

**ORDINANCE NO. 1729**

**ORDINANCE AMENDING CHAPTER 15.28 OF THE VACAVILLE MUNICIPAL CODE  
RELATING TO SECURITY ALARMS SYSTEMS**

**WHEREAS**, the Vacaville Police Department annually responds to over 6,000 security alarm system activations, of which approximately ninety-nine (99%) percent are false; and

**WHEREAS**, such responses to false alarms comprises more than fifteen percent (15%) of all requests for police services within the City; and

**WHEREAS**, responding to false alarms endangers the public health and safety by preventing, diverting, or delaying public safety officers from performing other important police services, such as crime prevention, enforcement of laws, and investigating and solving crimes; and

**WHEREAS**, responding to false alarms further poses a risk of harm to public safety officers and bystanders when public safety officers respond to false alarms; and

**WHEREAS**, the City Council of the City of Vacaville has determined that it is in the public interest and welfare to amend the City's current alarm ordinance in an effort to reduce the number of false alarms within the City; and

**WHEREAS**, Section 845 of the California Penal Code provides that a city is immune from liability for a failure to provide sufficient police protection; and

**WHEREAS**, the regulation of alarm systems within the City is in the best interest of the public health, safety, and welfare; and

**WHEREAS**, Article XI, Section 7 of the California Constitution provides that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the constitutional police power is as broad as the police power exercisable by the State Legislature [Birkenfeld v. City of Berkeley (1976)17 Cal.3d 129, 140]; and

**WHEREAS**, the police power gives cities and counties the right to adopt regulations designed to promote the public health and safety [Chicago B. & O Railway Company v. Illinois (1906) 200 U.S. 561, 592]; and

**WHEREAS**, Section 16000 of the California Business and Professions Code provides that, with certain exceptions, cities may license, for revenue and regulation, every kind of lawful business transacted in the City; and

**WHEREAS**, pursuant to such authorities, the City of Vacaville has determined that it is in the public interest and welfare to establish regulations that regulate alarm businesses, alarm system subscribers, and alarm systems within the City of Vacaville.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1.** Recitals incorporated. The recitals set forth above are hereby incorporated by reference into this ordinance and made a part hereof.

SECTION 2. Section 15.28.180 amended. Section 15.28.180 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.180 Purpose.**

The purpose and intent of this chapter is to:

- A. License and regulate alarm systems, alarm users, and the activities of alarm businesses in the City.
- B. Reduce or eliminate the instances of false alarms in the city.
- C. Protect public safety by curtailing or eliminating the number of false alarms within the City that prevent, hinder, or delay public safety officers from responding to other calls for service.

SECTION 3. Section 15.28.190 amended. Section 15.28.190 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.190 Burglary alarms—Findings.**

The City Council finds that the regulation of the sale, installation, and use of alarm systems and the control of false alarms is necessary to promote the health, welfare, and safety of the people. The sale, installation, and use of substandard alarm equipment and the occurrence of false alarms constitute a threat to the safety of public safety officers and the public in general. Responding to alarms that have a history of being false also promotes a complacent attitude that has proven to be the cause of successful felonious attacks against public safety officers. The dangers of automobile collisions en route to activated alarms are increased as are officer hour costs, which divert valuable public safety resources from regularly-assigned duties.

SECTION 4. Section 15.28.195 added. Section 15.28.195 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.195 Exercise of regulatory police and licensing powers.**

- A. The provisions of this chapter are adopted as an exercise of the City's police power to promote the public health, safety, and welfare and are not intended to protect individuals or otherwise establish or create a "special relationship" with any particular class or group of persons who will or may be affected by the provisions of this chapter. This chapter neither creates nor imposes any duty to protect on the part of the City nor any of its departments, divisions, officials, agents, or employees. The obligation of complying with the requirements of this chapter and the consequences for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, or maintaining alarm systems within the City.
- B. To the extent that the City may not exercise regulatory power with respect to the licensing requirements of this chapter, such licensing requirements shall be deemed to be an exercise of the City's power to license for revenue for the privilege of engaging in business in the City.

SECTION 5. Section 15.28.200 amended. Section 15.28.200 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.200 Burglary alarm—Definitions.**

As used in this chapter:

- A. "Alarm administrator" means the person designated by the chief of police or such person's designee as the person responsible for administering the provisions of this chapter and/or the rules and regulations adopted pursuant to section 15.28.250 of this code.
- B. "Alarm agent" means any person who is employed either directly or indirectly, by an alarm business whose duties include any of the following: selling, providing, maintaining, leasing, servicing, repairing, altering, replacing, removing, or installing an alarm system in or upon any building, place, property, or premises.

C. "Alarm business" means any person engaged in the sale, providing, monitoring, maintaining, leasing, servicing, repairing, altering, replacing, removing, or installing of any alarm system or causing to be sold, provided, monitored, maintained, leased, serviced, repaired, altered, replaced, removed, or installed any alarm system in or on any building, place, property, or premises.

D. "Alarm system" means any device designated for the detection of an unauthorized entry, or attempted unauthorized entry, into or upon any building, place, property, or premises or for alerting others of the commission or attempted commission of an unauthorized entry therein or thereon and when activated, emits a sound or light or transmits a signal or message that is intended to summon public safety officers to such location. "Alarm system" shall not include an alarm system that is disconnected, deactivated, or turned off.

E. "Alarm system monitoring company" or "monitoring company" means any person (located within or outside the City) that engages in the business, practice, or profession of monitoring alarm systems within the City, and which reports, directly or indirectly, any activation of such alarm systems to the City, its departments, divisions, officials, agents, or employees including, but not limited to, the police department and/or police dispatch.

F. "Alarm user" means a person having or maintaining an alarm system on real property owned or controlled by such user. "Alarm user" does not include an alarm business or alarm system monitoring company.

G. "Alarm user permit" means the annual permit required under section 15.28.231 of this code.

H. "Audible alarm" means a device designated for the detection of entry into or upon any building, place, property, or premises and, when activated, generates an audible sound at such location.

I. "Chief of police" means the chief of police of the City or his or her designee.

J. "Enhanced call verification" or "two (2) call verification" means making two (2) or more telephone calls, first to the premises where the alarm system is located and the second and more to an alternate telephone number (neighbor, cellular phone, etc.), if necessary, to verify the veracity of an alarm signal, before requesting a police response to the premises. The purpose of enhanced call verification is to reduce the number of false alarms.

K. "Excessive false alarm" means three (3) or more false alarms during any consecutive twelve (12)-month period at the same location; or two (2) or more false alarms during any consecutive twenty-four (24)-hour period at the same location. Excessive false alarms, however, shall not include false alarm(s) that occur during the thirty-(30) day period immediately following the installation and activation of an alarm system.

L. "False alarm" means an alarm system that emits a light or sound or transmits a signal or message resulting in a response by public safety officers when the situation does not require a public safety response. False alarms caused as a result of power failures, power surges, or acts of nature not the fault of the alarm user or system subscriber or the alarm business shall not be considered to be a false alarm.

M. "False alarm response fee" means the fee assessed pursuant to section 15.28.211 of this code.

N. "Person" means any individual, sole proprietorship, partnership, company, corporation, limited liability company, business or other form of association or entity.

O. "Public safety officers" means police officers, community safety officers, fire fighters, sheriff officers, and other public safety personnel authorized to enforce local, state, or federal laws.

P. "Robbery alarm" or "panic alarm" means any system, device, or mechanism that is manually activated by an individual on or near the protected premises that is designed to alert others that a robbery or some other crime is in progress at such premises, or that such individual's health or safety is endangered, which:

1. Is installed on the protected premises;
2. Is designed to be manually activated by an individual for the purpose of summoning police assistance to the protected premises; and

3. Transmits a telephonic, wireless, electronic, video, or other form of signal or message beyond the protected premises or emits or imparts an audible or visible signal or sound to persons on or beyond the protected premises.

Q. "System subscriber" or "subscriber" means any person that has purchased or contracted for or has had installed an alarm system that is monitored by a monitoring company in or upon property that is owned or controlled by the subscriber.

SECTION 6. Section 15.28.201 added. Section 15.28.201 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.201 Vehicle, fire, and personal alarms.**

The provisions of this chapter shall not apply to:

- A. Audible alarms affixed to automobiles, boats, boat trailers, or recreational vehicles;
- B. Alarms designed or intended to detect the presence of fire or smoke; or
- C. Hand held/portable personal safety alarms.

SECTION 7. Section 15.28.202 added. Section 15.28.202 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.202 Alarm business—Business license required.**

A business license shall be required for each alarm business doing business in the City.

SECTION 8. Section 15.28.203 added. Section 15.28.203 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.203 Alarm business—State license requirements.**

A. No person shall engage in, conduct or carry on an alarm business within the City without possessing and presenting upon request to a public safety officer or a representative of the police department a valid, unrevoked and unexpired State Alarm Company Operator License, in accordance with the provisions of Division III, Chapter 11 of the Business and Professions Code (Section 7500 et seq.), and any subsequent amendments thereto.

B. In the event such License is suspended, revoked or otherwise rendered invalid by the state issuing authority, the alarm business shall notify the alarm administrator in writing of such state action within three (3) days thereof. Failure to do so shall constitute an infraction.

C. Every person engaged in, conducting, or operating an alarm business within the City shall post on the premises where the alarm business is located a copy of such License.

SECTION 9. Section 15.28.210 amended. Section 15.28.210 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.210 False alarm—Infraction.**

A. False alarm. A false alarm, for which the City assesses a false alarm response fee, is not punishable as an infraction under this code.

B. Infractions. Except as provided in subsection A of this section, violations of the provisions of this chapter are punishable as an infraction. The penalty for an infraction is a fine, as set forth in subsection C of section 1.16.010 of this code.

SECTION 10. Section 15.28.211 added. Section 15.28.211 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.211 False alarm response fee.**

- A. The City may assess a false alarm response fee for each public safety response to a false alarm. The amount of such fee shall be established as provided in section 15.28.232 of this code.
- B. A false alarm response fee shall not be assessed if the alarm business, monitoring company, or alarm user promptly notifies police dispatch that a public safety response is not necessary prior to the arrival of public safety officers at the protected property.
- C. If the location of the false alarm is monitored, the system subscriber shall be liable for the false alarm response fee or, if the location is not monitored, the alarm user shall be liable for the false alarm response fee.

SECTION 9. Section 15.28.220 amended. Section 15.28.220 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.220 Alarm systems—Standards.**

- A. Alarm systems installed within the City after the enactment of this chapter, shall be listed with Underwriters Laboratory, Inc., or be marked to state by other nationally recognized testing organizations, “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”
- B. The alarm administrator may grant an exception to the requirement in subsection A of this section when the alarm administrator determines that the alarm system, device, or component is substantially equivalent to, or exceeds, the applicable Underwriters Laboratory, Inc. alarm testing standards.
- C. The alarm administrator may require the alarm business, alarm user, or person responsible for the alarm system, device or component to submit documentation and certification from a qualified authority necessary to make the exception determination set forth in subsection B of this section.

SECTION 10. Section 15.28.230 amended. Section 15.28.230 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.230 Burglary alarm—Prohibitions.**

- A. Audible alarms. No audible alarm may sound for a period of more than fifteen (15) minutes each time such alarm is activated.
- B. Automatic alarm. No person shall use or cause to be used any equipment or device that automatically sends any prerecorded message or signal to the City, its officers, or employees without the prior written consent of the alarm administrator.

SECTION 11. Section 15.28.231 added. Section 15.28.231 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**15.28.231 Alarm user permits; biannual reports.**

- A. It shall be unlawful for any person to:
  - 1. Connect to an alarm system or to have such alarm system, directly or indirectly, monitored via telephone, cable, wire, wireless transmission, video, electronic device, or other means by any person or entity not having the license(s) or permits required by this chapter.
  - 2. Permit to be used or operated any alarm system that is monitored by means of telephone, cable, wire, wireless transmission, video, electronic device, or other means by any person or entity not having the license(s) required by this chapter.
- B. Every alarm user shall have and maintain an alarm user permit for each alarm system owned, maintained, or controlled by such alarm user. Except as provided in subsection D below, each alarm user permit shall be issued annually for a particular alarm system and shall not be assignable or transferable from: (i) one alarm system to another; (ii) one person to another; or (iii) one protected building, place, property, premises, building, dwelling, or residence to another.

C. The application for an alarm user permit shall be on a form provided by the alarm administrator and accompanied by the fee required under subsection 15.28.232.B of this code. The information in the application form shall include, but not be limited to, the location of the alarm system (e.g. street address); the name, address, and telephone number of the alarm user; the number, type, and location of the alarm system(s) at that location; the name, address, and telephone number of an emergency contact person; and such other information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this chapter.

D. An alarm user permit application may be denied by the alarm administrator on the following grounds:

1. The alarm system is deficient in that it does not comply with the rules and regulations adopted by the chief of police pursuant to section 15.28.250 of this chapter, and/or results in excessive false alarms.

2. The applicant or his or her agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record required to be filed with City; or

3. The applicant has had a similar-type alarm user permit previously revoked for good cause within the past year, unless the applicant can provide evidence to the alarm administrator's satisfaction that a material change in circumstances has occurred since the date of revocation indicating his/her ability to comply with the provisions of this chapter; or

4. The violation of any of the provisions of this chapter within three (3) years prior to the date of application, unless the applicant can provide evidence to the alarm administrator's satisfaction that the applicant is capable of complying with the provisions of this chapter.

If the application is denied, the alarm administrator shall notify the applicant in writing of the denial, stating the reasons for such denial.

E. If during any calendar year, a system subscriber changes or contracts with another alarm business or monitoring company for monitoring services at a particular location, or if an alarm business or monitoring company assigns or transfers a system subscriber's account to another alarm business or monitoring company, such transfer or assignment shall be reported to the alarm administrator in writing by the business or company to which the transfer or assignment is made within thirty (30) calendar days of the effective date of such transfer or assignment. The notice of assignment or transfer shall be provided on a form provided by the alarm administrator.

F. In addition to the information required under subsection E, above, each alarm business or monitoring company shall submit in a biannual report to the alarm administrator a current list of all alarm systems within the City that are monitored by such business or company. The information in the report shall include, but not be limited to, the location of each alarm system monitored by the business or company (e.g. street address); the name, address, and telephone number of the system subscriber; the number, type, and location of alarm systems at that location; the name, address, and telephone number of an emergency contact person for such location; the locations (e.g. street address) that are no longer monitored by the business or company; and such other information as the alarm administrator reasonably deems necessary to carry out the purpose and intent of this chapter.

**SECTION 12. Section 15.28.232 added.** Section 15.28.232 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**15.28.232 Fee amounts.**

- A. The fee for the business license required by this chapter shall be in the amount required by title 5 of this code, as may be amended from time to time.
- B. The fee for the annual alarm user permit required by section 15.28.231 of this code shall be in an amount set by resolution of the City Council, as may be amended from time to time.
- C. The false alarm response fee specified in section 15.28.211 of this code shall be in an amount set by resolution of the City Council, as may be amended from time to time.
- D. Public agencies, such as the federal and state governments, the county, school districts, and special purpose agencies such as irrigation and water districts, shall be exempt from the payment of the annual alarm user permit fee. Public agencies shall not be exempted from any other fees and charges including, but not limited to, the false alarm response fee.
- E. The alarm user permit fees and false alarm response fees paid to the City shall be deposited into a police services account, which shall be used to offset the cost of personnel, equipment, supplies, and administrative costs incurred by the City in responding to alarms and administering this chapter.

SECTION 13. Section 15.28.233 added. Section 15.28.233 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.233. Revocation of alarm user permit—Grounds.**

The following shall constitute grounds for revocation of an alarm user permit:

- A. The violation of any of the provisions of this chapter;
- B. The occurrence of excessive false alarms due to defects or deficiencies in an alarm system;
- C. Any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record submitted or filed with the City; or
- D. Failure by the alarm system owner or such owner's designated representative to respond within one (1) hour to a request made by a police department representative to permit or provide access to the property where an alarm system has been activated.

SECTION 14. Section 15.28.234 added. Section 15.28.234 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.234 Revocation of alarm user permit—Procedures.**

- A. Prior to revoking an alarm user permit, the alarm administrator shall notify the alarm user in writing of the intended action not less than ten (10) days prior to the effective date of such action. The notice shall specify the reason(s) therefor and the alarm user's right to appeal the revocation by requesting a meeting with the chief of police. Such request shall be in writing and shall be delivered and received by the chief of police not less than three (3) days prior to the date of the intended action.
- B. If the alarm user fails to request a meeting in a timely manner with the chief of police, such failure shall constitute a waiver of the alarm user's right to a meeting and the intended action shall take effect without further notice, action, or proceeding.
- C. If a meeting is requested, the meeting shall be conducted in the manner provided in section 15.28.240 of this code, provided that any and all delinquent penalties, fines, or payments are fully paid by the person requesting the meeting to the date of the filing of the appeal.

SECTION 15. Section 15.28.235 added. Section 15.28.235 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.235 Method and time of payment.**

- A. Business license. The business license required under section 15.28.202 of this code shall be obtained in accordance with title 5 of this code.

B. Alarm user permit for new system subscribers. An alarm business or monitoring company may add additional alarm systems to those systems already monitored by the business or company. Prior to providing monitoring services to such additional alarm systems, the alarm business or monitoring company shall require the alarm user to obtain an alarm user permit and pay the requisite fee for such added system.

C. Inspection of records. It shall be the duty of an alarm business or monitoring company to keep and preserve, for a period of not less than three (3) years, all records as may be necessary to determine the number and location of alarm systems monitored by the business or company during such time period, which records the alarm administrator shall have the right to inspect at all reasonable times. If an alarm business or monitoring company refuses to make such records available for inspection, the City may issue a subpoena pursuant to Section 37104 et seq. of the California Government Code or utilize any other lawful means to access and inspect such records, in which case the alarm business or monitoring company shall promptly reimburse the City for the costs reasonably incurred by City to enforce such right of inspection.

D. False alarm response fees. The false alarm response fees shall be due and payable within sixty (60) calendar days of the date of invoice by City.

SECTION 16. Section 15.28.236 added. Section 15.28.236 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.236 Initial compliance period.**

A. All persons subject to this chapter shall have sixty (60) days from the effective date of this chapter to obtain all licenses and permits required by this chapter. The false alarm response fee, however, and the liability for the payment thereof, shall immediately take effect upon the effective date of this chapter.

B. Within sixty (60) days from the effective date of this chapter, all alarm businesses and monitoring companies doing business within the City shall assist their system subscribers in obtaining the alarm user permit required under this chapter by providing each system subscriber with the permit application form, collecting the required permit fee, and forwarding the completed applications and fees to the alarm administrator. During such sixty (60)-day time period, such companies shall also provide their system subscribers with a copy of this chapter, accompanied by a written summary of this chapter or a "frequently asked questions" sheet, which shall further advise the system subscriber to read this chapter in its entirety.

SECTION 17. Section 15.28.237 added. Section 15.28.237 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.237 Police response.**

Public safety officers or personnel are not required to respond to an activated alarm and may not respond for any reason, including, but not limited to, the following:

A. Public safety officers or personnel determine that there is insufficient evidence or cause to believe that a crime, attempted crime, or emergency situation exists at the protected premises (e.g. the alarm system is activated by the alarm user or system subscriber when no emergency situation exists);

B. There is insufficient personnel to respond to the alarm;

C. Public safety officers or personnel determine that there may be an unreasonable hazard or threat to the safety of public safety officers responding to the alarm; or

D. The alarm business or alarm system monitoring company does not utilize enhanced call verification or two (2) call verification procedures prior to requesting a police response to the protected premises. The provisions of this subsection D shall apply to alarm systems at the protected premises and not to robbery alarms or panic alarms at the protected premises.

SECTION 18. Section 15.28.238 added. Section 15.28.238 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.238 Suspended response.**

A. The alarm administrator may discontinue or suspend police responses, excluding responses to robbery or panic alarms, to a particular location under any of the following situations:

1. The request for a police response is made by an alarm business or monitoring company that:
  - a. Does not have a current business license; or
  - b. Is delinquent in the payment of any fines, penalties, fees, or payments, due under this code or any ordinance, resolution, rule, or regulation of the City.
2. The request for a police response to the location is received from a person or entity that is in violation of this chapter.
3. During the previous twelve (12)-month period, three (3) or more false alarms have occurred at such location.
4. During any consecutive twenty (24)-four hour period, two (2) or more false alarms have occurred at such location.

B. Upon discontinuing or suspending police responses to a particular location, the alarm administrator shall provide timely written notice of such action to the person or entity which, in the alarm administrator's opinion, is principally affected by such action (e.g. the alarm user, the alarm business or monitoring company, or the system subscriber).

C. Any discontinuance or suspension issued hereunder may be appealed as provided in section 15.28.240 of this code, provided that:

1. Any and all delinquent fines, penalties, fees, or payments are fully paid up to the date of the filing of the appeal; and
2. The appeal is filed within ten (10) days from the date of the notice specified in subsection B, above. The failure to file an appeal within such time period shall be a waiver of the person's right to appeal.

D. Any penalty or fine imposed hereunder may be appealed as provided in section 15.28.240 of this code, provided that:

1. The penalty or fine and any delinquent payment are fully paid by the person making the appeal to the date of the filing of the appeal; and
2. The appeal is filed within ten (10) days from the date of the notice specified in subsection B, above. The failure to file an appeal within such time period shall be a waiver of the person's right to appeal.

SECTION 19. Section 15.28.240 amended. Section 15.28.240 of the Vacaville Municipal Code is amended to read in full as follows:

**Section 15.28.240 Appeals.**

A. The meeting or appeal permitted under section 15.28.234 and subsections 15.28.238.C and D of this code shall be conducted in accordance with the provisions of this section. For the purpose of this section, "appellant" means the person requesting the meeting under section 15.28.234 of this code or the person filing the appeal under subsections 15.28.238.C or D of this code.

B. The meeting request or appeal shall be in writing and shall specify the reasons for the meeting or appeal and shall be filed with the chief of police not later than the close of normal business at City Hall on the due date of the request or appeal period.

C. After receiving a timely-filed request or appeal, the chief of police shall notify the appellant in writing of the time, place, and date when the chief will consider the appeal. The chief of police may grant the action sought by the request or appeal without a meeting if, in his or her judgment, the written request or appeal and supporting information are sufficient to allow the action. The notice shall be delivered not less than seventy-two (72) hours prior to the time of the meeting, unless the appellant waives such right of notice.

D. The appellant shall be allowed to present evidence on his or her behalf during the meeting with the chief of police. However, the formal rules of evidence and civil procedure shall not apply. Following the meeting, the chief shall notify the appellant in

writing of the chief's decision and the reason(s) therefor. The decision of the chief shall be final.

SECTION 20. Section 15.28.250 added. Section 15.28.250 is added to Chapter 15.28 of the Vacaville Municipal Code to read in full as follows:

**Section 15.28.250 Rules and regulations.**

In order to administer and implement the provisions of this chapter, the chief of police is authorized to adopt written rules and regulations that do not conflict with the provisions hereof.

**Section 15.28.260 Confidential information.**

To the maximum extent permitted by law, the information required by this chapter to be provided to the City shall be deemed to be confidential and not subject to public inspection or disclosure: (i) if the information is proprietary in nature and identified as such, or (ii) if the public interest in non-disclosure clearly outweighs the public interest in disclosure (e.g. the disclosure of such information would threaten the safety or security of alarm users, public safety officers, or other persons).

SECTION 21. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 22. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 23. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**I HEREBY CERTIFY** that this ordinance was introduced at a regular meeting of the City Council of the City of Vacaville, held on the 30<sup>th</sup> day of November, 2004, and **ADOPTED AND PASSED** at a regular meeting of the City Council of the City of Vacaville, held on the 14<sup>th</sup> day of December, 2004, by the following vote:

AYES: Council members Dimmick, Hardy, Wilkins, Vice-Mayor Clancy  
And Mayor Augustine

NOES: None

ABSENT: None

APPROVED:

\_\_\_\_\_  
Leonard J. Augustine, Mayor

ATTEST:

\_\_\_\_\_  
Michelle A. Thornbrugh, City Clerk