



## Legislation Text

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**File #:** 16-117, **Version:** 1

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*Report Prepared by: Kelly C. Fincher, Chief Deputy City Attorney and Marvin Dillsaver, Communications Supervisor, Merced Police Department*

**SUBJECT:** Introduction of Ordinance No. 2456, Entitled "Burglar Alarm Systems and False Alarms," Adding Chapter 8.28 to the Merced Municipal Code

### REPORT IN BRIEF

Consider the adoption of an ordinance establishing standards and regulations for the installation and use of alarm systems, requiring a no cost permit to be obtained and imposing a service fee schedule for police responses to false alarms.

### RECOMMENDATION

**City Council** - Adopt a motion introducing **Ordinance No. 2456**, an Ordinance of the City Council of the City of Merced, California, adding Chapter 8.28 to the Merced Municipal Code, and approve one of the two following options of the Ordinance:

A. Attachment A, which contains a single service fee schedule for police responses to false alarm service calls;

**OR,**

B. Attachment B, which contains two service fee schedules for police responses to false alarms. This version of the Ordinance contains a service fee schedule that is applicable to public schools.

### ALTERNATIVES

1. Deny the Request; or
2. Refer back to staff for reconsideration of specific items (specific items to be addressed in the City Council's motion; or,
3. Continue to a future City Council meeting (date and time to be specified in the City Council's motion).

### AUTHORITY

City of Merced Charter, Sections 200 and 413.  
California Business and Professions Code, Section 7592.8.

### CITY COUNCIL PRIORITIES

The enactment of an Ordinance to reduce the number of false alarms occurring in the City is a City Council priority for fiscal year 2015/2016.

## DISCUSSION

Many homes, schools and businesses in the City have intrusion alarm systems which are provided and monitored by third party service providers. While specific notification protocols may differ among providers and customers, generally, when an alarm is tripped (regardless of the reason) the Merced Police Department is often notified of the possible intrusion. After such notification, a patrol unit is dispatched to investigate and hopefully, prevent a crime from occurring. Since calendar year 2011, the Police Department has received to more than 4,500 such alarm calls per year or an average of about twelve (12) calls per day. Unfortunately, the vast majority of the alarm calls are false alarms which result in a needless police response to the alarmed location. In fact, during the past five years, more than 97% of all alarm calls received by the Merced Police Department were determined to be false alarms.

The enactment of a False Alarm Ordinance has been a City Council priority for several years. In prior discussions about proposed False Alarm Ordinances, the Council has expressed that their desired intent behind the Ordinance is not to generate revenue for the City, but rather to reduce the vast number of false alarms occurring in the City so that police resources can be focused on actual emergencies. This will provide a cost savings to the City.

At the City Council meeting on January 19, 2016, the Council provided staff with specific direction regarding the content of the False Alarm Ordinance. Specifically, the Council conveyed the following requests and desires for the Ordinance and attendant False Alarm Administration program:

1. That the City form and implement a pilot program for the in-house administration of the ordinance and collection of service fees. The pilot program will use the \$30,000 already set aside in the fiscal year 2015/2016 budget for the False Alarm Ordinance to set up and run the program. The pilot program will operate for 6-9 months before reporting the effectiveness of the program back to the City Council.
2. That there be a permit required to operate an alarm system within the City for the purpose of obtaining pertinent alarm system and alarm user contact information, and that there be no fee for the issuance of the permit.
3. That there be a requirement for alarm companies to verify or attempt to verify that alarm activations involve an emergency situation before they request a police response to the alarmed location.
4. That the definition of a "false alarm" include alarms that are activated by user error caused by an alarm owner's employees or similar authorized users of an alarm system.
5. That the service fee schedule for permitted systems allow the first two (2) false alarm activations for which a police response occurs, to be free from the imposition of a service fee and that the third such event be waivable if the alarm user attends or participates in a false alarm awareness class or program. In addition, that the fourth and fifth false alarms be assessed a \$50.00 service fee and the sixth and subsequent false alarms be assessed a

\$100.00 service fee. The service fees for unpermitted systems will have an additional \$100.00 service fee per occurrence.

6. That the compliance period for purposes of imposition of false alarm service fees be during a calendar year (i.e., January to December).
7. That there be one service fee schedule applicable to alarmed sites in the City (and not a separate service fee schedule for public schools).

Following the January 19, 2016, meeting, City staff became aware that representatives from the public school districts were upset about the Council's decision to have a single service fee schedule for all alarm users and not a separate fee schedule applicable to public schools. In addition, members of the Merced City School District's Administration expressed their disappointment that they were unable to address the Council about this issue at the January 19, 2016, City Council meeting because, due the Martin Luther King holiday falling on the third on Monday in January, the City Council meeting was held on a Tuesday evening which coincided with their own governing board meeting. Accordingly, there were members of the City School District's Administration who wanted to be at the January 19, 2016, City Council meeting but could not attend.

After learning about the discontent expressed by the public school districts regarding the single service fee schedule, City staff, including City Manager Steve Carrigan and representatives from the City Attorney's Office, Police Department and Parks and Recreation Department met with representatives from the Merced County Office of Education, Merced Union High School District, Merced City School District, Weaver Unified School District and Hoffman Alarm Company. During the meeting school representatives and City staff discussed several issues, including: the high number of false alarm calls occurring at public school sites and the police resources that are needlessly expended responding to those calls; the unique false alarm causing situations school districts face due to the activities occurring on site and large numbers of authorized alarm users at school sites (teachers and staff); the improvements made (and money spent) by the school districts to upgrade their alarm systems; and the districts' implementation of alarm activation protocols to reduce the number of police responses to false alarms occurring at their school sites and facilities. Some of these improvements include:

- The development and implementation of after-hours alarm activation response and verification protocols.
- The hiring of on-call staff to monitor, verify and respond to alarm activations.
- Weekly and monthly meetings to internally evaluate and report alarm activation events conducted with the desired intent to lower false alarm rates.
- Staff training on the proper use of school alarm systems.
- Installation of new and/or upgraded alarm systems and cameras with live-feed video which allow visual verification of illegal activity at alarmed sites.
- New lighting.

It is the resounding desire of the school districts to have an opportunity to address the City Council regarding the issue of a separate service fee schedule applicable to public schools before an

Ordinance is adopted. They would also like to tell the Council about the improvements made to their security systems and their plans to reduce the number of false alarms occurring at their school sites and facilities. The public school district representatives further conveyed that they are agreeable to being subject to the separate service fee schedule that was discussed with them in past discussions regarding this Ordinance.

City staff is cognizant that enacting a False Alarm Ordinance is a Council priority and that the Council would like to quickly achieve the benefits intended by this Ordinance. Accordingly, to avoid undue delay, included in this Administrative Report are two versions of the same Ordinance, with the only difference between the two found in section 8.28.085, which is entitled "Special Rules Applicable to Public Schools and Governmental Entities." Specifically, the version of the Ordinance provided in Attachment "A" of this agenda item contains a single service fee schedule, found in Section 8.28.080. The version of the Ordinance that is in Attachment "B" of this packet contains the same service fee schedule found in Section 8.28.080 as well as a separate service fee schedule applicable to public schools (See Section 8.28.085 (A)(2)). A red-lined comparison of the two versions of the Ordinance is provided in Attachment "C."

In all other respects, the two versions of the Ordinances presented in this packet are identical. The Ordinance as a whole has been drafted to achieve the desired result of reducing the number of false alarms and police response thereto, and it also includes the specific requirements desired by the Council. Specifically, if enacted, the Ordinance will require a permit to be obtained by alarm users, but there is not a fee for obtaining the permit. (See sections 8.28.100, 8.28.110 and 8.28.120.) All alarm activations are required to be verified by alarm companies before they make a request for a law enforcement response to the alarmed location. Verification that an alarm activation is a bona fide emergency necessitating a police response or dispatch can be made by one of four methods: (1) telephonically to at least two different telephone numbers; (2) visually through video; (3) via audio technology; or (4) by detecting alarm activations in two or more monitoring zones. (See Section 8.28.065.)

Finally, the False Alarm Fee schedule found in Section 8.28.080 comports with the Council's direction to allow the first and second false alarm responses to be free of a service fee, the third such response to be waivable upon the completion of a false alarm awareness training, the fourth and fifth responses be assessed a \$50 service fee and any responses for the sixth or more false alarms be assessed a \$100 service fee. For unpermitted systems, an additional \$100 is imposed on the service fee.

## **IMPACT ON CITY RESOURCES**

It is anticipated that by the time this Ordinance becomes effective, the \$30,000 that has been set aside in the fiscal year 2015/2016 budget for a False Alarm Ordinance will be sufficient to start up and run an internal False Alarm Administration program, which includes the collection of service fees. No other financial impacts are anticipated for this fiscal year.

## **ATTACHMENTS**

1. Attachment "A," Ordinance No. 2456, containing a single service fee schedule applicable to all alarm users in the City, excluding governmental agencies.
2. Attachment "B," Ordinance No. 2456, containing a service fee schedule for alarm users, excluding governmental entities and a separate service fee schedule for public schools.

3. Attachment "C" is a red-lined comparison of the versions of the Ordinances presented in Attachments "A" and "B" of this report.