



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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STAFF REPORT
December 6, 2011

**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 Committee to approve the ordinance to be carried to City Council for adoption.

Contact: Michael Bartley, Assistant Chief, Fire Marshal, 808-1620

Presenter: Michael Bartley

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 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 alarms are the result of lack of maintenance of automatic fire alarm systems. This ordinance seeks to reduce the number of alarms by authorizing the fire chief to levy a penalty upon owners of faulty fire alarm systems. The penalty amounts will be set by future City Council action.

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 Considerations: There are no sustainability considerations applicable to this report.

Committee/Commission Action: None.

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

Financial Considerations: No additional FTE's are forecast to staff this program. However, the estimated costs of certified mailings and notices (\$2500) should be funded in the division budget based on recovered costs. The program will generate revenues at an amount relational to the penalty rates set by Council.

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

Respectfully Submitted by: Michael C. Bartley
Michael Bartley
Assistant Chief

Approved by: Ray Jones
Ray Jones
Fire Chief

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Background

Facing a large increase in the number of emergency incidents over the last decade, the department explored strategies to reduce the service demand, including altering responses to alarms and false alarms reduction.

As a result, the municipal fire alarm box system was removed from service in early 2004, and the number of false alarms dropped significantly. The reduction was not permanent, and false alarms have risen steadily since then. False 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 fire department seeks authorization to reduce the number of false alarms from faulty automatic fire alarm systems by levying penalties for systems that generate multiple false alarms. The program includes both commercial and residential (i.e. single or two-family dwellings) fire alarm systems in its scope. The program specifics beyond the standard emergency response are:

- First false alarm (in 365 day period) – no action by the city.
- Second false alarm (in 365 day period) – Notification of owner(s) of a second false alarm via letter, explaining penalties and actions for subsequent false alarms.
- Third false alarm (in 365 day period) – Levy a penalty in an amount to be set by City Council for one or two-family residential and commercial systems.
- Fourth False alarm (in 365 day period) – Levy a penalty in an amount to be set by City Council for one or two-family residential and commercial systems.
- Fifth false alarm (in 365 day period) – Levy a penalty 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 penalty equal to fifth false 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 alarm reduction programs. A survey of dozens of programs was requested for research and respondents are compared in Attachment 2.

If penalties approved by City Council approximate the statewide average of penalties in other programs, this program is estimated to generate revenues of about \$50,000, and can be administered by existing fire department personnel. However, additional costs of certified mailing and owner mailing address research should be included in the following fiscal year budget.

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
- Sacramento Rental Housing Association

ORDINANCE NO.

Adopted by the Sacramento City Council

AN ORDINANCE ADOPTING SECTION 8.38.010 THROUGH 8.38.060 TO TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO PENALTIES FOR MULTIPLE FALSE FIRE ALARMS

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

SECTION 1.

The council finds and determines that:

- A. Repeated responses to false alarms by the fire department results in a significant expenditure of time and resources, beyond what is customarily provided as its standard level of service.
- B. Repeated responses to false alarms by the city results in increased risk to the public.
- C. The reduction of false fire alarms is an appropriate goal to maintain public safety readiness and capability.
- D. It is therefore necessary and appropriate for the city to seek the reduction of repeated responses to false fire alarms through the imposition of false fire alarm penalties.

SECTION 2.

Section 8.38.010 through 8.38.060 of Title 8 of the Sacramento City Code is added to read as follows:

8.38.010 Short Title.

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

8.38.020 Purpose.

This chapter is intended to reduce the number of false fire-alarms citywide by imposing penalties on responsible parties whose fire alarm systems initiate an excessive number of false alarms, causing the fire department to provide a level of service beyond what is customarily provided.

8.38.030 Definitions.

False Alarm - an alarm responded to by the Sacramento Fire Department for which it was determined by investigation that no fire or life safety emergency existed at the time of that alarm.

Responsible party - The owner of a fire alarm system, or the person that initiated the false alarm signal.

Fire Chief - The department head of the fire department or his or her designee.

8.38.040 False fire-alarm penalties.

In addition to any other remedies available to the city pursuant to this code or state law, the fire chief may, pursuant to the procedure set forth in this chapter, impose false fire-alarm penalties for multiple false alarms from a system within a three-hundred-sixty-five-day period.

- (a) Such false alarm penalties shall be:
 - (1) First False Alarm – No false fire-alarm penalty.
 - (2) Second False Alarm – No false fire-alarm penalty.
 - (3) Third False Alarm – A false fire-alarm penalty in an amount set by City Council for single or two-family residential or commercial systems.
 - (4) Fourth False Alarm – A false fire-alarm penalty in an amount set by City Council for single or two-family residential or commercial systems.
 - (5) Fifth False Alarm – A false fire-alarm penalty in an amount set by City Council for single or two-family residential or commercial systems.
 - (6) Sixth or greater False Alarm – A false fire-alarm penalty equal to amounts of fifth false alarm and administrative penalties within the limits of Level C violations pursuant to Chapter 1.28.010 of the City Code.
- (b) After the second false fire alarm in any three hundred sixty-five-day period, the fire department shall deliver a notice of warning to the responsible party. The notice of warning shall state the date, time, type of false alarm, and corrective actions required. The notice shall also state that the third and subsequent false alarm within any three hundred sixty-five-day period may result in the imposition of false alarm penalties pursuant to this section.
- (c) The fire chief may impose false fire-alarm penalties for the sixth and subsequent false fire alarm within any three hundred sixty-five-day period. Upon the fifth false fire alarm, the fire department shall deliver a Notice

and Order to the responsible party. The Notice and Order shall declare the fire alarm system a nuisance, and state the actions required by the responsible party. Subsequent alarms shall be subject to administrative penalties pursuant to Chapter 1.28 of the City Code. Appeals of the administrative penalties shall be in accordance with Chapter 1.28.010 (D)(4).

- (d) Negligent false alarms (i.e. caused by persons working on the system) shall be subject to a penalty for the first such false alarm from that system. The company with representatives working on the system shall be considered the responsible party.
- (e) Malicious false alarms shall be subject to citation and any court ordered penalties.

8.38.050. False alarms exempt from false alarm penalties.

False alarms reported to the fire department shall not be counted for the imposition of false alarm penalties under the following conditions:

- (a) The fire chief has granted an exemption, based upon verifiable proof that the responsible party is taking all reasonable measures to eliminate the cause of false alarms. A request for exemption must be made in writing and will be determined on a case-by-case basis.
- (b) Alarms caused by acts of nature or disaster. Interruption of electrical service is not exempted, as the change to battery backup power should not initiate a fire alarm.

8.38.060 – Procedures and Appeals.

- (a) Notice of Imposition. The fire chief shall deliver to the responsible party at the address where the false alarms originate a notice of the imposition of false fire-alarm penalties. The notice shall specify the date, time, penalties, and nature of the events which are the basis for the imposition of false fire-alarm penalties. 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 for a hearing, 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 false fire-alarm penalties.
- (c) Decision. The fire chief shall notify the responsible party of his/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) Collection of Penalties. In the event of the failure of any person to pay the penalties 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.