



City of Palo Alto

City Council Staff Report

(ID # 7185)

Report Type: Consent Calendar

Meeting Date: 11/14/2016

Summary Title: Alarm Ordinance Municipal Code Revision

Title: Adoption of an Ordinance Amending Palo Alto Municipal Code Chapter 4.39 – Private Intrusion Alarms

From: City Manager

Lead Department: Police

RECOMMENDATIONS

The Police Department recommends adoption of an ordinance amending Palo Alto Municipal Code Chapter 4.39 – Private Intrusion Alarms.

BACKGROUND

The current Palo Alto Alarm Ordinance 4.39 was adopted in 2002. The ordinance has proven effective in reducing false alarms and the allocation of police resources that respond to false alarms. In 2001 the Police Department received 4,675 alarms; that number has been reduced to 2,666 in 2015. Currently the alarm program is managed by a Code Enforcement Officer within the Police Technical Services Division. The Police Department is considering outsourcing the false alarm program to provide more effective, enhanced service to the community and to free up staff for other duties. The alarm ordinance revisions are intended to remove inconsistencies and to comply with common practices in order to prepare for a more automated system.

DISCUSSION

The revisions to the existing Alarm Ordinance affect five provisions:

- 1) The notification of false alarms by mail.
- 2) The number of false alarms that trigger a pre-revocation hearing letter.
- 3) The time frame for scheduling an appeal hearing.
- 4) The time frame for rendering an appeal decision.
- 5) The designation of nonresponse after excessive false alarms.

The revised ordinance removes the requirement that alarm users must be given mail notification of each false alarm prior to being charged with subsequent false alarm activations. There are instances when multiple false alarms accrue over a short period of time. Residents

and businesses are notified by their alarm company every time an alarm is activated and police officers leave a business card when they clear the premises. The alarm user will still be notified by mail as a backup but it is no longer a requirement that the letter arrive prior to the user be charged with other false alarms that may occur in the interim between the first false alarm and the arrival of the letter.

The revised ordinance increases the number of false alarms before the pre-revocation hearing letter is mailed from four false alarms to five false alarms to be consistent with how the internal alarm software has been calibrated.

The revised ordinance increases the number of days allowed for the Administrative Hearing Officer to set the hearing for appeal from fifteen days to forty-five days and the number of days for the hearing decision from forty-eight hours to ten days. These changes were requested by the Hearing Officer and are intended to provide realistic timeframes to schedule appeals and for the Hearing Officer to render decisions.

The language describing non response after the 7th false alarm in a 12-month period has been clarified. Previously after five false alarms an additional two false alarms in a six month period would relegate the alarm account to nonresponse. Adhering to a rolling 12-month period is easier to calculate and reduces the likelihood of an account going on nonresponse in the final six months in most cases.

RESOURCE IMPACT

Staff does not anticipate any change in revenue from these adjustments and no direct cost increases will result from the adoption of these modifications.

POLICY IMPLICATIONS

These actions are consistent with existing City policies.

Attachments:

- ATTACHMENT A - False Alarm Ordinance Revisions (PDF)

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