

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Jonathan Mills – Chief of Police
DATE: February 1, 2011
SUBJECT: Public Hearing to Introduce the Alarm Ordinance

APPROVAL FOR FORWARDING:


 Richard Spitler, City Manager

1 **ISSUE:** To receive public input regarding an Ordinance regulating alarm response
 2 procedures.
 3

4 **RECOMMENDATION:** To introduce the attached Ordinance.
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6 **BACKGROUND/DISCUSSION:** A properly maintained and operating alarm system is
 7 an essential part of any home or business security plan. The alarm when activated can
 8 quickly summon help from the police or fire departments and act as a powerful deterrent
 9 to potential thieves. Repeated false alarms however can pose a drain on limited police
 10 or fire personnel and resources. Such responses can endanger responding officers and
 11 deprive the taxpayer of a preventive police presence. Once on the scene of a false alarm
 12 the responding officer is generally engaged until a responsible person can be located to
 13 silence the alarm.
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15 In order to encourage the proper maintenance and operation of alarm systems the
 16 proposed ordinance would identify as a public nuisance any false alarm in excess of four
 17 during a calendar year. During responses to all alarm calls the Police Department will
 18 work with the owner to identify a cause for any false alarm and/or steps to take to correct
 19 the problem. In determining whether an alarm is a false alarm, all circumstances shall
 20 be considered. Setting off an alarm may cause a person who was attempting a break-in
 21 to flee. In investigating whether an alarm is false, a careful check will be made for signs
 22 of attempts to break in such as scratches around windows. As a public nuisance, a
 23 violation would be punishable by fine as described in CMC 1.08.010; \$100 for first
 24 violation, \$200 for second and \$500 for any subsequent violations.
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26 The Calistoga Police Department responds to approximately 150 alarm calls per year. Of
 27 these 150 reports, approximately 8 per year qualify as "repeat false alarms" as defined in
 28 the proposed alarm system ordinance.
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Alarm responses per year:

	Total	2X	3X	4X	5 or more	
2008	149	18	5	1	7	
2009	142	10	4	2	9	
2010	156	8	5	2	8	(as of Nov.)

FISCAL IMPACT: Since, on average, there about 8 qualified false alarm responses per year the associated revenue from fines would be \$800. However, since the purpose of the ordinance is to reduce false alarm responses the amount in fines collected should decrease.

ATTACHMENTS:

1. Proposed Ordinance.
2. Alarm Owner Brochure.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, ADDING CALISTOGA
MUNICIPAL CODE CHAPTER 9.17 PERTAINING TO ALARM SYSTEMS**

1 The City Council of the City of Calistoga does hereby ordain as follows:
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3 **SECTION ONE:**
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5 **WHEREAS**, the emergency response to a false alarm requires the deployment of
6 personnel and vehicles to non-emergency situations and removes that personnel and
7 vehicles from the primary function of protecting life and properties and causes
8 unnecessary expenditure of public funds; and
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10 **WHEREAS**, this ordinance is enacted to encourage responsible use of burglar
11 and fire alarms by those protected by automatic electronic alarm systems. Responsible
12 use includes maintaining equipment so that it is not susceptible to false alarms; and
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14 **WHEREAS**, reasonable regulation of the alarms should result in the significant
15 decrease in false alarms, savings of public resources, abatement of public nuisance,
16 and enhance the public health, safety and welfare; and
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18 **WHEREAS**, this action has been determined to not be subject to the California
19 Environmental Quality Act (CEQA) under Sections 15061(b)(3), 15301, 15303, 15305
20 and 15332 of the CEQA Guidelines.
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23 **SECTION TWO:**
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25 A new Chapter 9.17 entitled "Alarm Systems" is hereby added to Title 9 of the
26 Calistoga Municipal Code to read and provide as follows:
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28 **CHAPTER 9.17**
29 **ALARM SYSTEMS**
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31	9.17.010	Definitions
32	9.17.020	Purpose
33	9.171.03	Testing
34	9.17.040	Penalty for Answering False Alarms
35	9.17.050	Termination -- Excessive False Alarms
36	9.17.060	Evidence of False Alarms
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9.17.010 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Alarm system" means an assembly of equipment and devices or a single device such as a solid state unit which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department is expected to respond. In this chapter, the term "alarm system" includes but is not limited to the terms "automatic holdup alarm system," "burglar alarm system," "holdup alarm system," "fire alarm system," and "manual holdup alarm system," as those terms are hereinafter defined. Alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into premises or an attempted robbery at premises are specifically excluded from the provisions of this chapter. Also excluded from this definition and from the coverage of this chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, the system is within the definition of "alarm system" and is subject to this chapter.
2. "Automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
3. "Burglar alarm system" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.
4. "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry, or through the negligence of the owner or lessee of an alarm system or said person's employees or agents or other cause.
5. "Holdup alarm system" refers to an alarm system signaling a robbery or attempted robbery. 6. "Manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
6. "Subscriber" means a person who buys or leases or otherwise obtains an alarm signaling system and contracts with or hires an alarm business to monitor or service the alarm device.

9.17.020 PURPOSE. The City of Calistoga declares that law enforcement responses to repeated false alarms as defined in this chapter pose a critical drain on limited police personnel resources, endanger responding officers, and deprive the general taxpayer of a preventive police presence, thereby endangering the general health and welfare of the community at large.

85 9.17.030 TESTING.
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- 87 1. No alarm system designed to transmit emergency messages directly to the
88 Police Department or Fire Department shall be tested or demonstrated
89 without first notifying the Police Department dispatcher.
90 2. No alarm system relayed through intermediate services to the Police or Fire
91 Department will be tested to determine police response without first notifying
92 the police dispatcher.
93 3. Any testing done without proper advance notification shall be classified as a
94 "false alarm" for purposes of this chapter. All notices shall be prior to the
95 testing date unless the Police Chief gives special permission otherwise. All
96 notices shall include the time, date, owner's or subscriber's name, address
97 and the name of the representative responsible for the testing, and said
98 person's employer's name, address and telephone number.
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100 9.17.040 VIOLATION. There shall be no charge for four (4) false alarms per
101 calendar year. Any false alarms over four (4) false alarms per year shall be
102 deemed a public nuisance and subject to penalty as provided in Section 1.08.010
103 CMC.
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105 9.17.050 TERMINATION -- EXCESSIVE FALSE ALARMS. The Police Chief or
106 Fire Chief is authorized to require that the owner or lessee of any alarm system
107 directly connected to the department disconnect such device until it is working in
108 such a manner as will not produce a high frequency of false alarms. The Police
109 Chief or Fire Chief may require disconnection if ten (10) false alarms are
110 received in any twelve-month period. The Police Chief or Fire Chief may, after
111 giving notice to the subscriber, order disconnection of the system for non-
112 cooperation of the subscriber, or for violations of this chapter.
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114 9.17.060 EVIDENCE OF FALSE ALARMS. In determining whether an alarm is a
115 false alarm, all circumstances shall be considered. Setting off an alarm may
116 cause a person who was attempting a break-in to flee. In investigating whether
117 an alarm is false, a careful check will be made for signs of attempts to break in,
118 such as scratches around windows.
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120 **SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word
121 of this Ordinance is for any reason held to be invalid by a court of competent
122 jurisdiction, such decision shall not affect the validity of the remaining portions of this
123 Ordinance. The City Council of the City of Calistoga hereby declares it would have
124 passed and adopted this Ordinance and each and all provisions hereof irrespective of
125 the fact that any one or more of said provisions be declared invalid.
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127 **SECTION 4. Effective Date.** This Ordinance shall be effective thirty (30) days from and
128 after the date of its passage.
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SECTION 5. Publication

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of Calistoga, County of Napa, State of California, held on the 1st day of February 2011, and passed at a regular meeting of the City of Council of the City of Calistoga, County of Napa, State of California, held on the ____ day of _____, 2011, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk