City of Sacramento
City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: **6/19/2012** **Report Type:** Public Hearing

Title: Ordinance: Alarm Systems Ordinance (Passed for Publication on 6-12-12; Published on 6-15-12)

Report ID: 2012-00503

Location: Citywide

Recommendation: Pass 1) an Ordinance repealing and adding Chapter 8.36 to Title 8 of the Sacramento City Code, relating to alarm systems, to be effective October 1, 2012; 2) a Resolution approving two position reclassifications and the addition of one position necessary to implement the revised alarm systems ordinance; 3) a Resolution adjusting the alarm systems fee and fine schedule effective October 1, 2012; and 4) a Resolution to phase in adjustments to the alarm systems fee and fine schedule over a multiple year period through FY 2014/15 effective October 1, 2012.

Contact: Jim Maccoun, Captain, Field Services, (916) 808-6464, Police Department.

Presenter: Jim Maccoun, Captain, Field Services, (916) 808-6464, Police Department

Department: Police / Please be sure to fill in the Published on date in the Title of this report.
Division: Fiscal Operations
Dept ID: 11001021

Attachments:

1- Description/Analysis
2 - Ordinance
3 - Resolution - Alarm System Staffing Adjustments
4 - Resolution - Alarm System Fee and Charge Schedule
5 - Resolution - Alarm System Phased In Fee and Charge Schedule
6 - Exhibit 1-SPD Permit Comparison

City Attorney Review
Approved as to Form
Lan Wang
5/31/2012 1:43:58 PM

City Treasurer Review
Reviewed for Impact on Cash and Debt
Janelle Gray
5/16/2012 3:24:16 PM

Approvals/Acknowledgements

Department Director or Designee: Rick Braziel - 5/29/2012 3:18:34 PM

Back to Table of Contents

Description/Analysis

Issue: The City of Sacramento's current alarm systems ordinance was enacted in 1995. The growth in the city's residential and commercial population during the late 1990s and early 2000s resulted in a substantial increase in the number of burglar and panic/robbery alarms installed throughout the city. This has resulted in an increased demand for police services.

Over the last three years, statistics indicate that the Police Department received approximately 78,500 alarm calls, an average of approximately 26,000 calls per year, or 72 per day. Of those alarm calls, approximately 76,300 were determined to be false. This is an average of approximately 25,400 false alarm calls per year, 70 per day, or 97 percent of all alarm calls responded to by the Police Department.

The existing alarm ordinance does not adequately address the increased number of false alarms. Excessive numbers of false alarm calls impair the Police Department's ability to respond to calls for service at the Communications Center and in the field.

The key elements needing to be integrated in the newly proposed alarm systems ordinance are: 1) Implementing enhanced call verification as a method to minimize false burglar alarm response; and 2) Requiring an annual permit renewal fee.

As a matter of Police Department policy, the following procedures will be implemented:1) Require full alarm verification after three confirmed false burglar alarms; and 2) Require full alarm verification if false alarm fees are not paid within 120 days of notification.

Full alarm verification is defined as the confirmation of a burglary or attempted burglary upon premises protected by an alarm system. Confirmation may be made by the alarm user or other person at or near the scene of activation, a private guard responder, and must be based on a physical observation or inspection of the premises or by remote inspection (i.e., video/audio).

To successfully implement the revised alarm systems ordinance, the Police Department recommends two position reclassifications and the addition of one position. These adjustments will be offset by the additional revenue generated from the revised alarm systems fee and fine schedule.

The recommended alarm systems ordinance will necessitate the revision of the current fee and fine schedule. The Police Department has prepared two alarm systems fee and fine schedules for City Council consideration. The first schedule increases fees and fines, one time, to a level that is equivalent to both local and comparable jurisdictions (see Resolution - Alarm Systems Fee and Charge Schedule). The second schedule increases fees and fines over a multi-year period to limit the impact on alarm companies and users (see Resolution – Phased-In Alarm Systems Fee and Charge Schedule).

The proposed ordinance and fee and fine schedules are recommended to go into effect on October 1, 2012 to ensure adequate time to staff, notify alarm companies and users, and implement necessary updates to the Police Departments alarm permit and false alarm tracking system.

Policy Considerations: The proposed ordinance is in alignment with the Sacramento Police Department and City of Sacramento objectives to improve public welfare and safety. Additionally, the proposed ordinance will reduce false alarm calls and conserve police services in order to maintain effective response times to emergency calls for service.

Environmental Considerations: Not applicable

California Environmental Quality Act (CEQA): Not applicable

Sustainability Considerations: Not applicable

Commission/Committee Action: The Law and Legislation Committee reviewed the Ordinance on December 6, 2011, and voted unanimously to forward the Ordinance to City Council for approval.

Rationale for Recommendation: The proposed alarm systems ordinance is a fair and reasonable approach to significantly reduce the undue burden of false alarms on police resources. The proposal strategically outlines a solution to a citywide problem while protecting the interests of the community and providing effective police services. The proposed ordinance follows best practices in other major cities as well as the recommendations of the alarm industry.

Financial Considerations: The proposed ordinance will authorize the Sacramento Police Department to collect the fees and charges necessary to implement and enforce the ordinance. The Police Department has prepared two separate fee schedules for City Council consideration. The first schedule is a one-time fee increase (see Resolution - Alarm Systems Fee and Charge Schedule) and the second schedule is a phased in increase over three years (see Resolution – Phased-In Alarm Systems Fee and Charge Schedule). Both of the recommended fee schedules are consistent with comparable and local jurisdictions (see Attachment 1). Projections indicate that both of the fee schedules will result in minimal revenue increases in FY 2012/13 and will increase to approximately $1.2 million in FY 2014/15. The recommended fees, fines, and charges are in compliance with all provisions within Proposition 26.

To accommodate the additional workload associated with the implementation and enforcement of the proposed ordinance, the Police Department recommends a limited number of staffing adjustments. These adjustments include the addition of one Police Clerk III (Office and Technical, Local 39) position and the reclassification of one Accounting Technician (Office and Technical, Local 39) to an Analyst Trainee (Confidential Employee) and one Account Clerk II (Office and Technical, Local 39) to an Analyst Trainee (Confidential Employee). The total cost of these

adjustments is approximately $113,000 and will be fully offset by revenue generated from the recommended fees and charges.

Below is a summary of the estimated annual receipts from each of the fee options and the costs associated with the proposed staffing adjustments:

Option 1 – One Time Implementation Effective FY 2012/13

	FY 2012/13	FY 2013/14	FY 2014/15
Revenues	263,000	725,000	1,200,000
(Staffing Adjustments)	113,000	113,000	113,000
Net Total	**150,000**	**612,000**	**1,087,000**

Option 2 – Phased In Implementation (FY 2012/13 – FY 2014/15)

	FY 2012/13	FY 2013/14	FY 2014/15
Revenues	120,000	567,000	1,200,000
(Staffing Adjustments)	113,000	113,000	113,000
Net Total	**7,000**	**454,000**	**1,087,000**

Emerging Small Business Development (ESBD): Not applicable.

Back to Table of Contents

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE REPEALING AND ADDING CHAPTER 8.36 TO TITLE 8 OF THE SACRAMENTO CITY CODE, RELATING TO ALARM SYSTEMS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Chapter 8.36 of Title 8 of the Sacramento City Code is repealed.

SECTION 2. Chapter 8.36 is added to Title 8 of the Sacramento City Code to read as follows:

Chapter 8.36

Alarm Systems

Article I. General Provisions and Definitions

8.36.010 Legislative findings and purpose.

The city council finds and determines that:

A. The Sacramento Police Department receives more than 26,000 security alarm related calls each year, of which approximately 97% were false.

B. Responding to false alarms endangers the public health and safety by preventing, diverting, or delaying public safety officers and emergency dispatchers from performing other important police services, such as answering calls for service, crime prevention, enforcement of laws, and investigating and solving crimes.

C. The dangers of automobile collisions en-route to activated alarms, which further divert valuable public safety resources from regularly assigned duties, pose a further risk of harm to the public.

D. Repetitive false alarms also disturb the peace and quiet of city inhabitants, and promote a complacent attitude in the community towards potential dangers.

E. For the reasons stated above, the city council finds that false alarms are detrimental to the public health, safety, welfare, and the peace and quiet of the inhabitants of the city. This chapter is adopted to reduce the number of false alarms within the city.

F. The city council finds and determines that the public interest, convenience, health, welfare, and safety require the regulation of alarm companies, alarm system subscribers, alarm systems, and alarm users within the city.

G. The false alarm response fines fees established by this ordinance are not “taxes” under Proposition 26. The purpose of the false alarm response fines is not to secure revenue but to impose fines for violations of the law.

8.36.020 No city duty created.

The provisions of this chapter are adopted as an exercise of the city’s police power to promote the public health, safety, and welfare and are not intended to protect individuals or otherwise establish or create a special relationship with any particular class or group of persons who will or may be affected by the provisions of this chapter. This chapter neither creates nor imposes any duty to protect on the part of the city nor any of its departments, divisions, officials, agents, or employees. The obligation of complying with the requirements of this chapter and the consequences for failing to do so are placed solely upon the parties responsible for owning, operating, monitoring, or maintaining alarm systems within the city. Nothing in this chapter shall be interpreted as requiring or promising any response by public safety officers to any alarm.

8.36.030 Definitions.

As used in this chapter:

“Alarm administrator” means the person designated by the chief of police as the person responsible for administering the provisions of this chapter and the rules and regulations adopted pursuant to section 8.36.060.

“Alarm appeals hearing officer” means the person designated by the chief of police as the person responsible for hearing appeals pursuant to section 8.36.260.

"Alarm business" means the selling, monitoring, maintaining, servicing, altering, or installing of any alarm system or causing to be sold, monitored, maintained, serviced, altered, or installed any alarm system in or on any building, real property, or premises.

“Alarm company” means any person engaged in an alarm business for any consideration whatsoever. The term also includes “alarm system monitoring company.”

"Alarm system" means an “alarm system” as defined in California Business and Professions Code section 7590.1.

“Alarm system monitoring company” means any person that, for any considerations whatsoever, engages in the business, practice, or profession of monitoring alarm systems within the city, and that reports, directly or indirectly, any activation of alarm systems to the city, its departments, divisions, officials, agents, or employees including, but not limited to, the police department and/or police dispatch.

“Alarm user” means a person having or maintaining an alarm system on real property owned or controlled by that person.

“Alarm user permit” means the permit required under section 8.36.200.

"Audible alarm" means an alarm system that, when activated, generates an audible sound at its location.

“Chief of police” means the chief of police of the city or his or her designee.

"False alarm" means an alarm to which a public safety officer responds and, in the opinion of that officer, no evidence of the commission or attempted commission of a crime is present that can be reasonably attributed to have caused the alarm activation, or the responding officer is unable to determine if evidence of a criminal offense or attempted criminal offense is present because the site is inaccessible.

“One-plus duress alarm” means an alarm system that permits the manual activation of an alarm signal by entering on a keypad a code that adds the value of one to the last digit of its usual arm/disarm code.

“Public safety officers” means police officers, community safety officers, sheriff officers, and other public safety personnel authorized to enforce local, state, or federal laws.

“System subscriber” means any alarm user that has purchased, contracted for, or has had installed, an alarm system that is monitored by an alarm system monitoring company in or upon property that is owned or controlled by the system subscriber.

8.36.040 Enhanced call verification.

No alarm system monitoring company or alarm user shall request that a public safety officer respond to an alarm signal unless the alarm system monitoring company or alarm user has already made at least two telephone calls to determine whether the alarm signal is valid or false. One telephone call shall be to the premises where the alarm system is located. The second telephone call shall be to an alternate telephone number designated by the alarm user for this purpose.

8.36.050 Fees, fines, and charges.

The amount of all fees, fines, and charges specified in this chapter shall be set by resolution of the city council. All fees, fines and charges specified in this chapter shall be deposited into a police services account, which shall be used to offset the cost of personnel, equipment, supplies, and administrative costs incurred by the city in responding to alarms and administering this chapter.

8.36.060 Rules and regulations.

In order to administer and implement the provisions of this chapter, the chief of police is authorized to adopt written rules and regulations that are consistent with the provisions of this chapter.

8.36.070 Violation--Penalty.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars ($250.00) or more than twenty-five thousand dollars ($25,000.00) for each day the violation continues.

D. Any person who violates a provision of this chapter is guilty of an infraction, punishable by a fine in accordance with Section 36900 of the California Government Code.

E. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

Article II. Alarm Company Requirements and Permits.

8.36.080 Alarm company requirements and duties.

A. No alarm company shall fail to identify itself by operator number, company name, address, and phone number at the request of a Sacramento police dispatcher.

B. Alarm companies shall submit a monthly report to the alarm administrator containing a current list of all alarm systems within the city that are monitored by that company; the location of each alarm system monitored by the company; the name, address, and telephone number of the system subscriber; the number, type, and location of alarm systems at that location; the name, address, and telephone number of an emergency contact person for that location; the locations that are no longer monitored by the company; and such

other information as the alarm administrator reasonably deems necessary to carry out the purpose and intent of this chapter. To the extent permitted under the law, the monthly reports shall be treated as confidential by the city.

C. Alarm companies shall keep a copy of all monthly reports required by subsection B of this section for a period of not less than three years.

D. Alarm companies shall maintain evidence it used to verify an alarm activation for not less than 12 months from the date of the reported alarm. This requirement shall not apply to recordings or remote audio or video surveillance.

E. Alarm companies shall provide system subscribers with a copy of this chapter, accompanied by a written summary of this chapter or a “frequently asked questions” sheet which shall contain such information as the alarm administrator may reasonably deem necessary.

8.36.090 Alarm company--Registering state license with city.

A. Alarm companies engaged in alarm business in the city shall register their name and file a copy of their state issued identification card with the alarm administrator.

B. If its State Alarm Company Operator License is suspended, revoked or otherwise rendered invalid by the state issuing authority, the alarm company shall notify the alarm administrator in writing of such state action within three business days thereof.

C. Every alarm company shall post on its business premises a copy of its State Alarm Company Operator License.

8.36.100 Alarm company permit required--Application.

A. No person shall engage in, conduct, or carry on an alarm business within the city unless that person holds a valid alarm company permit issued pursuant to this chapter or is employed by an alarm company that holds a valid alarm company permit issued pursuant to this chapter.

B. An alarm company permit shall be valid for one year from date of issuance, unless earlier revoked pursuant to this chapter. An alarm company permit is not transferable.

C. Applications for an alarm company permit shall be submitted to the alarm administrator. The application for an alarm company permit shall be made on a form provided by the alarm administrator and shall be accompanied by a nonrefundable application fee. The information on the application form shall contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this chapter.

D. If at any time, any of the information submitted under this section becomes inaccurate, the permittee shall within 10 days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

8.36.110 Issuance or denial of alarm company permit.

If the alarm administrator finds that an alarm company meets all the requirements of this code and other pertinent laws, and that the required fees have been paid, the alarm administrator shall issue an alarm company permit to the applicant unless one or more of the following circumstances exist:

A. The applicant does not have a valid State Alarm Company Operator License.

B. The alarm system does not comply with the rules and regulations adopted by the chief of police pursuant to this chapter.

C. The applicant or agent has knowingly made a false, misleading or fraudulent statement of a material fact in the application for an alarm company permit, or in any report or record required to be filed with city pursuant to the provisions of this chapter.

D. The applicant has failed to remit payment of fees, fines, or penalties owed for a violation of this chapter up to the date of the filing of the application.

E. The applicant has had an alarm company permit previously revoked within one year of the date of the application, and the applicant has not provided evidence to the alarm administrator's satisfaction that a material change in circumstances has occurred since the date of revocation indicating the applicant's ability to comply with the provisions of this chapter.

F. The applicant has violated any of the provisions of this chapter or other applicable federal or state laws governing alarm companies within three (3) years prior to the date of application; unless the applicant can provide evidence to the alarm administrator's satisfaction that the applicant is capable of complying with the provisions of this chapter.

G. An owner, principal, officer, or operator of an alarm company has been convicted of any felony, or any misdemeanor offense involving moral turpitude.

8.36.120 Renewal of alarm company permit.

The renewal application shall be submitted to the alarm administrator, accompanied by a nonrefundable fee on an annual basis. Late charges will be imposed on all permit holders who submit their renewal applications after the indicated due date. Renewal may be denied for any reason that is grounds for denial or revocation of the permit.

8.36.130 Notices of denial of alarm company permit--Appeal.

A. If the alarm administrator denies the application for an alarm company permit or the renewal application for an alarm company permit, the alarm administrator shall give the permit applicant written notice of the denial. The notice shall be sent by first-class mail to the address provided in the application. The notice shall include the grounds for denial of the alarm company permit application or the alarm company permit renewal application, and a statement of the applicant's right to file an appeal with the alarm appeals hearing officer.

B. An applicant may appeal denial of the application for an alarm company permit or the renewal application for an alarm company permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of the denial. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by article VI of this chapter.

C. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

8.36.140 Revocation of alarm company permit--Grounds.

Any of the grounds upon which an alarm company permit may be denied shall be grounds for revocation of an alarm company permit.

8.36.150 Notice of revocation of alarm company permit--Appeal.

A. If the alarm administrator revokes an alarm company permit, the alarm administrator shall give the permittee written notice of the revocation. The notice shall be sent by first-class mail to the address provided by the permittee in the alarm company permit application or renewal application, as applicable. The notice shall include the grounds for revocation of the alarm company permit, and a statement of the permittee's right to file an appeal with the alarm appeals hearing officer.

B. A permittee may appeal revocation of an alarm company permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of revocation. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by article VI of this chapter.

C. Any revocation of an alarm company permit shall be stayed during the pendency of an appeal that is properly and timely filed with the required appeal fee pursuant to the provisions of this section.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

Article III. False Alarm Response Fine

8.36.160 False alarm response fine.

A. A graduated false alarm response fine shall be assessed for each response by one or more public safety officers to a false alarm. The false alarm response fines shall be based on a rolling 12-month period starting with the first false alarm call date. A false alarm response fine shall not be assessed if the alarm administrator determines that the alarm company or alarm user, prior to the arrival of public safety officers at the protected property, notified police dispatch that a public safety response is not necessary.

B. All false alarm invoices shall be mailed to the alarm user within 30 days of the false alarm. The fine is due not later than 30 days from the date of the invoice. Fines received after the due date shall be subject to a late fee. Fines received more than 60 days after the due date shall be subject to additional late fees.

C. If the location of the false alarm is monitored, the system subscriber shall be liable for the false alarm response fine. If the location is not monitored, the alarm user shall be liable for the false alarm response fine.

8.36.170 Invoice of false alarm fine--Appeal

A. The alarm administrator shall send a false alarm fine invoice by first-class mail to the system subscriber or alarm user. The invoice shall inform the system subscriber or alarm user of his or her right to file an appeal of the false alarm response fine with the alarm appeals hearing officer within 30 days from the date of the mailing of the notice.

B. The false alarm response fines shall be due and payable within 30 calendar days of the date of invoice by city. In addition to any other remedy provided by law, if the debtor does not pay, collection costs are recoverable by the city pursuant to section 1.28.040.

C. Request for hearing. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

Article IV. Alarm System--Standards

8.36.180 Alarm system--Manufacturing standards.

A. Alarm systems installed within the city after the enactment of this chapter shall be listed with Underwriters Laboratory, Inc.

B. The alarm administrator may grant an exception to the requirement in subsection A of this section when the alarm administrator determines that the alarm system meets or exceeds the applicable Underwriters Laboratory, Inc. alarm testing standards. The alarm administrator may require the alarm company or alarm user to submit documentation and certification from a qualified authority necessary to make the exception determination.

C. One-plus duress response alarms are not permitted under any circumstance.

8.36.190 Alarm systems--Operational standards.

A. Audible alarms. No person shall install or use any alarm system with an alarm that is audible for a period of more than fifteen (15) minutes each time the alarm is activated.

B. Automatic alarm. No person shall install or use any alarm system that automatically sends any prerecorded message or signal to the city, its officers, or employees without the prior written consent of the alarm administrator.

Article V. Alarm User Permits

8.36.200 Alarm user permits required--Application.

A. No person shall use an alarm system unless a person who owns or controls the real property upon which the system is installed holds a valid alarm user permit issued pursuant to this chapter. No alarm company may install or monitor an alarm system unless a valid alarm user permit has been issued for that system pursuant to this chapter.

B. Each alarm user permit shall be valid for only one alarm system, one location and one alarm user.

C. Each alarm user permit shall be valid for one year from date of issuance, unless earlier revoked pursuant to this chapter. An alarm user permit is not transferable from one person to another or one location to another.

D. Applications for an alarm user permit shall be submitted to the alarm administrator. The application for an alarm user permit shall be made on a form provided by the alarm administrator and shall be accompanied by a nonrefundable application fee. The information in the application form shall

contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this chapter.

E. If at any time, any of the information submitted pursuant to this section becomes inaccurate, the permittee shall within ten (10) days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

8.36.210 Issuance or denial of alarm user permit.

If the alarm administrator finds that an alarm user meets all the requirements of this code and other pertinent laws, and that the required fees have been paid, the alarm administrator shall issue an alarm user permit to the applicant unless one or more of the following circumstances exist:

A. The alarm system does not comply with the rules and regulations adopted by the chief of police pursuant to this chapter.

B. The applicant or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for an alarm user permit, or in any report or record required to be filed with city pursuant to the provisions of this chapter.

C. The applicant has failed to remit payment of fees, fines, or penalties owed under this chapter up to the date of the filing of the application.

D. The applicant has had an alarm user permit previously revoked within one year of the date of the application, and the applicant cannot provide evidence to the alarm administrator's satisfaction that a material change in circumstances has occurred since the date of revocation indicating the applicant's ability to comply with the provisions of this chapter.

E. The applicant has violated any of the provisions of this chapter within three (3) years prior to the date of application; unless the applicant provides evidence to the alarm administrator's satisfaction that the applicant is capable of complying with the provisions of this chapter.

8.36.220 Renewal of alarm user permit.

The renewal application shall be submitted to the alarm administrator, accompanied by a nonrefundable renewal application fee. A late charge will be imposed on all permit holders who submit applications after indicated due date. Renewal may be denied for any reason that is grounds for denial or revocation of the permit.

8.36.230 Notices of denial of alarm user permit--Appeal

A. If the alarm administrator denies the application for an alarm user permit or the renewal application for an alarm user permit, the alarm

administrator shall give the permit applicant written notice of the denial of the alarm user permit application or the alarm user permit renewal application. The notice shall be sent by first-class mail to the address provided in the application. The notice shall include the grounds for denial of the alarm user permit application or the alarm user permit renewal application, and a statement of the applicant's right to file an appeal with the alarm appeals hearing officer.

B. An applicant may appeal denial of the application for an alarm user permit or the renewal application for an alarm user permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of the denial. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

C. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

8.36.240 Revocation of alarm user permit--Grounds.

Any of the grounds upon which an alarm user permit application may be denied shall be grounds for revocation of an alarm user permit.

8.36.250 Notice of revocation of alarm user permit--Appeal.

A. If the alarm administrator revokes an alarm user permit, the alarm administrator shall give the permittee written notice of the revocation. The notice shall be sent by first-class mail to the address of the permittee provided in the alarm user permit application, renewal application, or amendment to the application. The notice shall include the grounds for revocation of the alarm user permit, and a statement of the permittee's right to file an appeal with the alarm appeals hearing officer.

B. A permittee may appeal revocation of an alarm user permit by filing a notice of appeal with the alarm appeals hearing officer within 30 days from date of mailing of the notice of revocation. A notice of appeal shall be accompanied by an appeal fee. The appeal procedures and the conduct of the hearings shall be governed by section 8.36.260.

C. Any revocation of an alarm user permit shall be stayed during the pendency of an appeal that is properly and timely filed with the required appeal fee pursuant to the provisions of this section.

D. The failure of any person to file a timely notice of appeal with the required appeal fee in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust administrative remedies.

Article VI. Administrative Appeals.

8.36.260 Appeals to alarm appeals hearing officer.

A. Any appeal provided for under article II, article III, and article V shall be conducted in accordance with the provisions of this section. The appeal shall specify the grounds of the appeal and shall provide the appellant's address and telephone number, with a statement that the appellant agrees to accept service at such address of the written notice of the time and place of the appeal hearing and the determination of the alarm appeals hearing officer.

B. Upon receipt of a timely appeal, the alarm appeals hearing officer shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of hearing, the alarm appeals hearing officer shall send written notice of the hearing by first-class mail to the appellant.

C. At the hearing, the alarm appeals hearing officer shall hear any relevant evidence presented by the appellant or department staff, and may uphold, modify or rescind the false alarm response fine, notice of denial, or notice of revocation. The alarm appeals hearing officer may conduct the hearing by telephone if agreed to by appellant and the alarm administrator. The alarm appeals hearing officer shall provide the appellant a written decision, stating the grounds for the decision. The decision of the alarm appeals hearing officer shall be sent by first-class mail to the appellant.

D. For appeals provided under article III, and article V, the decision of the alarms appeals hearing officer shall be the city's final administrative determination of the matter.

8.36.270 Appeals to city council.

A. For appeals provided under article II, if aggrieved by the decision of the alarms appeal hearing officer, the alarm company may appeal the alarm appeals hearing officer's decision to the city council by filing a notice of appeal in accordance with chapter 1.24.

B. A notice of appeal to the city council must be filed not later than 30 days after the date of mailing of the decision of the alarm appeals hearing officer.

SECTION 3.

Adoption of this ordinance is not intended to and does not affect any approvals made, and permits issued, with attendant conditions, by the chief of police prior to the effective date of this ordinance. All such approvals and permits shall continue in effect subject to the terms and conditions established by the permit and the provisions of chapter 8.36 and any other provisions of the Sacramento City Code as they existed prior to the effective date of this ordinance.

SECTION 4.

Adoption of this ordinance is not intended to and does not affect any administrative, civil, or criminal prosecutions or proceedings brought or to be brought pursuant to chapter 8.36 or any other provisions of the Sacramento City Code, or pursuant to applicable federal, state, or local laws, to enforce these provisions as they existed prior to the effective date of this ordinance. The provisions of chapter 8.36 and any other provisions of the Sacramento City Code as they exist on the effective date of this ordinance shall continue to be operative and effective with regard to any acts occurring prior to the effective date of this ordinance.

SECTION 5.

If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of the chapter are severable.

SECTION 6.

Any alarm company already doing business within the city on the effective date of this ordinance shall, within 30 days of the effective date, submit to the alarms administrator a complete application for an alarm company permit. Notwithstanding the provisions of this ordinance, the alarm company may continue in operation while the alarm company permit application is pending.

SECTION 7.

A. Any alarm user shall have 30 days from the effective date of this ordinance to obtain an alarm user permit required by this ordinance.

B. Within 30 days from the effective date of this ordinance, all alarm companies doing business within the city shall assist their system subscribers in obtaining compliance with all provisions of this chapter. This includes providing system subscribers with the permit application form, collecting the required permit fee, and forwarding the completed applications and fees to the alarm administrator. During such 30 day time period, the alarm companies shall also provide their system subscribers with a copy of this ordinance, accompanied by a written summary of this chapter or a “frequently asked questions” sheet which shall contain such information as the alarm administrator may reasonably deem necessary to carry out the purpose and intent of this ordinance.

SECTION 8.

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective October 1, 2012.

Back to Table of Contents

RESOLUTION NO.

Adopted by the Sacramento City Council

Alarm System Position Adjustments

BACKGROUND

A. On June 19, 2012, the City Council adopted an ordinance repealing and adding Chapter 8.36 to Title 8 of the Sacramento City Code, relating to alarm systems.

B. The new alarm system ordinance will reduce false alarm occurrences which prevent, hinder, and delay the Sacramento Police Department (SPD) from responding to legitimate calls for service.

C. The primary elements of the ordinance include the implementation of enhanced call verification as a means to minimize false burglary alarm response, and requiring an annual permit renewal fee.

D. As a matter of Police Department policy, the following procedures will be implemented: 1) require full alarm verification after three confirmed false burglar alarms; and 2) require full alarm verification if false alarm fines are not paid within 120 days of notification.

E. The passing of this ordinance necessitates a limited number of position adjustments within the SPD. These adjustments will be fully funded out of existing SPD resources and revenue generated from the enforcement of the new alarm system ordinance.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager, or the City Manager's designee, is authorized to increase staffing within the SPD by 1.00 Police Clerk III (16).

Section 2. The City Manager, or the City Manager's designee, is authorized to add the following reclassifications to the Fiscal Year (FY) 2011/12 Summary of Reclassification Requests as included in the Approved Budget (Schedule 8):

Department	Budgeted Classification	Proposed Reclassification	FTE
Police Department	Account Clerk II (16)	Analyst Trainee (10)	1.00
Police Department	Accounting Technician (16)	Analyst Trainee (10)	1.00

Section 3. The recommended position and reclassification adjustments are subject to change upon review and approval of the Human Resources Department.

.

Back to Table of Contents

RESOLUTION NO.

Adopted by the Sacramento City Council

Alarm System Fee and Fine Schedule

BACKGROUND

A. On June 19, 2012, the City Council adopted an ordinance repealing and adding Chapter 8.36 to Title 8 of the Sacramento City Code, relating to alarm systems.

B. The new alarm system ordinance will reduce false alarm occurrences which prevent, hinder, and delay the Sacramento Police Department from responding to legitimate calls for service.

C. The primary elements of the ordinance include implementing enhanced call verification as a means to minimize false burglary alarm response and requiring an annual permit renewal fee.

D. As a matter of Police Department policy, the following procedures will be implemented: 1) require full alarm verification after three confirmed false burglar alarms; and 2) require full alarm verification if false alarm fines are not paid within 120 days of notification.

E. The new ordinance authorizes fees, fines, and charges to be established by resolution of the City Council related to the reasonable regulatory costs for issuing permits and fines for violations of the ordinance.

F. The proposed alarm permit fees represent the reasonable regulatory costs to the City and Police Department and are no more than necessary to cover the costs to the City and Police Department.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The following fees and fines are hereby adopted to take effect on the effective on October 1, 2012:

<u>Alarm Permit Fees</u>

Current Schedule
Alarm Permit - $40.00 (Three Year Renewal)

Revised Schedule
One Time Implementation Effective Fiscal Year (FY) 2012/13
Alarm Permit - $30.00 (Annual Renewal)

False Alarm Fines

Current Schedule

	No Call Verification				
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ -	$ -	$ 50	$ 100
False Panic/Robbery Alarms	$ -	$ -	$ -	$ 75	$ 125
No Permit - In addition to False Alarm Fine and Permit	$ -	$ -	$ -	$ -	$ -

Revised Schedule

One time Implementation FY 2012/13

	Enhanced			Full Verification	
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ 60	$ 80	$ 100	$ 120
False Panic/Robbery Alarms	$ -	$ 120	$ 220	$ 320	$ 320
No Permit - In addition to False Alarm Fine and Permit	$ 30	$ 80	$ 130	$ 180	$ 220

.

Back to Table of Contents

RESOLUTION NO.

Adopted by the Sacramento City Council

Alarm System Phased In Fee and Fine Schedule

BACKGROUND

A. On June 19, 2012, the City Council adopted an alarm ordinance repealing and adding Chapter 8.36 to Title 8 of the Sacramento City Code, relating to alarm systems.

B. The new alarm system ordinance will reduce false alarm occurrences which prevent, hinder, and delay the Sacramento Police Department from responding to legitimate calls for service.

C. The primary elements of the ordinance include implementing enhanced call verification as a means to minimize false burglary alarm response and requiring an annual permit renewal fee.

D. As a matter of Police Department policy, the following procedures will be implemented: 1) require full alarm verification after three confirmed false burglar alarms; and 2) require full alarm verification if false alarm fines are not paid within 120 days of notification.

E. The new ordinance authorizes fees, fines, and charges to be established by resolution of the City Council related to the reasonable regulatory costs for issuing permits and fines for violations of the ordinance.

F. The proposed phased in alarm permit fees represent the reasonable regulatory costs to the City and Police Department and are no more than necessary to cover the costs to the City and Police Department.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The following fees and fines are hereby adopted to take effect on the effective October 1, 2012:

<u>Alarm Permit Fees</u>

Current Schedule
Alarm Permit - $40.00 (Three Year Renewal)

Revised Schedule
Phased In (Fiscal Year (FY) 2012/13 – FY 2014/15)

Effective FY 2012/13: Alarm Permit - $20.00 (Annual Renewal)
Effective FY 2013/14: Alarm Permit - $25.00 (Annual Renewal)
Effective FY 2014/15: Alarm Permit - $30.00 (Annual Renewal)

False Alarm Fines

Current Schedule

	No Call Verification				
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ -	$ -	$ 50	$ 100
False Panic/Robbery Alarms	$ -	$ -	$ -	$ 75	$ 125
No Permit - In addition to False Alarm Fine and Permit	$ -	$ -	$ -	$ -	$ -

Revised Schedule
Phased In Implementation (FY 2012/13 – FY 2014/15)

Effective: FY 2012/13

	Enhanced			Full Verification	
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ 50	$ 70	$ 90	$ 110
False Panic/Robbery Alarms	$ -	$ 110	$ 210	$ 310	$ 310
No Permit - In addition to False Alarm Fine and Permit	$ 20	$ 70	$ 120	$ 170	$ 210

Effective: FY 2013/14

	Enhanced			Full Verification	
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ 55	$ 75	$ 95	$ 115
False Panic/Robbery Alarms	$ -	$ 115	$ 215	$ 315	$ 315
No Permit – In additional to False Alarm Fine and Permit	$ 25	$ 75	$ 125	$ 175	$ 215

Effective: FY 2014/15

	Enhanced			Full Verification	
Number of Calls	**1**	**2**	**3**	**4 - 8**	**> 9**
False Burglar Alarms	$ -	$ 60	$ 80	$ 100	$ 120
False Panic/Robbery Alarms	$ -	$ 120	$ 220	$ 320	$ 320
No Permit – In addition to False Alarm Fine and Permit	$ 30	$ 80	$ 130	$ 180	$ 220

Back to Table of Contents

Attachment 1

Sacramento Police Department
Permit Comparison

Average Annual Permit Fee: $27

Jurisdiction	Renewal	One Time Application	Permit Fee Schedule Residential	Permit Fee Schedule Commercial	Annualized Fees Residential	Annualized Fees Commercial	Average
Glendale, CA	Annual	$ -	$ 75	$ 100	$ 75	$ 100	$ 88
Austin, TX	Annual	$ -	$ 30	$ 50	$ 30	$ 50	$ 40
Stockton, CA*	3 Year (Res) / Annual (Comm)	$ 30	$ 25	$ 55	$ 8	$ 55	$ 32
Los Angeles, CA	Annual	$ 34	$ 30	$ 30	$ 30	$ 30	$ 30
Oakland, CA	Annual	$ -	$ 25	$ 35	$ 25	$ 35	$ 30
Santa Ana, CA	Annual	$ -	$ 30	$ 30	$ 30	$ 30	$ 30
City of Sacramento (Revised)	**Annual**	**$ -**	**$ 30**	**$ 30**	**$ 30**	**$ 30**	**$ 30**
Albuquerque, NM	Annual	$ -	$ 25	$ 25	$ 25	$ 25	$ 25
Denver, CO	Annual	$ -	$ 25	$ 25	$ 25	$ 25	$ 25
Sacramento County, CA*	2 Years	$ 5	$ 45	$ 45	$ 23	$ 23	$ 23
Long Beach, CA	Annual (Res) / 3 Year (Comm)	$ -	$ 35	$ 30	$ 35	$ 10	$ 23
Oaklahoma City, OK	Annual	$ 10	$ 17	$ 17	$ 17	$ 17	$ 17
Bakersfield, CA	Annual	$ 16	$ 15	$ 15	$ 15	$ 15	$ 15
Phoenix, AZ	Annual	$ -	$ 15	$ 15	$ 15	$ 15	$ 15
Citrus Heights, CA	Annual	$ 50	$ 15	$ 15	$ 15	$ 15	$ 15
City of Sacramento (Current)	**Annual (Currently 3 Year)**	**$ -**	**$ 40**	**$ 40**	**$ 13**	**$ 13**	**$ 13**
Roseville, CA	5 Year	$ -	$ 35	$ 35	$ 7	$ 7	$ 7

* The One Time Application Fee only applies to commercial applications.

Attachment 1 (Continued)

Sacramento Police Department
False Burglar Alarm Fine Comparison

Jurisdiction/Number of Calls	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Average	Cycle
Los Angeles, CA	151	201	251	301	351	401	451	501	551	601	**376**	Calendar Year
Long Beach, CA	-	114	144	172	287	402	402	402	402	402	**273**	Rolling 12 Month Period
San Jose, CA	-	125	200	300	300	300	300	300	300	300	**243**	Calendar Year
Oakland, CA	-	100	200	300	300	300	300	300	300	300	**240**	Rolling 12 Month Period
Santa Ana, CA	-	50	75	125	150	200	300	400	400	400	**210**	Rolling 12 Month Period
Glendale, CA	-	-	100	200	300	300	300	300	300	300	**210**	Fiscal year
Citrus Heights, CA	-	75	150	200	250	250	250	250	250	250	**193**	Rolling 12 Month Period
Rancho Cordova, CA	-	-	75	100	200	250	250	250	250	250	**163**	Calendar Year
Sacramento County, CA	-	-	75	100	150	200	250	250	250	250	**153**	Calendar Year
Fresno, CA	-	155	155	155	155	155	155	155	155	155	**140**	Fiscal year
City of Sacramento (Revised)	**-**	**60**	**80**	**100**	**120**	**120**	**120**	**120**	**120**	**120**	**96**	Rolling 12 Month Period
Bakersfield, CA	-	-	-	-	118	118	118	118	118	118	**71**	Rolling 12 Month Period
Stockton, CA	-	-	85	85	85	85	85	85	85	85	**68**	Rolling 90 Days
Roseville, CA	-	-	-	75	100	100	100	100	100	100	**68**	Rolling 12 Month Period
Austin, TX	-	-	-	50	50	75	75	100	100	100	**55**	Rolling 12 Month Period
Oaklahoma City, OK	-	-	-	65	65	65	65	65	65	65	**46**	Rolling 12 Month Period
City of Sacramento (Current)	**-**	**-**	**-**	**50**	**50**	**50**	**50**	**50**	**100**	**100**	**45**	Rolling 12 Month Period

Attachment 1 (Continued)

Sacramento Police Department
False Panic or Robbery Alarm Fine Comparison

Jurisdiction/Number of Calls	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Average	Cycle
Los Angeles, CA	151	201	251	301	351	401	451	501	551	601	376	Calendar Year
Long Beach, CA	-	114	144	172	287	402	402	402	402	402	273	Rolling 12 Month Period
City of Sacramento (Revised)	**-**	**120**	**220**	**320**	**320**	**320**	**320**	**320**	**320**	**320**	**258**	**Rolling 12 Month Period**
San Jose, CA	-	125	200	300	300	300	300	300	300	300	243	Calendar Year
Oakland, CA	-	100	200	300	300	300	300	300	300	300	240	Rolling 12 Month Period
Sacramento County, CA	-	-	150	200	250	300	300	300	300	300	210	Calendar Year
Rancho Cordova, CA	-	-	150	200	250	300	300	300	300	300	210	Calendar Year
Glendale, CA	-	-	100	200	300	300	300	300	300	300	210	Fiscal Year
Citrus Heights, CA	-	75	150	200	250	250	250	250	250	250	193	Rolling 12 Month Period
Fresno, CA	-	155	155	155	155	155	155	155	155	155	140	Fiscal Year
Stockton, CA	85	85	85	85	85	85	85	85	85	85	85	Rolling 90 Days
Austin, TX	-	-	100	100	100	100	100	100	100	100	80	Rolling 12 Month Period
Bakersfield, CA	-	-	-	-	118	118	118	118	118	118	71	Rolling 12 Month Period
Roseville, CA	-	-	-	75	100	100	100	100	100	100	68	Rolling 12 Month Period
City of Sacramento (Current)	**-**	**-**	**-**	**75**	**75**	**75**	**75**	**75**	**125**	**125**	**63**	**Rolling 12 Month Period**

Attachment 1 (Continued)

Sacramento Police Department
No Permit Fine Comparison

Jurisdiction/Number of Calls	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	Average
San Diego, CA	110	220	440	2,200	2,200	2,200	2,200	2,200	2,200	2,200	**1,617**
Los Angeles, CA	251	351	451	551	651	751	851	951	1,051	1,151	**701**
Glendale, CA	250	300	350	400	500	500	500	500	500	500	**430**
Irvine, CA (Commercial)	-	300	300	300	300	300	300	300	300	300	**300**
Stockton, CA	267	267	267	267	267	267	267	267	267	267	**267**
Oakland, CA	250	250	250	250	250	250	250	250	250	250	**250**
Citrus Heights, CA	75	75	150	200	250	250	250	250	250	250	**200**
Sacramento County, CA (Panic/Robbery)	-	-	150	200	250	300	300	300	300	300	**210**
Rancho Cordova, CA (Panic/Robbery)	-	-	150	200	250	300	300	300	300	300	**210**
Austin, TX	200	200	200	200	200	200	200	200	200	200	**200**
City of Sacramento (Revised)	**30**	**80**	**130**	**180**	**180**	**180**	**180**	**180**	**220**	**220**	**158**
Sacramento County, CA (Burglary)	-	-	75	100	200	250	250	250	250	250	**181**
Rancho Cordova, CA (Burglary)	-	-	75	100	200	250	250	250	250	250	**181**
Fresno, CA	-	155	155	155	155	155	155	155	155	155	**155**
Bakersfield, CA	-	-	-	-	118	118	118	118	118	118	**118**
City of Sacramento (Current)	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Long Beach, CA	-	-	-	-	-	-	-	-	-	-	**-**