



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

November 28, 2016

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance of the Council of the City of Palo Alto Amending Section 4.39.080 (False Alarm Service Charges) and Section 4.39.090 (Revocation of Alarm Registration) of Chapter 4.39 (Private Intrusion Alarms) of the Palo Alto Municipal Code to Update the False Alarm Program (FIRST READING: November 14, 2016 PASSED: 7-0 Berman, Kniss absent)

This Ordinance was heard by Council on the Consent Calendar on November 14, 2016. There were no changes to the Ordinance, and thus is before you for a second reading.

ATTACHMENTS:

- Attachment A: Alarm Ordinance (PDF)

Department Head: Beth Minor, City Clerk

NOT YET APPROVED

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending
Section 4.39.080 (False Alarm Service Charges) and Section
4.39.090 (Revocation of Alarm Registration) of Chapter
4.39 (Private Intrusion Alarms) of the Palo Alto Municipal Code to
Update the False Alarm Program

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

(a) That the adoption of this Ordinance is necessary to update the false alarm program to be consistent with common practice and how the current alarm software calculates penalties.

SECTION 2. Section 4.39.080 (False alarm service charges) of Chapter 4.39 (Private intrusion alarms) of the Palo Alto Municipal Code is hereby amended to read as follows:

4.39.080 False alarm service charges.

(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, ~~provided that the alarm user is given notice by first class mail of each false alarm prior to the occurrence of the next false alarm for which a service charge is imposed.~~

(b) Service charges shall be due and payable and are delinquent after thirty days of the mailing of a bill from the city. Penalties 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 charge, but such penalty 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 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 explaining the basis for the appeal within fifteen 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~~ forty-five 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

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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 ~~forty-eight hours~~ 10 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 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 days after notice of the decision has been mailed.

SECTION 3. Section 4.39.090 (Revocation of alarm registration) of Chapter 4.39 (Private intrusion alarms) of the Palo Alto Municipal Code is hereby amended to read as follows:

4.39.090 Revocation of alarm registration.

(a) After the police department has recorded more than ~~four~~ 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 ~~two more false alarms occur within the following six months~~ the police department has recorded seven false alarms occur within any twelve-month period. The hearing will be within ~~fifteen~~ forty-five days from the date of mailing of the notification. Following a pre-revocation hearing, if the police department has recorded ~~an additional two false alarms within six months~~ 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.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

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SECTION 5. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Principal City Attorney

City Manager

Director of Administrative Services

Police Chief