



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

June 4, 2018

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Amending Palo Alto Municipal Code Chapter 4.39 (Private Intrusion Alarms) to Include the Addition of Unwanted, Unwarranted Residential, and Commercial Fire Alarms (FIRST READING: May 14, 2018 PASSED: 8-0 DuBois Absent)

This was first heard by the City Council on May 14, 2018 and was passed without any changes, by a vote of 8-0 DuBois absent. It is now before you for the second reading.

ATTACHMENTS:

- Attachment A: Ordinance (PDF)

Department Head: Beth Minor, City Clerk

Not Yet Adopted

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Chapter 4.39 (Private Intrusion Alarms) of Title 4 (Business Licenses and Regulations) of the Palo Alto Municipal Code to Include Fire Alarms

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Chapter 4.39 (Private Intrusion Alarms) of Title 4 (Business Licenses and Regulations) of the Palo Alto Municipal Code is hereby Retitled “Private Intrusion and Fire Alarms” and amended to read as follows:

Chapter 4.39

PRIVATE INTRUSION AND FIRE ALARMS

Sections:

- 4.39.010 Findings and purpose.
- 4.39.020 Definitions.
- 4.39.030 Limitations on audible alarm systems.
- 4.39.040 Limitation on automatic telephone dialing devices.
- 4.39.050 Back-up power supply.
- 4.39.060 Registration of alarm.
- 4.39.070 Alarm tests.
- 4.39.080 False alarm service charges.
- 4.39.090 Revocation of alarm registration.
- 4.39.100 Appeal.
- 4.39.110 Enforcement.

4.39.010 Findings and purpose.

(a) The City Council finds and declares that:

(1) There are a substantial number of alarms of possible criminal activity ~~which that~~ come into the Palo Alto Police Department and preventable false fire alarms that come into the Palo Alto Fire Department. These alarms average in excess of four hundred per month for the Police Department and one hundred per month for the Fire Department. It is the policy and practice of the Palo Alto Police and Fire Departments to respond to all alarms except those which are known to be false and to report on all alarms genuine or false. Most alarms are false. Most false alarms are the result of improper maintenance or improper or careless use of an alarm system.

(2) False alarms needlessly divert limited police and fire resources from genuine alarms and other emergencies. Police officers and fire crews responding to false alarms are not

available to carry out other ~~police~~ public safety duties. In the interest of using limited ~~law enforcement~~ resources most effectively, the number of false alarms can and must be reduced.

(3) The purpose of this chapter is to reduce the dangers and diversions of false alarms and to encourage alarm users to maintain their systems in good working order and to use them properly thereby conserving police and fire personnel time and increasing protection for all Palo Alto citizens.

(4) Where the alarm system in question is a Fire Alarm, the enforcement official for the City shall be the Fire Chief or his or her designee. For all other alarm systems, the enforcement official shall be the Chief of Police or his or her designee.

4.39.020 Definitions.

For the purposes of this chapter, certain terms used herein are defined as follows:

(a) "Alarm Administrator" means a person or persons designated by the City (Police Chief and Fire Chief) to administer the provisions of this chapter.

~~(ab)~~ "Alarm business" means any person operating for any consideration who is engaged in the installation, maintenance, alteration or servicing of alarm systems or who responds to such alarm systems.

(c) "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.

~~(bd)~~ "Alarm system" means an assembly of equipment and devices arranged to signal the presence of any condition upon premises within the City of Palo Alto to which the police and fire department normally responds. The term "alarm system" shall include equipment which is designed to detect an emergency, or which is designed to be activated by a person to report an emergency. Alarm systems include, but are not limited to, local alarm systems, direct connection systems, central station alarm systems and automatic telephone dialing systems. Alarm systems shall not include audible alarms affixed to automobiles.

~~(ee)~~ "Alarm user" means any person who owns, leases, is the agent of the owner or lessee of, or otherwise is in possession or control of a premises on which an alarm system has been installed and operates.

~~(ff)~~ "Audible alarm system" means an alarm system which is capable of being heard outdoors when it is activated.

~~(fg)~~ "Automatic telephone dialing alarm system" means an alarm system which utilizes a device which automatically transmits a pre-recorded message over telephone lines to a number in the city's communications center.

(fh) "Central station alarm system" means an alarm system which transmits the alarm signal to a facility where operators monitor the system and retransmit the signal to the city's communications center.

(gi) "Direct connection alarm system" means an alarm system which transmits an alarm signal directly to the city's communications center.

(hl) "False alarm" means an alarm signal resulting in a response by the Police or Fire departments when an emergency does not exist. An alarm shall be presumed false if the responding ~~officer(s)~~ police or fire personnel do not locate any evidence of an intrusion, ~~or of~~ the commission of an unlawful act, a fire, or other emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes, or other "violent" acts of nature, shall not be deemed false alarms.

(im) "Local alarm system" means an alarm system which is operated by the user who is normally responsible for its operation. The alarm signal is annunciated only on the premises, does not emit an audible signal, and is not monitored by a third party monitoring provider.

(jn) "Person" means and includes an individual, partnership, unincorporated association or corporation.

(ko) "Premises" means any land and building located within the city except land or buildings owned or leased by the federal government, State of California or any political subdivision of the state, or by any municipal corporation or special district.

4.39.025 Requirements for all alarm systems

- (a) Before requesting a police or fire response, an alarm system monitoring company shall attempt to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPTION: In case of a fire, panic, or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).
- (b) Equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.
- (c) It shall be unlawful for automatic telephone dialing devices to dial any phone number used by the City of Palo Alto.

4.39.030 Limitations on audible alarm systems.

- (a) It is unlawful to install, sell or use an alarm system which, upon activation, emits a sound similar to a siren in use on public emergency vehicles or for public emergency vehicles or

for public disaster warning purposes. For the purposes of this section, any variable pitch siren as opposed to steady pitch, shall be considered to emit a sound similar to the sound emitted by a public emergency vehicle. This section does not apply to sirens mounted inside a building which cannot be heard outside the building.

(b) It is unlawful to operate an audible alarm system which does not shut off within a maximum time of ten minutes from the time of activation.

4.39.040 ~~Limitation on automatic telephone dialing devices.~~ Reserved.

~~—It shall be unlawful for automatic telephone dialing devices to dial any phone number used by the City of Palo Alto.~~

4.39.050 Back-up power supply.

Any alarm system shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system. The power supply must be capable of at least four hours of operation.

4.39.060 Registration of alarm.

(a) It shall be unlawful to operate, or cause to be operated, an alarm system on any premises in the City of Palo Alto without an alarm registration. An alarm user shall register with the Police Department or Fire Department alarm administrator, by filling out a registration form with his home address, and business and residence telephone numbers. In addition, he shall provide the Police or Fire Department with a list of persons responsible for the premises protected by the alarm system. This list shall contain at least three names, one of which may be that of the alarm business maintaining the alarm system. The list shall be kept current by the alarm user and shall supply home and business telephone numbers of responsible persons. In addition, the registration form shall contain any information deemed necessary by the Chief of Police or Fire Chief to carry out the purposes of this chapter. A fee adopted in the municipal fee schedule shall be charged for registration. Any information contained in this form shall be confidential and shall not constitute a public record. An alarm registration shall be valid for a period of one year from the date of issuance unless sooner revoked.

(b) Upon request by the Police or Fire department alarm administrator, the alarm user, or a responsible party, shall proceed to the scene of the alarm within thirty minutes and render any necessary service. Such service shall include, but not be limited to, opening the premises so that said premises may be searched by responding police officers or fire crews.

4.39.070 Alarm tests.

An alarm user, or alarm business, shall notify the ~~communications division of the Police Department~~ Public Safety Communication Center prior to any service, test, repair, maintenance, adjustment, or installation of an alarm system which would normally result in a

police or fire response. Any alarm activated, where such prior notice has been given, shall not constitute a false alarm.

4.39.080 False alarm service charges and penalties.

(a) There is imposed upon every alarm user whose alarm system causes three or more false alarms within twelve months a false alarm service charge. A separate charge shall be imposed for each false alarm in excess of two as set forth in the municipal fee schedule. When the alarm business or alarm user notifies the public safety communication center that there is not an existing situation at the alarm site requiring emergency services response, within three (3) minutes of dispatch and prior to emergency personnel arriving at the scene, no fee will be assessed.

(b) Service charges shall be due and payable and are delinquent after thirty days of the mailing of a bill from the city. ~~Penalties~~ Interest for delinquency in remittance of any service charge or any deficiency in remittance shall attach ~~and be paid by the person required to remit~~ at the rate of ten percent each month on the ~~base false alarm~~ delinquent or deficient charge, but such ~~penalty interest~~ shall not be compounded.

(c) Debt to City. All fees and charges levied pursuant to this chapter shall constitute a valid and subsisting debt in favor of the city and against the alarm user for whom services were rendered. If the amount remains unpaid, a civil action may be filed with the appropriate court for the amount due together with any interest or penalties, any related charges and fees accrued due to nonpayment, and all fees and charges required to file and pursue such civil action.

(d) An alarm user may appeal any alarm service charge under this section by submitting a letter of appeal to ~~the Chief of Police~~ the Police or Fire Department alarm administrator explaining the basis for the appeal within ~~forty-five~~ fifteen (15) days of the mailing of the bill for that service charge. While the appeal is pending, the bill shall not be due and payable. An administrative hearing officer shall set a time and place for a hearing on the appeal within fifteen days after receipt of the letter of appeal. Failure to file a timely letter of appeal shall be a waiver of the alarm user's right to a hearing; however, the administrative hearing officer may set a date for a hearing if there is cause to believe that it might encourage substantial cooperation from the alarm user. At the time and place set for the hearing upon the appeal, the administrative hearing officer shall hear evidence as to whether the alarm service charge should be imposed in whole or in part. The burden of proof shall be upon the appellant to show that there was no substantial evidence that the alarm service charge was properly imposed as provided in this chapter. Within ten days after the conclusion of the hearing, the administrative hearing officer shall render a decision on the appeal. The decision shall be final. Notification of the decision shall be mailed to the appellant within three (3) days of the decision. If the appeal is denied, the notification shall inform the alarm user of the exact date that the alarm service charge shall become due and payable, which date shall in no event be sooner than five (5) days after notice of the decision has been mailed.

(e) In addition to any service charges or fees imposed by authority of this chapter, an alarm user may also be subject to penalties for violating any of the mandatory requirements of the chapter or Chapter 15.04, as provided in Chapters 1.12 and 1.16 of this Code.

4.39.090 ~~Revocation of alarm registration~~ Suspension of response; Reinstatement.

- (a) The City may discontinue response of emergency services personnel if the City determines that:
1. There is any violation of this Chapter;
 2. There is a false statement of material matter in the application for permit;
 3. An alarm system has generated seven (7) or more false alarms during any twelve (12) month period;
 4. The permit holder has failed to make payment of any service fee, permit fee, late fee or suspension fee assessed under this article within ninety (90) days of the assessment.
- (b) The City may resume emergency services response upon the alarm holder submitting satisfactory proof of all of the following, at the discretion of the Police or Fire Department alarm administrator:
1. Proof the alarm system has been inspected and the measures taken to ensure the alarm system is in good working order. Measures taken may require the alarm user repair, upgrade or modify the alarm system to be compliant with this Chapter.
 2. Proof the alarm user has been retrained on the use of the alarm system and procedures for contacting the alarm business in the case of false activation.
 3. The alarm user successfully completes an on-line alarm awareness class and test.
 4. All fees and fines are paid in full including the reinstatement fee of fifty (\$50.00) dollars.

~~—(a) After the Police department has recorded more than five false alarms on any specific premises within any twelve-month period, and after the alarm user has been notified by first-class mail that the false alarms have been activated, the chief of police shall notify the alarm user by first class mail of a pre-revocation hearing to discuss the cause of the false alarms and to remind the alarm user that the registration will be subject to revocation if the police department has recorded seven false alarms occur within any twelve-month period. The hearing will be within forty-five days from the date of mailing of the notification. Following a pre-revocation hearing, if the police department has recorded seven false alarms in any twelve-month period, the chief of police shall revoke the alarm user's registration and from that time on the Police department will not respond to any alarm from that alarm user's premises for a period of six months and until such time as the alarm user submits a new alarm registration application and the Chief of Police determines to issue an alarm registration upon proof that adequate measures have been taken to correct any problem causing the false alarms.~~

4.39.100 Appeal.

An alarm user whose alarm registration has been denied or revoked by the ~~chief of police~~ City, may appeal that decision.

Not Yet Adopted

(a) Letter of Appeal. Such alarm user must file a letter of appeal with the ~~Chief of Police~~ Police or Fire Department alarm administrator within fifteen (15) days of the mailing of the letter of notification of denial or revocation. While the appeal is pending, the alarm user's ~~shall~~ registration shall not be revoked, but an appeal shall not affect the denial of an alarm registration.

(b) Setting of Hearing. If the alarm user files a timely letter of appeal, ~~the chief of police shall refer the appeal to~~ an administrative hearing officer ~~who~~ shall set a time and place for a hearing on the appeal. The date set for hearing shall be no more than ~~fifteen~~ sixty (60) days after the city's receipt of the letter of appeal. Failure to file a timely letter of appeal shall be a waiver of the alarm user's right to a hearing; however, the administrative hearing officer may set a date for a hearing if there is cause to believe that it might encourage substantial cooperation from the alarm user.

(c) Hearing. At the time and place set for the hearing upon the appeal, the administrative hearing officer shall hear evidence from the appellant and/or any other interested party. The burden of proof shall be upon the appellant to show that there was no substantial evidence to support disconnection the denial or revocation of the alarm registration.

(d) Decision. Within ten (10) calendar days after the conclusion of the hearing, the administrative hearing officer shall render a decision on the appeal. The decision shall be final. Notification of the decision shall be mailed to the appellant within three (3) days of the decision. If the appeal of an alarm registration revocation is denied, the notification shall inform the alarm user of the exact date that revocation of the alarm registration shall commence which shall in no event be sooner than five (5) days after notice of the decision has been mailed.

4.39.110 Enforcement.

(a) The amount of any service charge imposed by authority of this chapter shall be deemed a debt owing to the city. Proceedings may be instituted by the city in a court of competent jurisdiction to secure a judgment for the amount due.

(b) It is unlawful for any person, or business entity to install, operate or maintain an alarm system contrary to or in violation of any of the provisions of this chapter. Any person or business entity violating any of the mandatory requirements of this chapter is guilty of a misdemeanor, ~~and, upon conviction,~~ punishable as provided in Section 1.08.010 of this code, and may additionally be subject to administrative penalties as provided in Chapters 1.12 and 1.16 of this code.

SECTION 2. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Not Yet Adopted

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, 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 and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline sections 15061(b) and 15301, 15302 and 15305 because it simply provides a comprehensive permitting scheme.

SECTION 5. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Fire Chief

Chief of Police