarm systems programmed with one-plus duress alarms prior to enactment of this Article. However, upon the effective date of this Article, when a takeover or conversion occurs or if an
alarm user requests an alarm system inspection or modification pursuant to Section 3709(c) of this Article, an alarm installation company must remove the one-plus duress alarm capability from such alarm systems.

(c) Upon the effective date of this Article, alarm installation companies shall not install a device to activate a false alarm, which is a single action, non-recessed button.

(d) Ninety (90) days after enactment of this Article, and conditioned upon reasonable availability, the alarm installation companies shall on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(e) An alarm company shall not use automatic voice dialers.

(f) After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user a Customer False Alarm Prevention Checklist approved by the Director of Emergency Communications.

(g) In order to reduce false alarms due to initial equipment problems, the monitoring company may agree with the alarm user not to make an alarm dispatch request of the Department of Emergency Communications in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days following an alarm system installation.

(h) A monitoring company shall:

(1) Report alarm signals using telephone numbers designated by the Director of Emergency Communications;

(2) Verify every alarm signal, except a panic, duress or holdup signal, before requesting a law enforcement response;

(3) Communicate alarm dispatch requests to the Department of Emergency Communications in a manner and form determined by the Director of Emergency Communications;
(4) Communicate cancellations to the Department of Emergency Communications in a manner and form determined by the Director of Emergency Communications;

(5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm;

(6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

(7) Communicate type of alarm activation (silent or audible, interior or perimeter);

(8) Provide an alarm user license permit number when requesting Department of Emergency Communications dispatch;

(9) After an alarm dispatch request, promptly advise the Department of Emergency Communications if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

(10) Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

(11) Upon the effective date of this Article, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm license number, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The Director of Emergency Communications may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.
(i) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the Tax Collector Treasurer of such purchase and provide details as may be reasonably requested by the Tax Collector Treasurer.

(i) Each alarm installation and alarm monitoring company shall, upon request, provide a copy of this Article to any new customer with whom it contracts to install and/or monitor an alarm system.

Section 6. The San Francisco Police Code is hereby amended by adding Section 3710.1, to read as follows:

SEC. 3710.1. ADDITIONAL DUTIES OF ALARM INSTALLATION COMPANY.

(a) An alarm installation company shall not install an alarm for a customer who does not have a current valid license under this Article, provided, however, that the installation company may provide the customer with a license application form, and shall accept from the customer the completed form and the applicable license fee on behalf of the Tax Collector, after which the company may install the alarm system.

(b) No later than last day of each month following the month of collection or receipt, the installation company shall remit to the Tax Collector all license fees collected and completed license applications received. Remittance reports shall be in a format approved by the Tax Collector and shall include the name, license number, and alarm system location of each alarm user who has paid the fee, and any other information required by the Tax Collector.

(c) The alarm installation company shall maintain its records in such a manner so as to be able to cross-reference the alarm user's name, the alarm system's location, and the license number assigned by the Tax Collector.
Section 7. The San Francisco Police Code is hereby amended by adding Section 3710.2, to read as follows:

SEC. 3710.2. ADDITIONAL DUTIES OF ALARM MONITORING COMPANY.

(a) An alarm monitoring company shall not service a new customer who does not have a current valid license under this Article, provided that the monitoring company may provide the customer with a license application form and shall accept from the customer the completed form and the applicable license fee on behalf of the Tax Collector, after which the company may service the alarm system.

(b) No later than December 1 of each year, an alarm monitoring company doing business in San Francisco shall notify each of its customers of the license renewal for the following year and shall bill such customers for the license fee required under this Article. Such bill shall be due and payable in not more than 30 days. The notification may be part of the company's regular billing or a separate notice, and shall be in a form approved by the Tax Collector. The company shall also provide the customer with a copy of the license renewal form. The alarm monitoring company shall be responsible for collecting the license renewal fee from the customer.

(c) No later than last day of each month following the month of collection or receipt, the monitoring company shall remit to the Tax Collector all license fees collected, completed license applications received, and a list of customers who have not paid the fee. Remittance reports shall be in a format approved by the Tax Collector and shall include the name, license number, and alarm system location of each alarm user who has paid the fee, and any other information required by the Tax Collector.

(d) The alarm monitoring company shall maintain its records in such a manner so as to be able to cross-reference the alarm user's name, the alarm system's location, and the license number assigned by the Tax Collector.
Section 8. The San Francisco Police Code is hereby amended by adding Section 3710.3, to read as follows:

**SEC. 3710.3. COLLECTION OF LICENSE FEE BY ALARM COMPANIES.**

(a) Alarm installation and monitoring companies shall hold fee revenues in trust for the City and shall remit the revenues collected as the fee to the Tax Collector as provided in this Article.

(b) The fees collected by alarm companies under this Article shall be stated separately in the alarm companies’ billings to their customers.

(c) If the amount paid by a customer is less than the full amount of the charges for service and the license or license renewal fee which have accrued for the billing period, and if the customer remitting has not indicated how to allocate the payment as between alarm company service charges and alarm license fees, then a proportionate share of both the charges for service and the fee shall be deemed to have been paid.

Section 9. The San Francisco Police Code is hereby amended by adding Section 3710.4, to read as follows:

**SEC. 3710.4. LIABILITY FOR FEE.**

(a) Any fee required to be paid by an alarm user under the provisions of this Article shall be deemed a debt owed by the alarm user to the City until it has been paid to the City, except that proof of actual payment to an alarm company is sufficient to relieve the alarm user from further liability for the fee.

(b) Any fee collected by an alarm company under the provisions of this Article shall be deemed a debt owed to the City and County of San Francisco by the company required to remit such fee.

(c) Whenever an alarm company remits funds collected as a license or license renewal fee to the City, the alarm company shall also provide the City with the name and address of any customer.
refusing or failing to pay the fee for a period of one or more billing periods and shall state the amount
of such fee remaining unpaid, and such other information as the Tax Collector may require. The Tax
Collector may assume responsibility for collection of any fees due and payable for the stated periods
and demand payment of such fees, plus administrative costs, interest, and penalties, if any.

(d) Any person owing money to the City under the provisions of this Article shall be liable in
an action brought in the name of the City and County for the recovery of such amount.

Section 10. The San Francisco Police Code is hereby amended by adding
Section 3710.5, to read as follows:

SEC. 3710.5. INTEREST AND PENALTIES.

(a) Any fee or false alarm penalty not paid by the due date is delinquent.

(b) Alarm User. Failure by an alarm user to pay any fee or false alarm penalty herein
imposed shall result in the following interest and penalties on the alarm user:

(i) If a license fee or false alarm penalty is not paid within 30 days after the same becomes
due, the Tax Collector shall add 50 percent to the amount of the stated fee or penalty as a penalty for
non-payment.

(ii) In addition to the penalties imposed in this Subsection (b), any alarm user who fails to
pay any fee or false alarm penalty imposed by this Article, shall pay interest on the amount of the fee or
penalty, exclusive of late payment penalties, plus an additional collection charge for each delinquent
account in an amount to be determined by rules and regulations of the Tax Collector. The Tax
Collector shall establish collection charges sufficient to reimburse the costs incurred by the City for
collecting delinquent fees or penalties. Interest shall be paid at the rate of one percent per month, or
fraction thereof. Interest and collection charges shall accrue 90 days after the original due date.
(iii) The penalties, interest and collection charges imposed in this Subsection (b) shall not be collected by the alarm company, but shall be determined and collected by the City and County as set forth hereinafter.

(c) Alarm Companies. Interest and penalties for delinquency in remittance of any fee not remitted shall be assessed as follows:

(i) Any alarm company who fails to remit any fee imposed by this Article within 10 days after receipt of written notice from the Tax Collector of such failure shall pay a penalty of 10 percent of the amount of the fee.

(ii) If the Tax Collector determines that the nonpayment of any remittance due hereunder is due to fraud or an intentional disregard of the provisions of this Article or of any applicable rule or regulation of the Tax Collector, a penalty of 100 percent of the amount of the fee shall be added thereto in addition to the penalty stated in subparagraph (i) of this Subsection.

(iii) In addition to the penalties imposed in this Subsection (c), any alarm company who fails to remit any fee imposed by this Article, shall pay interest on the amount of the fee, exclusive of penalties, from the date on which the remittance first became delinquent until paid. Interest shall be paid at the rate of one percent per month, or fraction thereof.

Section 11. The San Francisco Police Code is hereby amended by adding Section 3710.6, to read as follows:

SEC. 3710.6. ALARM COMPANIES; FAILURE TO REPORT AND REMIT FEE;
DETERMINATION OF FEE BY TAX COLLECTOR.

(a) If any alarm company shall fail or refuse to make, within the time provided in this Article, any report and remittance of said fee or any portion thereof required by this Article, the Tax Collector may make a determination based upon an estimate of the total liability of the alarm company. The estimate shall be made for the period or periods in respect to which the alarm company failed to
timely make a return or failed to timely remit any fees, and may be based upon any information which is in the Tax Collector's possession or may come into his or her possession. Upon the basis of this estimate, the Tax Collector shall compute and determine the amount required to be paid to the City and County, adding to the sum interest and penalties provided by this Article.

(b) In case such determination is made, the Tax Collector shall give a notice of the amount so assessed by serving the determination personally or by depositing it in the United States mail, postage prepaid, addressed to the alarm company so addressed at its last known place of address. Such alarm company may within 10 days after the serving or mailing of such notice make application in writing to the Tax Collector for a hearing to protest the determination.

(c) If application by the alarm company for a hearing is not made within the time prescribed, the fee, interest and penalties, if any, determined by the Tax Collector shall become final and conclusive and immediately due and payable. If such application is made, the Tax Collector shall forward such application to a hearing officer designated by the Director of Emergency Communications, giving not less than five days' written notice in the manner prescribed herein to the alarm company to show cause at a time and place fixed in said notice why the amount specified in the determination should not be fixed for such fee, interest and penalties. At such hearing, the alarm company may appear and offer evidence why such specified fee, interest and penalties should not be so fixed. After such hearing, and in accordance with the decision reached by the hearing officer therein, the Tax Collector shall determine the proper fee to be remitted and shall thereafter give written notice to the alarm company in the manner prescribed herein of such determination and the amount of such fee, interest and penalties. The amount determined to be due shall be payable within 15 days.

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Section 12. The San Francisco Police Code is hereby amended by adding Section 3710.7, to read as follows:

**SEC. 3710.7. REFUNDS.**

(a) An alarm company may claim a refund or claim a credit against fees to be collected and remitted of the amount overpaid or paid more than once, or erroneously or illegally collected or received by filing a claim in the manner provided in Sections 6.15-1 et seq. of the Business and Tax Regulations Code; provided, however, that neither a refund or a credit shall be allowed unless the amount of the fee so collected has either been refunded to the person entitled thereto or credited to the charges subsequently payable by such person to the alarm company.

(b) An alarm user may obtain a refund of fees overpaid or paid more than once or erroneously or illegally collected or received by the City and County by filing a claim in the manner provided in Sections 6.15-1 et seq. of the Business and Tax Regulations Code, but only when the fee was paid by the alarm user directly to the Tax Collector, or when the alarm user, having paid the fee to the alarm company, establishes to the satisfaction of the Tax Collector that the alarm user has been unable to obtain a refund from the alarm company who collected the fee.

Section 13. The San Francisco Police Code is hereby amended by adding Section 3710.8, to read as follows:

**SEC. 3710.8. FAILURE TO PAY FEE; ADMINISTRATIVE REMEDY.**

(a) If the Tax Collector determines that alarm user has deliberately withheld the amount of the fee to be remitted to an alarm company or that an alarm user has failed to pay the amount of the fee for a period of one or more billing periods, or if the Tax Collector deems it in the best interest of the City and County, he or she may assume responsibility for collection of fees due under this Article from certain named alarm users for specified billing periods. The Tax Collector shall notify the alarm user that the Tax Collector has assumed responsibility for collection of the fees due and payable for the
section periods and demand payment of such fees. The notice shall be served on the alarm user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the alarm user at the address to which billing was made by the alarm company, or, should the alarm user have changed his or her address, to his or her last known address.

(b) If an alarm user fails to remit the fee to the Tax Collector, the alarm user shall be subject to the interest and penalties provided in Section 3710.5, in addition to any other penalty imposed by this Article.

Section 14. The San Francisco Police Code is hereby amended by adding Section 3710.9, to read as follows:

SEC. 3710.9. ADMINISTRATIVE AGREEMENTS.

The Tax Collector may make administrative agreements with alarm companies to vary the strict requirements of this Article so that collection and/or remittance of any fee imposed herein may be made in conformance with the billing procedures of a particular alarm company so long as the overall result of said agreements results in the timely collection and remittance of the fee in conformance with the general purpose and scope of this Article. A copy of each such agreement shall be on file and available for public examination in the Tax Collector's office.

Section 15. The San Francisco Police Code is hereby amended by amending Section 3711, to read as follows:

SEC. 3711. LICENSE OR LICENSING.

All alarm installation companies and monitoring companies shall maintain any license required under state or local law.
Section 16. The San Francisco Police Code is hereby amended by amending Section 3712, to read as follows:

SEC. 3712. DUTIES AND AUTHORITY OF THE DIRECTOR OF EMERGENCY COMMUNICATIONS AND THE TAX COLLECTOR TREASURER.

(a) The Director of Emergency Communications shall have general responsibility for publicizing the existence and requirements of this Article. In addition, the Director shall:

1. Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

2. Establish a procedure to accept cancellation of alarm dispatch requests.

(b) The Director of Emergency Communications shall establish a procedure to record such information on alarm dispatch requests necessary to permit the Treasurer to maintain records including, but not limited to, the information listed below.

1. Identification of the license permit number for the alarm site;

2. Identification of the alarm site;

3. Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;

4. Date and time of police officer arrival at the alarm site;

5. Zone and zone description, if available;

6. Weather conditions;

7. Name of alarm user’s representative at alarm site, if any;

8. Identification of the responsible alarm installation company or monitoring company;

9. Whether responding police officer was unable to locate the address of the alarm site; and

10. Cause of alarm signal, if known.
(c) The Tax Collector Treasurer shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:

1. The date and time of Police Department response to the false alarm;
2. The identification number of the responding police officer; and
3. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting penalties.

(d) The Treasurer may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

(e) The Treasurer may create and implement an alarm user awareness class. The Treasurer may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid generating false alarms.

(d) The Director of Emergency Communications Treasurer may require an alarm user to remove an alarm device that is a single action, non-recessed button, if a false alarm has occurred.

(e) The Tax Collector and the Director of Emergency Communications Treasurer will provide a copy of this Article and/or an Article summary sheet available to the alarm user upon request.

Section 17. The San Francisco Police Code is hereby amended by amending Section 3713, to read as follows:

SEC. 3713. LICENSE PERMIT ADMINISTRATION, SUSPENSION AND REVOCATION.

(a) Except where this Article or a rule or regulation of the Tax Collector provides to the contrary, all alarm licenses permits issued under the provisions of this Article shall be
administered under the applicable provisions of Article 1 of the San Francisco Business and Tax Regulations Code, except as otherwise provided in this Article.

(b) The Director of Emergency Communications and the Tax Collector Treasurer may adopt such rules, regulations, and procedures as he or she determines necessary for his or her department to administer the functions assigned to his or her department under provisions of this Article.

(c) Any license permit issued under this Article may be suspended or revoked for good cause by the Director Treasurer after a noticed hearing.

Section 18. The San Francisco Police Code is hereby amended by amending Section 3714, to read as follows:

SEC. 3714. PENALTIES.

(a) No penalty shall be assessed for the first false alarm from an alarm system during the calendar year. Thereafter, the alarm user shall pay a penalty for each subsequent false alarm from the same alarm system during the calendar year, based upon the following schedule:

<table>
<thead>
<tr>
<th>NUMBER OF FALSE ALARMS</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>no penalty</td>
</tr>
<tr>
<td>2</td>
<td>$100</td>
</tr>
<tr>
<td>3</td>
<td>$150 per alarm</td>
</tr>
<tr>
<td>4</td>
<td>$200 per alarm</td>
</tr>
<tr>
<td>5 or more</td>
<td>$250 per alarm</td>
</tr>
</tbody>
</table>

Mayor Brown
BOARD OF SUPERVISORS
(b) In addition to the penalties provided in subsection (a), any person operating a non-licensed non-permitted alarm system will be subject to a penalty of $100, as well as a penalty of $250 for each false alarm, including the first false alarm during the calendar year. A non-licensed non-permitted alarm system includes a system for which a license has not been obtained or for which a license, where the permit has been suspended or revoked. The Director of Emergency Communications and/or the Tax Collector Treasurer may waive the first $100 additional penalty for a non-licensed non-permitted system if the alarm user submits an application for alarm license permit (or for reinstatement of a license permit) within ten (10) days after notification of such violation.

(c) An alarm user may attend an alarm user awareness class in lieu of paying the penalty in subsection (a) for any one false alarm within the calendar year.

(d) (e) If cancellation occurs prior to the Police Department arriving at the scene, the Director Treasurer may determine that the cancellation will not be counted as a false alarm for the purpose of assessing penalties.

(e) (e) The alarm installation company will be subject to assessed a penalty of $250 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

(e) (f) The monitoring company will be issued a penalty of $250 for each failure to verify alarm system signals as specified in Section 3710(h)(2).

(f) (g) The alarm installation or monitoring company will be issued a penalty of $500 if the Director or the Tax Collector Treasurer determines that an alarm installation or monitoring company employee knowingly made a false statement relating to its duties and obligations under this Article, including but not limited to statements concerning the inspection of an alarm site or the performance of an alarm system.
(g) Any penalty imposed under this Section shall be subject to the collection and enforcement provisions of Sections 3710.5 and 3718, including late payment penalties and accrual of interest. The Tax Collector may enforce the provisions of this Article by administrative citation, as provided in Sections 6.19-3 et seq. of the Business and Tax Regulations Code.

Section 19. The San Francisco Police Code is hereby amended by amending Section 3715, to read as follows:

SEC. 3715. NOTIFICATION.

The Tax Collector Treasurer shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the penalty for the false alarm, notice that the alarm user can attend alarm user awareness class in lieu of the penalty for any one false alarm within the calendar year, and a description of the appeals procedure available to the alarm user.

The Director of Emergency Communications Treasurer will notify the alarm user and the alarm installation company or monitoring company in writing after an alarm license permit has been suspended or revoked. This notice will include the reason(s) for the suspension or revocation, any outstanding fees or penalties, any outstanding corrective actions required by the Director Treasurer, and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

Notice shall be by first class mail to the alarm user within fifteen (15) five (5) days of police response to a false alarm or to the alarm user and the alarm installation company or monitoring company within fifteen (15) five (5) days after an alarm license permit has been suspended or revoked.
Section 20. The San Francisco Police Code is hereby amended by amending Section 3716, to read as follows:

SEC. 3716. APPEALS.

(a) If the Director of Emergency Communications revokes or suspends an alarm license, assesses a penalty, or denies the issuance, renewal or reinstatement of an alarm license, the Director shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.

(b) The alarm user, alarm installation company or monitoring company may appeal the decision of the Director as follows:

(1) The applicant, alarm user, alarm installation company or the monitoring company may file a written request for a review by paying an appeal fee of $35 and setting forth the reasons for the appeal within twenty (20) business days after the date notification the decision from the Director. The person filing the appeal must also deposit with the Tax Collector the full amount of any penalty imposed, plus any accrued interest and costs. Appeal fees, and any other amounts deposited with the Tax Collector, will be returned to the appealing alarm user, alarm installation company or monitoring company if the appeal is upheld.

(2) The Director may grant, but not deny, the appeal based upon an initial review of the appellant's written submission, in addition to any other information which is in the Director's possession or may come into his or her possession.

(3) If, after his or her initial review, the Director does not grant the appeal or determines that a hearing is appropriate or necessary, the Director shall appoint a hearing officer to conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence submitted by any interested person(s). The hearing officer shall not be an employee whose regular duties include administration or enforcement of this Article. The
hearing officer shall make his or her decision affirming or reversing the decision of the Director or Treasurer on the basis of the preponderance of evidence presented at the hearing, and must render the decision within thirty (30) fifteen (15) days after the date of the hearing.

(c) Filing of a request for appeal shall stay the action by the Director or Treasurer revoking or suspending an alarm license or requiring payment of a penalty, until the completion of the appeal. If a request for appeal is not made within the twenty (20) business day period, the action of the Director or Treasurer is final.

(d) The Director or the hearing officer may adjust the count of false alarms based on:

(1) Evidence that a false alarm was caused by an Act of God;
(2) Evidence that a false alarm was caused by action of the telephone company;
(3) Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;
(4) Evidence that the alarm dispatch request was not a false alarm;
(5) Evidence that the police officer response was not completed in a timely fashion; and/or
(6) In determining the number of false alarms, multiple alarms occurring in any twenty-four (24) hour period may, in the Director's or the hearing officer's discretion, be counted as one false alarm, to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

(e) With respect to penalties imposed against an alarm installation company or monitoring company, the Director or the hearing officer may take into consideration whether the alarm company had engaged in a pattern of violations.
Section 21. The San Francisco Police Code is hereby amended by amending
Section 3717, to read as follows:

SEC. 3717. REINSTATMENT.

(a) A person whose alarm license has been revoked or suspended may, at
the discretion of the Director, have the alarm license reinstated if the person:

(1) In the case of revocation, submits a new application and pays a reinstatement
fee equal to one-half of the license renewal fee;

(2) Pays, or otherwise resolves, all outstanding fees and penalties; and

(3) Submits a certification from an alarm installation company, stating that the alarm
system has been inspected and repaired (if necessary) by the alarm installation company.

(b) In addition, the Director may require one or more of the following as a
condition to reinstatement:

(1) Proof that an employee of the alarm installation company or monitoring
company caused the false alarm;

(2) A certificate showing that the alarm user has successfully completed the alarm user
awareness class as provided under Section 3712(e);

(3) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

(4) A written statement from an independent inspector designated by the Director
that the alarm has been inspected and is in good working order;

(5) Confirmation that all motion detectors are "dual technology" type;

(6) Confirmation that the alarm system requires two independent zones to trigger
before transmitting an alarm signal to the monitoring company;

(7) Confirmation that the alarm system requires two independent detectors to
trigger before transmitting an alarm signal to the monitoring company;
(7) Certificate that the monitoring company will confirm the need for police response by a listening device;

(8) Certificate that the monitoring company will confirm the need for police response by a camera device; or

(9) Certificate that the monitoring company will confirm the need for police response by a person at the alarm site.

Section 22. The San Francisco Police Code is hereby amended by amending Section 3718, to read as follows:

SEC. 3718. ENFORCEMENT.

(a) Any fee or penalty imposed under this Article shall be delinquent 30 days after the same becomes due, or a decision has been issued in an appeal under the Article, whichever occurs later. Penalties for late payment, in part or in full, shall accrue at the rate of one (1) percent each month, compounded.

(b) Any fee or penalty imposed under this Article shall be deemed a debt to the City and County of San Francisco. An action may be commenced in the name of the City and County of San Francisco in any court of competent jurisdiction for the amount of any delinquent fees or penalties and court costs as deemed reasonable.

(c) The City and County of San Francisco may create and impose liens against any property owned or operated by a person who fails to pay any fee or penalty imposed under this Article. Liens shall be imposed and collection pursuant to the procedures provided in Article XX of Chapter 10 of the San Francisco Administrative Code.

(d) In addition to any other penalties provided by the law, the City Attorney may bring a civil action and/or seek injunctive relief to enforce the provisions of this Article.
Section 23. The San Francisco Police Code is hereby amended by amending Section 3719, to read as follows:

SEC. 3719. GOVERNMENT IMMUNITY.

Issuance of an alarm license permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm license permit, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 24. The San Francisco Police Code is hereby amended by amending Section 3720, to read as follows:

SEC. 3720. LICENSES PERMITS.

(a) The alarm license permit fee (original or annual renewal) for a commercial premises shall be $60. The alarm license permit fee (original or annual renewal) for a residential premises shall be $40. The license shall be pro-rated, on a quarterly basis, for new licenses obtained after February 1.

(b) Beginning with fiscal year 2003-2004, the fees set in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Tax Collector Treasurer shall submit the current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.
No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

Section 25. The San Francisco Police Code is hereby amended by adding a new Section 3721, to read as follows:

SEC. 3721. INITIAL IMPLEMENTATION.

(a) On the effective date of this ordinance, every alarm monitoring company doing business in San Francisco shall send to the Tax Collector a complete list of its customers with alarm systems located in San Francisco; the list shall be in a format acceptable to the Tax Collector. The list shall include: the name of each customer, the customer's billing address, the location(s) of the alarm system(s), and such other information as the Tax Collector may request. The customer lists shall be kept confidential to the full extent allowed by law.

(b) No later than March 1, 2003, every alarm monitoring company doing business in San Francisco shall notify and bill each of its customers for the license fee required under this Article. This bill shall be due and payable within 30 days. The bill may be part of the company's regular billing or a separate billing, and shall be in a form approved by the Tax Collector. The company shall also provide the customer with a copy of the license application form. No later than April 1, 2003, the company shall send a follow-up notice to its customers who have not yet paid the fee in full. The company shall be responsible for collection of the license fee from the customer.

(c) No later than May 1, 2003, the alarm monitoring companies shall remit to the Tax Collector all license fees collected, all completed license applications received, as well as a list of customers who have not paid the fee in full and a list of customers who paid after April 1, 2003.
(d) Notwithstanding the provisions of Section 3720(a), license fees for existing customers of alarm monitoring companies as of March 1, 2003 shall not be prorated for calendar year 2003.

Section 26. The San Francisco Police Code is hereby amended by re-numbering current Section 3721 as Section 3722, to read as follows:

SEC. 3722. SEVERABILITY.

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: THOMAS J. OWEN
Deputy City Attorney
Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707 through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give the Director of Emergency Communications responsibility for administering the substantive provisions of the Police Emergency Alarm Ordinance and to provide for billing and collection of license and license renewal fees by alarm companies.

February 11, 2003 Board of Supervisors — AMENDED
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 1 - Ammiano

February 11, 2003 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 1 - Ammiano

February 18, 2003 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on February 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young  
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.