Ordinance amending the Police Code to transfer administration of the Police
Emergency Alarm Ordinance from the Department of Emergency Management to the
Tax Collector and clarify license renewal and appeal procedures.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through 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 Police Code is hereby amended by amending Sections 3702, 3708, 3709, 3710, 3710.2, 3710.6, 3712, 3713, 3714, 3715, 3716, 3717, and 3720, 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" 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 the Department of Emergency Management 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.

(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.

(I) "Cancellation" means the process where response is terminated when a monitoring
compány (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 to 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) "Local alarm system" means any alarm system, which is not monitored, that
annunciates an alarm only at the alarm site.
(s) "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.

(t) "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).

(u) "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.

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

(w) "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.

(x) "SIA Control Panel Standard CP-01" means the ANSI-American National Standard Institute approved Security Industry Association-SIA CP-01 Control Panel 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."

(y) "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.
(z) "Tax Collector" means the Treasurer-Tax Collector of the City and County of San Francisco.

(aa) "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.

(bb) "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.

(cc) "Department of Emergency Management Communications" and "Director of the Department of Emergency Management Communications" or "Director" mean the Department of Emergency Management Communications and Director of the Department of Emergency Management Communications of the City and County of San Francisco, respectively.

SEC. 3708. ALARM LICENSE DURATION AND RENEWAL.

(a) An alarm license shall expire at 12:01 a.m. on January 1 of each year, and must be renewed every year by submitting a license renewal form and a renewal fee to the Tax Collector, directly or through an alarm company. The alarm user shall submit the license renewal form and license renewal fee through the alarm company, if the alarm user contracts for the services of an alarm company, or directly to the Tax Collector, if the alarm user does not contract for the services of an alarm company. The Tax Collector may authorize the submission of license renewal information by an alarm company or an individual alarm user in electronic form in place of a license renewal form.

(b) It is the responsibility of the alarm user to submit an application prior to the license expiration date. Failure to renew will be classified as use of a non-licensed alarm system and
citations and penalties, including penalties provided in Sections 3710.5 and 3714, shall be assessed without waiver.

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) minutes after being activated.

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

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

(e) 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 Management, even if the alarm signal is the result of an actual alarm event.

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 the Department of Emergency Management 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 Management 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 the Department of Emergency Management 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 Management Communications in a manner and form determined by the Director of the Department of Emergency Management Emergency Communications;
4. Communicate cancellations to the Department of Emergency Management Communications in a manner and form determined by the Director of the Department of Emergency Management 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 number when requesting Department of Emergency Management dispatch;

(9) After an alarm dispatch request, promptly advise the Department of Emergency Management 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 the Department of Emergency Management 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 of such purchase and provide details as may be reasonably requested by the Tax Collector.

(j) 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.
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, and beginning in 2005, no later than November 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 as a single check all license fees collected, completed license renewal forms applications received or license renewal information in electronic form if authorized by the Tax Collector, 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.
(e) The billing and remittance provisions of this Section shall only apply to a monitoring company that has a direct contractual relationship with the alarm user. If a monitoring company has no such direct contractual relationship, and instead provides monitoring services pursuant to a subcontract with the alarm installation company or any other person or company, then the installation or other such person or company shall be responsible for meeting the billing and remittance requirements of this Section. However, the monitoring company shall continue to be responsible for complying with all other applicable provisions of this Article, including, but not limited to, the requirements of Section 3710.

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.

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

(a) The Tax Collector 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 the Department of Emergency Management shall designate a manner, form and telephone numbers for the communication of alarm dispatch requests, and shall establish a procedure to accept cancellation of alarm dispatch requests.* The Director of Emergency Communications shall establish a procedure to record information on alarm dispatch requests including, but not limited to, the information listed below.

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.
   1. Identification of the license 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. Name of alarm user's representative at alarm site, if any;
   7. Whether responding police officer was unable to locate the address of the alarm site; and
   8. Cause of alarm signal, if known.

(c) The Tax Collector 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 Director of the Department of Emergency Management 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 will provide a copy of this Article and/or an Article summary sheet to the alarm user upon request.

SEC. 3713. LICENSE 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 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 Department of Emergency Management and the Tax Collector 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 this Article.

(c) Any license issued under this Article may be suspended or revoked for good cause by the Tax Collector Director.
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</td>
<td>$250 per alarm</td>
</tr>
</tbody>
</table>

(b) In addition to the penalties provided in subsection (a), any person operating a non-licensed 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 alarm system includes a system for which a license has not been obtained or for which a license has been suspended or revoked. The Director of Emergency Communications and/or the Tax Collector may waive the first $100 penalty for a non-licensed system if the alarm user submits an application for alarm license (or for reinstatement of a license) within ten (10) days after notification of such violation.

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

(d) The alarm installation company will be subject to 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) 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) The alarm installation or monitoring company will be issued a penalty of $500 if the Director or the Tax Collector 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.

SEC. 3715. NOTIFICATION.

(a) The Tax Collector shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the penalty for the false alarm, and a description of the appeals procedure available to the alarm user.

(b) The Tax Collector Director of Emergency Communications will notify the alarm user and the alarm installation company or monitoring company in writing after an alarm license 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 Tax Collector Director, and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.
(c) Notice shall be by first class mail to the alarm user within fifteen (15) days of police response to a false alarm or to the alarm user and the alarm installation company or monitoring company within fifteen (15) days after an alarm license has been suspended or revoked.

SEC. 3716. APPEALS.

(a) If the Tax Collector 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 Tax Collector 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, within 15 days from the date the assessment of a fee or a license revocation is served, protest the assessment of the fee or license revocation by either (1) requesting a hearing to be conducted by mail, or (2) requesting an in-person hearing. If a protest is not filed within 15 days as provided in this Section, the decision of the Tax Collector shall be final.

(1) Hearing by Mail. An alarm user, alarm installation company or monitoring company may protest the assessment of a fee or license revocation by paying the fee, if any, and requesting a hearing to be conducted by mail from the Tax Collector. The request must be made in writing, in the format prescribed by the Tax Collector. Protests must be mailed together with the fee, if any, to the Office of the Treasurer & Tax Collector at the address provided on the assessment of a fee or license revocation. The request for a hearing by mail must specify the basis for the protest in detail and must be accompanied by evidence supporting the protest. The Tax Collector may request that the protesting party provide any additional information necessary to decide the validity of the assessment of a fee or license revocation. The Tax Collector shall evaluate the protest and notify the protesting party...
party of the decision by mail within 30 days of receipt by the Tax Collector of all information and
evidence. The notice shall include a copy of the Tax Collector’s written determination. The Tax
Collector’s decision shall be final.

(2) In-Person Administrative Hearing. An alarm user, alarm installation company or
monitoring company may protest the assessment of a fee or license revocation by paying the fee, if any,
and filing a petition for redetermination pursuant to Section 6.13-1 of the Business and Tax
Regulations Code. A hearing on the petition for redetermination of an assessment of a fee or license
revocation shall proceed in the same manner as a petition for redetermination of a tax. Any reference
in Sections 6.13-1 et seq. to taxes, penalties or interest shall be deemed to also apply to the hearing of
an assessment of a fee or license revocation under this Article. If the protesting party fails to appear
for the hearing, a default judgment shall be entered against the party. The party will automatically be
deemed liable for the fee or to have consented to the license revocation, together with any additional
fees and interest.

(3) In any hearing conducted under subsections (b)(1) or (b)(2), the burden of proof
shall be on the person protesting the assessment of a fee or license revocation to demonstrate that the
assessment of the fee or the revocation of the license was arbitrary and capricious or beyond the
jurisdiction of the Tax Collector.

(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 of notification of 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 amount 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 on the basis of the preponderance of evidence presented at the hearing, and must render the decision within thirty (30) days after the date of the hearing.

(e) Filing of a request for appeal shall stay the action by the Director 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 is final.

(c) (d) The Tax Collector 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 Tax Collector’s 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 Tax Collector Director or the hearing officer may take into consideration whether the alarm company had engaged in a pattern of violations.

SEC. 3717. REINSTATEMENT.

(a) A person whose alarm license has been revoked or suspended may, at the discretion of the Tax Collector 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 Tax Collector 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) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
(3) A written statement from an independent inspector designated by the Tax Collector that the alarm has been inspected and is in good working order;

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

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

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

(7) Certification that the monitoring company will confirm the need for police response by a listening device;

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

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

SEC. 3720. LICENSES.

(a) The alarm license fee (original or annual renewal) for a commercial premises shall be $60. The alarm license 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, 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 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; provided, however, that the fees shall only be adjusted in five-
dollar increments, when cumulative changes in the Consumer Price Index since the last fee
adjustment justify an increase or decrease of at least five dollars.

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 2. Effective Date. This ordinance shall become effective 30 days from the
date of passage.

Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to
amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
punctuation, charts, diagrams, or any other constituent part of the Police Code that are
explicitly shown in this legislation as additions, deletions, Board amendment additions, and
Board amendment deletions in accordance with the "Note" that appears under the official title
of the legislation.

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

By: 
THOMAS J. OWEN
Deputy City Attorney
Ordinance amending the Police Code to transfer administration of the Police Emergency Alarm Ordinance from the Department of Emergency Management to the Tax Collector and clarify license renewal and appeal procedures.

June 19, 2013 Budget and Finance Committee - CONTINUED

June 21, 2013 Budget and Finance Committee - RECOMMENDED

July 16, 2013 Board of Supervisors - PASSED, ON FIRST READING
    Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 23, 2013 Board of Supervisors - FINALLY PASSED
    Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130551

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/23/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved 8/2/2013