



## City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 8/21/2012

**Report Type:** Staff/Discussion

**Title: Ordinance: Establishing a program and Fines for False Fire Alarms (Passed for Publication on 7-24-12; published on 7-27-12, continued from 7-31-12)**

**Report ID:** 2012-00550

**Location:** Citywide

**Recommendation:** Pass 1) an Ordinance adding Section 8.38 to the Sacramento City Code relating to fines for false fire alarms; and 2) a Resolution adopting the fine amounts for false fire alarms.

**Contact:** Michael Bartley, Fire Marshal, (916) 808-1620; Joseph A.D. Jackson, Assistant Chief, 916-808-1602, Fire Department

**Presenter:** Michael Bartley, Fire Marshal, (916) 808-1620, Fire Department

**Department:** Fire

**Division:** Fire Prevention Admin

**Dept ID:** 12001111

### **Attachments:**

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- 1-Description/Analysis
- 2-Background
- 3-Ordinance
- 4-Resolution
- 5-Exhibit A (Proposed Fire False Alarm Fines)

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### **City Attorney Review**

Approved as to Form  
Lan Wang  
7/16/2012 3:42:17 PM

### **City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
5/31/2012 5:00:26 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Ray Jones - 6/5/2012 10:19:50 AM



## Description/Analysis

**Issue:** On July 24, 2012, City Council passed for publication an ordinance adding Section 8.38 to the Sacramento City Code relating to fines for false fire alarms.

An excessive number of false fire alarms are received and responded to by the Sacramento Fire Department. This results in a significant expenditure of Fire Department time and resources, and reduces the readiness and capability of the Fire Department to respond to actual emergencies. The majority of these false fire alarms are the result of lack of maintenance of automatic fire alarm systems. This ordinance seeks to reduce the number of alarms from faulty fire alarm systems by promoting responsible maintenance practices from fire alarm system owners.

**Policy Considerations:** The proposed ordinance is consistent with the Sacramento City's Strategic Plan goals of enhancing the quality of life by maintaining public safety readiness and capability.

**Environmental Considerations:** This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines.

**Sustainability:** There are no sustainability considerations applicable to this report.

**Commission/Committee Action:** On December 6, 2011, the Law and Legislation Committee approved staff's recommendation to approve and forward to the City Council the attached Ordinance adding Section 8.38 of the City Code relating to false fire alarms.

**Rationale for Recommendation:** The purpose of the proposed ordinance is to reduce the number of alarms from alarm systems initiating the most false fire alarms.

**Financial Considerations:** This program is designed to reduce the number of multiple responses for false fire alarms to the same location. To provide an idea of the value of billings, based on the 2,968 number of false fire alarms for calendar year 2011, the Fire Department would have charged the following:

- After the first time a fine is proposed to be charge or after the third false fire alarm, the Fire Department would have charged a total of \$64,200 in fines for the 12 month period.
- After the fourth false fire alarms, the Fire Department would have charged a total of \$112,200 in fines for the 12 month period (this includes the \$64,200 from the above bullet).
- After the fifth false fire alarms, the Fire Department would have charged a total of \$144,600 in fines for the 12 month period (this includes the \$112,200 from the above bullet).
- After the sixth to thirty-eighth false fire alarms, the Fire Department would have charged a total of \$251,520 in fines (not including the admin. penalty) for the 12 month period (this includes the \$144,600 from the above bullet).

The number of repeat false fire alarm responses and the amount of fines the Fire Department receives will be monitored for FY2012/13 to determine additional costs, such as mailings and staff time, and revenue received for this program to recommend any appropriated budget adjustments for FY2013/14.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this proposed ordinance.

## Background

In 2011, there were 2,968 incidents for false fire alarms. One reason for the false fire alarms is the lack of maintenance of automatic fire alarm systems.

The impact of these alarms is significant. For example, a standard fire alarm response to a downtown commercial building requires units from three or four fire stations to cover. Response to automatic fire alarm system false alarms resulted in fire stations being unavailable for actual emergency response hundreds of times last year.

The Fire Department seeks to initiate a program to reduce the number of false fire alarms from faulty automatic fire alarm systems by providing an incentive to maintaining the systems in optimal condition. The program includes both commercial and residential (i.e. single or two-family dwellings) fire alarm systems in its scope, and includes fines which have been established relative to the impact of response to the alarm (i.e. less equipment responds to a residential alarm). The program specifics beyond the standard emergency response are:

- First false fire alarm (in 365 day period) – no action by the city.
- Second false fire alarm (in 365 day period) – Notification of owner(s) of a second false fire alarm via letter, explaining fines and actions for subsequent false fire alarms.
- Third false fire alarm (in 365 day period) – Levy a fine in an amount to be set by City Council for one or two-family residential and commercial systems.
- Fourth false fire alarm (in 365 day period) – Levy a fine in an amount to be set by City Council for one or two-family residential and commercial systems.
- Fifth false fire alarm (in 365 day period) – Levy a fine in an amount to be set by City Council for one or two-family residential and commercial systems. Issue a notice and order declaring the system a public nuisance and demanding immediate action.
- Sixth and subsequent alarms (in 365 day period) – Levy a fine equal to fifth false fire alarm amounts and/or administrative penalties within Level C violation amounts pursuant to City Code Chapter 1.28.010. City Code Chapter 1.28 would be used to gain compliance with standards for maintenance and operations. Voluntary systems (those not required by code) could be removed from automatic emergency response.
- An appeal process through the office of the chief has been created for owners who wish to protest the findings or fees of the program administrator.

The concept of such a program is not new, and has been used successfully in many jurisdictions in California, including Fresno, South San Francisco, Sunnyvale, and Oakland. Closer to Sacramento, fire jurisdictions such as Stockton, Roseville, West Sacramento, and Yuba City currently use false fire alarm reduction programs.

The Fire Department engaged stakeholders and customers about the proposed false fire alarm ordinance in the following manner:

- A total of 82 emails and/or hard copy letters were sent to residential and commercial stakeholder groups (including California Automatic Alarm Association, Sacramento Chamber of Commerce, and Sacramento Rental Housing Association) in the City.
- Notices about the proposed ordinance were posted on the City's website ([www.cityofsacramento.org](http://www.cityofsacramento.org)) and fire department's website ([www.sacfire.org](http://www.sacfire.org)), as well as, in the Economic Development Department ("EDD") e-newsletter.
- Two public forums were held at South Natomas Community Center and the other at Sam Pannell Community Center.

With all of this outreach, there were no responses, questions or objections presented to the Fire Department about the proposed ordinance.



## ORDINANCE NO. \_\_\_\_\_

Adopted by the Sacramento City Council

### **AN ORDINANCE ADDING SECTION 8.38 TO THE SACRAMENTO CITY CODE RELATING TO FINES FOR FALSE FIRE ALARMS**

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

#### **SECTION 1.**

Chapter 8.38 is added to the Sacramento City Code, to read as follows:

#### **Chapter 8.38**

#### **FALSE FIRE ALARM CODE**

##### **8.38.010 Short title.**

This chapter of the Sacramento City Code shall be known as the “false fire alarm code.”

##### **8.38.020 Legislative findings.**

The city council finds and determines that:

- A. Repeated responses to false alarms by the fire department result in a significant and unnecessary expenditure of valuable and limited resources,
- B. Repeated responses to false fire alarms by the fire department impair the department’s readiness and responsiveness to calls for service which in turn increases risks to the public.
- C. The reduction of false fire alarms will reduce public risks and protect the life, health, safety and welfare of city residents and the public.
- D. For the reasons stated above, the city council finds that false fire alarms are detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the city. The city council further finds that imposing fines for excessive false fire alarms will reduce the number of false fire alarms. This chapter is adopted in an effort to reduce the number of false fire alarms within the city.

### **8.38.030 Definitions.**

“Commercial property” means any structure or occupancy use not meeting the definition of an R-3 occupancy as defined in the Sacramento City Building Code.

“False fire alarm” means a fire alarm to which the Sacramento fire department responds, if the fire department determines that the fire alarm was not related to a fire or life safety emergency at the time of that alarm.

“Fire alarm” means a system, device, or other mechanism that alerts the fire department to a fire.

“Fire chief” means the fire chief of the Sacramento fire department or his or her designee.

“Residential property” means any structure or occupancy use classified as an R-3 occupancy as defined in the Sacramento City Building Code.

“Responsible party” means the owner of record, occupant, or lessee of property or premises with a fire alarm where a false fire alarm occurs, or the person who causes the false fire alarm at that property or premises.

### **8.38.040 False fire-alarm penalties.**

A. A responsible party shall be assessed a false fire alarm fine for the third, and any subsequent, false fire alarm occurring on the same property or premises within any 12 month period. The amounts of the false fire alarm fines shall be established by resolution of the city council. The fines may be different for commercial property and residential property.

B. False fire alarms shall not be counted in assessing false fire alarm fines under either of the following circumstances:

1. Following a written request for a determination by the responsible party and presentation of evidence by the responsible party, the fire chief has determined that the responsible party has taken all reasonable measures to eliminate the cause or causes of the false fire alarms.

2. The false fire alarm was caused by an act of nature or natural disaster.

### **8.38.050 False fire alarm fines—Procedures and appeals**

A. Notice of imposition. The fire chief shall deliver to the responsible party a notice of the imposition of a false fire alarm fine. The notice shall specify the date, time, fine, and nature of the events which are the basis for the imposition of false fire alarm fine. The notice shall state that the responsible party has the right to request a hearing

before the fire chief by submitting a written request to the fire chief within ten days of the date of the notice.

B. Hearing on imposition. Upon the receipt of a timely written request from the responsible party, the matter shall be set for a hearing before the fire chief on a date which is at least one week from the date of receipt of the request for a hearing. At the hearing, the responsible party may present relevant evidence regarding the alleged grounds for the imposition of a false fire alarm fine.

C. Decision. The fire chief shall notify the responsible party of his or her decision in writing by certified mail by no later than two weeks after the hearing. The decision of the fire chief shall be final.

D. The failure of the responsible party to file a timely notice of appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of a notice of imposition of a false fire alarm fine.

E. Collection of fines. In the event of the failure of any person to pay the fines assessed pursuant to the provisions of this chapter, the city may institute an action in any court of competent jurisdiction to collect any charges, together with interest, which may be due and payable and all administrative costs of collection in the same manner as any other debt owing to the city may be collected.

#### **8.38.060 Declaration of public nuisance--Violation.**

It is unlawful and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property or premises in the city to maintain such property or premises in such manner that five or more false fire alarms occur at such property or premises in any three hundred and sixty five day period. Any such nuisance is subject to abatement as prescribed in chapter 8.04 of this code.

#### **8.38.070 Cumulative remedies--Procedures and fines.**

Unless otherwise expressly provided, the remedies, procedures and fines provided by this chapter are cumulative to each other and to any others available under state law or other city ordinances.



## RESOLUTION NO.

Adopted by the Sacramento City Council

### **APPROVING FALSE FIRE ALARM FINE AMOUNTS**

#### **BACKGROUND**

- A. On August 21, 2012, City Council passed an ordinance adding Section 8.38 to the Sacramento City Code relating to fines for false fire alarms.
- B. This ordinance seeks to reduce the number of alarms from faulty fire alarm systems by promoting responsible maintenance practices from fire alarm system owners.
- C. False fire alarm fines will be incurred for the third, and any subsequent, false fire alarm occurring on the same property or premises within any 12 month period.
- D. The false fire alarm program includes both commercial and residential (i.e. single or two-family dwellings) fire alarm systems in its scope, and includes fines which have been established relative to the impact of response to the alarm (i.e. less equipment responds to a residential alarm).
- E. Proposed fire false alarm fines are set forth in Exhibit A.

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

- Section 1. The proposed fire false alarm fines as set forth in Exhibit A are hereby adopted.
- Section 2. Exhibit A is part of this resolution.

#### **Table of Contents:**

Exhibit A – Proposed Fire False Alarm Fines



**Proposed Fire False Alarm Fines**

<b>Number of False Fire Alarms within a 365 day period</b>	<b>Residential</b>	<b>Commercial</b>
1 <sup>st</sup> False Fire Alarm	No Fine	No Fine
2 <sup>nd</sup> False Fire Alarm	No Fine	No Fine
3 <sup>rd</sup> False Fire Alarm	\$120.00	\$240.00
4 <sup>th</sup> False Fire Alarm	\$150.00	\$300.00
5 <sup>th</sup> False Fire Alarm	\$180.00	\$360.00
6 <sup>th</sup> and subsequent False Fire Alarm	\$180.00 + Admin Penalty	\$360.00 + Admin Penalty