



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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STAFF REPORT  
April 22, 2010

## Honorable Members of the Law and Legislation Committee

**Title:** Ordinance: Adopting City Code Chapter 8.38 Relating to False Fire Alarms

**Location/Council District:** Citywide

**Recommendation:** Staff recommends the Law & Legislation Committee to approve the proposed ordinance and forward it to City Council for adoption.

**Contact:** Troy Malaspino, Assistant Chief, Fire Marshal, 808-1620

**Presenter:** Troy Malaspino

**Department:** Fire

**Division:** Fire Prevention

**Organization No:** 12001121

## Description/Analysis

**Issue:** An excessive number of false fire-alarms are received and responded to by the Sacramento Fire Department. This results in a significant expenditure of the Fire Department's 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 the 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.

**Committee/Commission Action:** None.

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

**Financial Considerations:** No additional FTE's are forecast to staff this program. However, costs of certified mailings and notices should be funded in the division budget based on recovered costs. The program is estimated to generate approximately \$50,000 in new revenues.

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

Respectfully Submitted by:   
Troy Malaspino  
Assistant Chief

Approved by:   
Ray S. Jones  
Fire Chief

Recommendation Approved:

  
Gus Vina  
Interim City Manager

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**Attachment 1****Background**

Facing a large increase in the number of emergency incidents into the new century, the Sacramento Fire Department explored strategies to reduce the service demand, including altering responses to alarms and false fire alarms reduction.

As a result, the municipal fire alarm box system was removed from service in early 2004, and the number of false fire alarms dropped significantly. Unfortunately, the reduction was not permanent, and false fire alarms have risen steadily since then. False fire alarms now constitute about 15% of total emergency responses, or 8,700 incidents per year. Almost half of these (44%) are caused by lack of maintenance of automatic fire alarm systems.

The impact of these alarms is not insignificant. 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 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 false fire alarms (in 365 day period) – Levy a fine equal to fifth false fire alarm amounts and 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. A survey of dozens of programs was requested for research and respondents are compared in Attachment 2.

If fines approved by City Council are approximate to the statewide average of fines in other jurisdictions, then this program can estimate/generate revenues of about \$50,000, and can be administered by existing fire department personnel. There will be additional expenses for certified mailing and owner mailing address research. The revenue and expense adjustments will need to be included in the following fiscal year's budget cycle.

From January 21 through February 21, the department engaged stakeholders and customers. The following groups were forwarded draft copies of the program and voiced no objections:

- California Automatic Alarm Association
- Sacramento Chamber of Commerce

# False Fire Alarm Fee Comparison

Jurisdiction	Interval Period <sup>1</sup>	Penalty or Fine (each occurrence)					
		1 st Alarm	2nd Alarm	3rd Alarm	4th Alarm	5th Alarm	6+ Alarms
Carlsbad	12 month	\$ -	\$ 85.00	\$ 160.00	\$ 305.00	\$ 305.00	\$ 305.00
Chico	6 months	\$ -	\$ -	\$ -	Response Costs <sup>4</sup>	Response Costs <sup>4</sup>	Response Costs <sup>4</sup>
Coalinga	Calendar Year	\$ -	\$ -	\$ 100.00	\$ 150.00	\$ 200.00	\$ 200.00
Cosumnes	30 days	\$ -	\$ -	\$ 475.00	\$ 475.00	\$ 475.00	\$ 475.00
Dixon	One Month	\$ -	\$ -	\$ 325.00	\$ 325.00	\$ 325.00	\$ 325.00
Fresno	Fiscal Year	\$ -	\$ 148.00	\$ 148.00	\$ 148.00	\$ 148.00	\$ 148.00
Hanford City	One Year	\$ -	\$ -	Response Costs	Response Costs	Response Costs	Response Costs
La Mesa	2 in 30 days/3 in 6 months	\$ -	\$ 230.00	\$ 230.00	\$ 230.00	\$ 230.00	\$ 230.00
Milpitas	12 month	\$ -	\$ -	\$ 300.00	\$ 600.00	\$ 900.00	\$ 900.00
Oakland	6 months	\$ -	\$ 450.45 <sup>2</sup>	\$ 450.45	\$ 450.45	\$ 450.45	\$ 450.45
Oceanside	12 months	\$ -	\$ -	\$ 100.00	\$ 250.00	\$ 500.00	\$ 1,000.00
Paso Robles	One year	\$ -	\$ -	\$ 329.00	\$ 329.00	\$ 329.00	\$ 329.00
Roseville	90 days	\$ -	\$ -	Response Costs	Response Costs	Response Costs	Response Costs
Sacramento	365 day	\$ -	\$ -	\$175 to \$350	\$200 to \$400	\$225 to \$450	Same as 5th + Admin Penalties
Santa Fe Springs		\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00
Santa Maria	Calendar Year	\$ -	\$ -	\$ 258.50	\$ 258.50	\$ 258.50	\$ 258.50
South San Francisco	12 month	\$ 100.00	\$ 200.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Stockton	12 month	\$ -	\$ -	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00
Sunnyvale	365 days	\$ -	\$ -	\$ 200.00	\$ 200.00	\$ 200.00	\$275 to \$550
Victorville	12 month	\$ -	\$ -	\$ 75.00	\$ 100.00	\$ 125.00	\$ 150.00
West Sacramento	Calendar Year	\$ -	\$ -	Response Costs	Response Costs	Response Costs	Response Costs
Yuba City	12 month	\$ -	\$ -	\$ 404.00	\$ 588.00	\$ 959.00	\$ 1,397.00
AVG (NorCal Depts)				\$ 348.00	\$ 415.00	\$ 461.00	\$ 542.00

Footnotes:

- 1 Definition of each interval is almost impossible, but generally "12 months" means trailing 12 months, calendar year resets all calls on Jan 1, fiscal year on July 1.
- 2 2nd alarm for commercial only - subsequent includes residential
- 3 First amount for residential (1&2 family): second commercial - PROPOSED
- 4 Ranges from \$89.50 to \$537.50 each occurrence

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE ADDING CHAPTER 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 fire 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.

E. 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 fines.**

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 the 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.