

ORDINANCE NO. 2012-035

Adopted by the Sacramento City Council

August 21, 2012

**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.

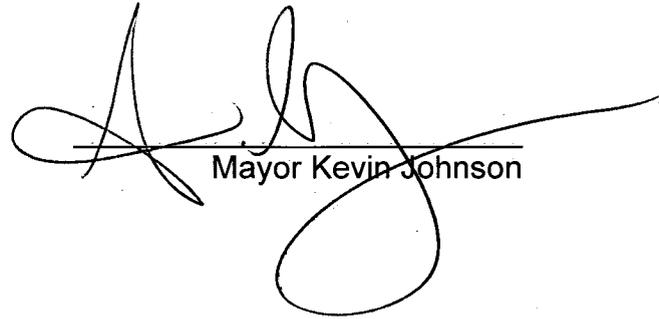
Adopted by the City of Sacramento City Council on August 21, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

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