

ARTICLE 8

FIRE ALARMS

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ARTICLE 8

FIRE ALARMS

SEC. 4-8.00 PURPOSE. The purpose of this Article is to provide minimum standards and regulations applicable to alarm systems, their installation by alarm users and by alarm businesses, and their operation. It is the further purpose of this Article to reduce the costs to the City of Hayward of responding to false alarms and impose such costs on the alarm users causing false alarms. Any fee or charge authorized by this Article is for the sole purpose of defraying the actual cost and expense to the City of Hayward of administering the regulations herein so as to accomplish the purposes hereof and this Article is therefore not enacted pursuant to the power to license or tax businesses for revenue purposes.

SEC. 4-8.01 FINDINGS. The City Council of the City of Hayward hereby finds as follows: There are a substantial number of alarms of possible fire activity on premises within the City of Hayward given by alarm systems to the Hayward Fire Department. It is the policy and practice of the Hayward Fire Department to respond to all alarms, except alarms which are countermanded or known to be false, and to report on all alarms, genuine or false. As a result of the incidence of false alarms, the City of Hayward incurs substantial cost and expense in responding to and reporting on false alarms and the ability of the Hayward Fire Department to respond to genuine alarms and other emergencies is reduced.

SEC. 4-8.02 DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meaning given herein.

- a. 'Alarm agent' means any person employed or hired by an alarm business and whose duties include altering, installing, maintaining, moving, repairing, replacing, or servicing an alarm system or responding to same.
- b. 'Alarm business' means any activity carried on by any person operating for any consideration which engages in the installation, maintenance, alteration, or servicing of alarm systems or which responds to such alarm systems.
- c. 'Alarm system' for the purpose of this article means an assembly of equipment and devices arranged to signal the presence of any condition upon premises within the City of Hayward to which the firefighters are expected to respond. The term "alarm system" shall include any equipment which is designed to detect an emergency or which is designed to be activated by a person to report an emergency.
- d. 'Alarm user' means any person who owns or is entitled to possession of any premises in the City of Hayward on which an alarm system has been installed and operates.
- e. 'Audible alarm' means any device or system designed to signal the presence of a potential hazard which when activated is capable of being heard within the premises and the immediate area thereof.
- f. 'Automatic dialing system' means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message indicating the existence of an emergency situation that the alarm system is

designed to detect.

- g. 'Central station' means an office to which monitored alarm and supervisory signaling devices are connected, where operators supervise the circuits, and which is listed by Underwriters' Laboratory.
- h. 'False alarm' means any improper activation of an alarm system, including, but not limited to, improper activation due to malicious acts, negligent acts or omissions or to equipment malfunction as well as improper activation of an alarm system resulting from work on or testing of the system where the Fire Department communication center has not been notified in advance as to when the false signal will be sounded. Improper activation of an alarm system caused by an event out of the control of the alarm user or alarm installer, including, but not limited to, earthquake, storm, or other violent, uncontrollable acts of nature, shall not constitute a false alarm.
- i. 'Monitored alarm system' means an alarm signaling system which, when activated by an alarm device, transmits a signal from an alarm signaling device to a central location where appropriate action is taken to investigate and respond to the signal.

SEC. 4-8.03 STANDARDS AND ADMINISTRATION.

- a. Except as authorized by law, it shall be unlawful for any person to cause, permit, or suffer any alarm system to emit a false alarm. Except as to false alarms resulting from malicious acts, a violation of this section will not occur unless more than two (2) false alarms occur within any thirty (30) day period or more than three (3) false alarms occur within a sixty (60) day period.
- b. The provisions of this Article shall be administered and enforced by the Fire Chief. The Fire Chief is authorized to make inspections of alarm systems and of the premises whereon said systems are located, and to make and enforce such rules and regulations as are necessary to implement the provisions prescribed in this Article.

SEC. 4-8.04 NOTIFICATION OF INSTALLATION OF AN ALARM SYSTEM.

Alarm businesses shall notify the Hayward Fire Department each time the business sells, installs, operates, or maintains an alarm system within the City of Hayward. This notification shall be in writing, and shall be made within ten (10) days of each such time and shall include the following information:

- a. The name, address, and telephone number of the alarm business or its alarm agent;
- b. The name of the alarm user and his or her business address and telephone number and residential address and telephone number; and
- c. The name of at least one other person responsible for responding to the alarm site and his or her business address and telephone number and residential address and telephone number.

SEC. 4-8.05 MONITORED ALARM SYSTEM. The provisions prescribed in this section shall apply to all monitored alarm systems whether operated as a silent alarm, audible alarm, or a combination of both.

- a. It shall be unlawful to buy, sell, install, or operate any alarm system which, when

activated, causes an alarm to be sent directly to the Hayward Fire Department by an automatic dialing system.

- b. It shall be unlawful for anyone to advertise, sell, or install an automatic dialing alarm with the intent or instructions that said system may be utilized or operated to directly call the Hayward Fire Department.
- c. Persons owning or leasing or operating any monitored alarm or automatic dialing system may have that alarm or system interconnected to a central station, so long as such central station meets with the minimum standards set forth in this Article and the National Fire Protection Association Standard No. 71 or any successor standard.
- d. Any alarm business or alarm agent which operates a monitored alarm, shall, if notified by the Hayward Fire Department, provide a representative of the alarm user to respond within one (1) hour to the scene of the alarm and render necessary service. This service shall include opening the premises so they may be searched.

SEC. 4-8.06 STANDBY POWER BACKUP SERVICE. All alarm systems shall have a standby backup power supply which will automatically assume the operation of the alarm system should any interruption occur in power to the system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.

SEC. 4-8.07 FALSE ALARMS; FEES. The Fire Chief is authorized to implement such procedures and policies as may be reasonably necessary to reduce false alarms as defined in this Article. These include, but are not limited to, the following:

- a. The Hayward Fire Department will monitor all false alarms within the City.
- b. After the Hayward Fire Department has recorded two (2) false alarms within any thirty (30) day period or three (3) false alarms within any sixty (60) day period, and after the alarm user has been notified by first-class mail that the false alarms have been activated, the Fire Chief may authorize the assessment of a fee on the user for each additional false alarm response to recoup any expenses incurred in the investigation of, or unneeded fire response to, the alarm user's site. The fees which may be assessed shall be established by resolution adopted by the City Council. Any fee which is assessed shall constitute a debt owed to the City of Hayward by the alarm user and may be collected in the manner in which any other debt may be collected. Notwithstanding the foregoing, the person or persons responsible for a maliciously activated false alarm or a false alarm resulting from work on or testing of the system where the Fire Department communication center has not been notified in advance as to when the signal will be sounded may be assessed a fee established by resolution of the City Council for each such false alarm.

SEC. 4-8.08 EXCEPTIONS.

- a. No provision of this Article shall be deemed, whether directly or indirectly, to authorize or require or permit any act which is otherwise prohibited by law of the State of California nor shall any provision of this Article be deemed, whether directly or indirectly, to prohibit any act which is otherwise permitted by any law of the State of California.
- b. The provisions of this Article are not applicable to alarms affixed to vehicles subject

to the California Vehicle Code, ships or boats, or railroad cars.

SEC. 4-8.09 NUISANCE TO PEACE AND SAFETY. Alarm systems which are not properly installed, maintained, or operated create a nuisance to the peace and safety of the community. Said alarm systems also cause excessive and unnecessary use of fire services in responding to assumed emergencies. This Article is a measure which is necessary to establish standards for, and reduce the abuse of, alarm systems which are operated within the City.

SEC. 4-8.10 INFRACTION. Any person violating any provision of this Article shall be guilty of an infraction. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in Government Code Section 36900. After the third conviction for a violation of this Article within any twelve-month (12) period any subsequent violation within the twelve-month (12) period may be punished as a misdemeanor.