

**ORDINANCE NO. \_\_\_\_\_ (N.C.S.)**

**AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 22 OF THE SALINAS  
MUNICIPAL CODE RELATED TO FIRE ALARMS**

**WHEREAS**, California Business and Professions Code section 7592.8 authorizes cities to enact ordinances governing false alarm activations and responses; and

**WHEREAS**, the City of Salinas would like to reduce the number of false alarms to conserve resources and sure that public safety services—both police and fire—are available to respond to genuine emergencies; and

**WHEREAS**, the City Council finds and determines that repeated responses to false fire alarms by the Salinas Fire Department may result in a significant expenditure of Fire Department time and resources and increased cost to the public. The City Council therefore finds that it is necessary and appropriate for the City to seek to recover the costs of repeated responses to false alarms from the persons responsible for such alarms through the imposition of false alarm fees; and

**WHEREAS**, updates to the Salinas Municipal Code are necessary in order to address false fire alarms.

**NOW, THEREFORE**, be it ordained by the Council of Salinas as follows:

SECTION 1. Article II-A is hereby added to Chapter 22 of the Salinas Municipal Code and shall read as follows:

Article II-A. Fire Alarm Systems.

Sec. 22A-1. Purpose.

Sec. 22A-2. Definitions.

Sec. 22A-3. Exemptions.

Sec. 22A-4. Applicability to Existing Alarm Systems.

Sec. 22A-5. Duties of Alarm Business.

Sec. 22A-6. False Alarm Fees.

Sec. 22A-7. Procedure for Imposition of False Alarm Fees.

Sec. 22A-8. Nuisance Alarms

Sec. 22A-9. Enforcement.

**Sec. 22A-1. Purpose.** The purpose of this article is to set forth regulations governing the use of fire alarm systems to reduce the incidents of false fire alarm calls responded to by the Salinas Fire Department and to provide for fees to be charged for excessive false alarms.

**Sec. 22A-2. Definitions.**

For purposes of this article, the following definitions apply:

(a) “Act of Nature” means an event which originates primarily from causes beyond the control of human beings. “Act of Nature” does not include false alarms or malfunctions of alarm systems or devices caused by failure to properly inspect, maintain or repair the alarm system or device.

(b) “False Alarm” means an alarm signal or notification of alarm necessitating a response by the Salinas Fire Department where an emergency situation does not exist. Alarms generated by an Act of Nature will not be considered a False Alarm.

(c) “False Alarm Period” means the one-year period which commences with the date of the first false alarm. Succeeding false alarm periods shall begin on the anniversary date of the first alarm period.

(d) “Fire Alarm Business” means any person conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing a Fire Alarm System in or on any building, place or premises.

(e) “Fire Alarm System” means any device designed to summon assistance from the Salinas Fire Department to a designated site. An “audible alarm system” means a system that produces an audible or visible signal at the point of origin. A “remote alarm system” means a system that transmits a silent signal from a location to a remote processing center or other location for retransmission to the City

(f) “Fire Alarm User” means any individual, partnership, corporation or other entity using the services of a Fire Alarm System at a place of business or residence.

**Sec. 22A-3. Exemptions.**

The provisions for fees for excessive false alarms are not applicable to the facilities of the City with the exception of facilities occupied by non-City occupants or independent contractors leasing City facilities.

**Sec. 22A-4. Applicability to Existing Fire Alarm Systems.**

Each person who is conducting a Fire Alarm Business or operating any alarm system has until no later than November 1, 2016 to comply with the provisions of this article.

**Sec. 22A-5. Duties of Fire Alarm Business.**

(a) Records. It shall be the responsibility of any Fire Alarm Business providing alarm subscription services to subscribers within the City to maintain current records of its subscribers, including a listing of at least two persons who can respond within thirty minutes of notification

to the site of the alarm to assist the Fire Department in determining the cause of the false alarm, and to provide the Fire Department, at its request, the current name, address, and telephone number of any of its subscribers presently receiving Fire Alarm System service within the city.

(b) Instructions. Every Fire Alarm Business selling, leasing, or furnishing to any user a Fire Alarm System shall furnish the user with instructions which provide sufficient information to enable the user to operate the Fire Alarm System properly and to obtain service for the Fire Alarm System at any time.

(c) Alarm Tests. A Fire Alarm Business shall notify the Fire Department prior to any service, test, repair, maintenance, adjustment, or installation of a Fire Alarm System which may result in any indication that a Fire Department response is requested. Any alarm activated, where such prior notice has been given, shall not constitute a false alarm.

#### **Sec. 22A-6. False Alarm Fees.**

(a) False alarm fees shall be as established by resolution of the City Council. Such false alarm fees may be progressively higher for each false alarm which occurs within a twelve-month period.

(b) 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 article, impose false alarm fees to recover the costs of Fire Department responses to multiple fire alarms, which resulted from causes other than Acts of Nature, within a twelve-month period.

(c) Fees established and/or levied by this section shall be paid to the City's Finance Department within thirty (30) calendar days from the date of when the invoice was issued.

#### **Sec. 22A-7. 9.90.110. Procedure for imposition of false alarm fees.**

(a) Notice of Imposition. The Fire Chief, or his designee, shall deliver to the alarm user at the address where the false alarms originate a notice of the imposition of false alarm fees. The notice shall specify the date, time and nature of the events which are the basis for the imposition of false alarm fees. The notice shall state that the alarm user 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 alarm user 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 alarm user may present relevant evidence regarding the alleged grounds for the imposition of false alarm fees.

(c) Decision. The Fire Chief shall notify the alarm user 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 Fees. In the event of the failure of any person to pay the fees 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.

**Sec. 22A-8. Nuisance Alarms.**

(a) A Fire Alarm System may be declared a nuisance alarm system by the Fire Chief whenever it is determined that four False Alarms occur within any three consecutive calendar month period.

(b) The Fire Chief shall notify the alarm user, in the same manner as for the imposition of the false alarm fees, of the determination that the alarm system is a nuisance alarm system.

(c) The permit of a Fire Alarm User shall be automatically suspended if in violation of the standards established by this section.

(d) It shall be unlawful to continue the operation of a nuisance alarm system after the receipt of the notice.

(e) A hearing before the Fire Chief, or his/her designee, on whether the Fire Alarm System is a nuisance alarm system may be held in the same manner as for the imposition of false alarm fees. The Fire Chief shall notify the alarm user of his/her decision in writing by certified mail no later than two weeks after the hearing. The decision of the Fire Chief shall be final. The determination that a Fire Alarm System is a nuisance may be revoked by the Fire Chief upon finding proof that the cause of the excessive false alarms has been remedied.

**Sec. 22A-9. Enforcement.**

It shall be unlawful for any person to fail to comply with the provisions of this article. Each day on which the violation continues constitutes a separate punishable offense.

SECTION 2. Section 22-11(c) of the Salinas Municipal Code is hereby amended to read as follows:

“(c) “Alarm System” is any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and which, when actuated, emits a sound or transmits a signal to indicate that an emergency situation exists, and to which police are expected to respond. “Alarm System” also includes a “Fire Alarm System” as defined in Salinas Municipal Code section 22A-2(e).”

SECTION 3. Section 22-16 of the Salinas Municipal Code is hereby amended to read as follows:

“The police chief, or the Fire Chief with respect to Fire Alarm Systems defined in Salinas Municipal Code section 22A-2(e), may adopt standards and regulations for the operation of alarm systems. Any such standards and regulations shall be available to the public for distribution in written form at a reasonable fee.”

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase

thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

This Ordinance was introduced and read on the 13<sup>th</sup> day of September 2016 and was passed and adopted on this \_\_\_\_\_ day of September, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Joe Gunter, Mayor

ATTEST:

---

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

---

Christopher A. Callihan, City Attorney