



Item No. 21 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVEN D. MCCULLEY, CHIEF OF POLICE

DATE: SEPTEMBER 19, 2018

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. XX,
AN ORDINANCE OF THE TOWN OF ATHERTON RELATED TO
FALSE ALARM SYSTEMS; AND ADOPTION OF A RESOLUTION
SETTING FEES FOR FALSE ALARMS**

RECOMMENDATION

Accept for Second Reading and Adoption Ordinance No. XX, an Ordinance of the Town of Atherton related to False Alarm Systems; and Adopt Resolution No. 18-XX, A Resolution Setting Fees for False Alarms.

BACKGROUND

In 2003, the U.S. Department of Justice, Office of Community Oriented Police Services, conducted an extensive study on false alarm responses by Police Officers across the United States. The study found that in 1998, Police Officers in the U.S. responded to approximately 38 million false alarm activations at an estimated annual cost of \$1.5 billion dollars (adjusted for inflation, \$2.25 billion dollars in 2018). The study also found the vast majority of alarm calls to police, between 94 and 98 percent are false. This is a major impact to limited police resources and a source of real officer safety concern.

As a free service to our residents, our dispatch center monitors approximately 1,500 residential burglary alarm systems. In addition, for those residents that use private alarm monitoring services, those alarm services will contact the dispatch center in the event of an unresolved alarm event.

Alarm responses require at least 2 officers to respond, and it can take officers 30 minutes or more to determine whether or not the alarm is false. This process typically involves a search of the home and property. In the last 10 years, our officers responded to 9 alarms which were true alarms resulting in a burglary investigation. The last real alarm we responded to was in July 2015.

The Town last charged for false alarm responses over 12 years ago.

ANALYSIS

The table below reflects the number of false alarm calls to which the Police Department responded on scene in 2016 (431) and 2017 (547).

# of Property False Alarm Calls to Same Address	2016	2017
1 False Alarm Only	431	547
2 False Alarms Only	78	94
3 False Alarms Only	30	63
4 False Alarms Only	15	20
5 False Alarms Only	8	7
6 False Alarms Only	0	5
7+	0	0

In 2017, the Police Department responded to 547 false alarm calls. Of the 547, the Police Department responded a second time to 94 addresses. Of the 94 addresses, the Police Department responded a third time to 63 addresses. Of the 63 addresses, the Police Department responded a fourth time to 20 addresses, a fifth time to 7, and a sixth time to 5.

If each false alarm response only took 30 minutes of an officer's time (this is a very low estimate), that represents 978 hours (30 minutes x 2 officers per call) spent at false alarms in 2016/2017. This represents a significant amount of time for officers to be taken off the street in response to a false alarm.

Other Agency Fees/Permitting

Below is a table depicting local agencies fees for annual alarm permit fees and how many responses before fees are generated along with dollar amounts.

Agency	Alarm Permit Fee/Annual	False Alarm	Fees
Belmont	\$50	1 st and 2 nd Response	\$0
		3 rd	\$100
		4 th or More	\$200
Burlingame	\$0	1 st and 2 nd Response	\$0
		3 rd - 5 th	\$50
		6 th or More	\$100
Foster City	\$0	1 st Response	\$0
		2 nd	\$55
		3 rd	\$111
		4 th	\$111
		5 th or More	\$200
Hillsborough	\$60 plus a \$24/month monitoring fee	1 st and 2 nd Response	\$0
		3 rd -5 th	\$200

		6 th or More	\$300
Menlo Park	\$25	1 st or More	\$175
		Per Incident	\$350
Pacifica	\$85 / \$45	1 st Response	\$0
		2 nd – 5 th	\$129
		6 th or More	\$202
Redwood City	\$0	1 st and 2 nd Response	\$0
		3 rd or More	\$100
San Bruno	\$0	1 st and 2 nd Response	\$0
		3 rd	\$100
		4 th or More	\$125
San Carlos	\$0	2 nd or More	\$183
San Mateo	\$0	1 st Response	\$0
		2 nd or More	\$104
South San Francisco	\$25	1 st and 2 nd Response	\$0
		3 rd – 5 th	\$50
		6 th or More	\$100

Mitigation of False Alarms

To mitigate false alarms, staff will initiate an integrated program of community outreach and education, revision to the false alarm ordinance, enforcement, and an enhanced residential alarm permitting process. The outreach and education will involve local media (press and social media) as well as educational correspondence and articles. The current false alarm ordinance provides that the Town can establish a penalty service charge for more than one false alarm in a 12-month (one year) period. It does not specify what the service charge is and the Town’s fee resolution does not set a fee. Staff has proposed a fee and the attached Fee Resolution is based on Council discussion at a prior meeting.

Residents will receive a warning letter for the 1st, 2nd, and 3rd false alarm to which the Police Department responds during a 12-month (one year) period. For the 4th alarm in a 12-month (one year) period, there will be a \$200 response fee. For the 5th false alarm there will be a \$300 response fee and for the 6th or more, there will be a \$400 response fee. The ordinance allows the Town to terminate its monitoring services. The ordinance provides for a 30-day notification or “grace period” before the Town initiates termination of monitoring.

Currently, residents are charged a one-time alarm registration fee of \$61. This singular payment included free monitoring of their alarm system by the Police Department if the resident chose this option. If the resident chose to have their alarm monitored by a private company, the average monthly cost of the standard private alarm monitoring service is \$60 per month (\$720 a year).

Based on Council feedback, the new ordinance sets the initial alarm registration fee at \$100 and establishes an annual permit renewal of \$50. As part of the annual permit renewal fee, residents would be required to confirm or update their alarm contact information with the Police Department. Contact information, passcodes, and important alarm response details can change frequently. Revenue derived from any false alarm response services fees and annual alarm registration fees will be utilized to upgrade our monitoring and response equipment.

Since February 1, 2018, the department has sent out 344 letters to residents to advise of their false alarm activation with a police response to their residence. The letter also provides solutions to help remedy the situation. Based on the alarm letter data, we anticipate officers will be responding to approximately 50 false alarms per month.

The revised ordinance includes language to allow for appeal of the service charge, and a section to require private monitoring after excessive false alarms.

POLICY FOCUS

The purpose of the Town's alarm ordinance is to encourage alarm users to maintain the operational reliability and proper use of alarm systems and to reduce or eliminate false alarms. False alarms require a considerable amount of time, resources, and expenses each year to the Town. They can also pose a safety hazard to police officers and the general public.

The ordinance that governs alarm systems is intended to summon a police response, requires the acquisition of a permit, establishes fees, outlines the penalties for violations of false alarms, and establishes a system of administrating the program.

FISCAL IMPACT

Number of False Alarms	Action Taken	Fines
1	Warning Letter	None
2	Warning Letter	None
3	Warning Letter	None
4	Written Notice	\$200
5	Written Notice	\$300
Each Additional Alarm	Written Notice	\$400

Staff time to monitor false alarm responses is tracked through the RIMS database where invoices can be generated by the Town's Finance Department. It is estimated that staff time related to the reviewing and processing of false alarm responses to be approximately 25 hours per month. This time will be easily absorbed into normal duty hours and responsibilities. The staff time equates to about \$1,000 per month.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ____ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)
- Tree Committee (meets each month)

ATTACHMENTS

- ATTACHMENT 1 – Sample – False Alarm Warning Letter
- ATTACHMENT 2 – Sample – Second Warning Letter
- ATTACHMENT 3 – Sample – Third Warning Letter
- ATTACHMENT 4 – Amended Alarm Ordinance
- ATTACHMENT 5 – Resolution 18-

ATTACHMENT 1

Dear Resident:

This letter is to notify you that officers responded to your home on the following alarm activation:

Alarm Type:

Date of occurrence:

Upon arriving, it was determined to be a false alarm.

False alarm responses limit police resources and can impact officer safety. Your help and cooperation are needed to assist our officers with mitigating false alarms. Please ensure that you, your family members, staff and employees, are all very familiar with the operation of your alarm system.

Should your alarm be activated accidentally, it is important for you to call our dispatch center immediately at (650) 688-6500, in order to report the activation and stop a police response to your residence.

Additionally, please contact the Atherton Police Department at your earliest convenience to confirm that our records show accurate information for your premises. Having the most updated information enables us to contact you, or someone who can locate you, in the event of an emergency at your home.

Sincerely,

Steven D. McCulley

Steven D. McCulley
Chief of Police

ATTACHMENT 2

Date

Resident Name
Address
Atherton, CA 94027

Dear Resident:

On **DATE** our officers responded to a second report of a Panic/Residential/Audible alarm at your address. The alarm was determined to be false. This letter serves as notice of the Town's Alarm Ordinance with specific information regarding false alarm responses. A copy of the updated ordinance is attached for your review and education. Should we respond to your address for additional false alarms in the one year period, the following are the fees that will be imposed: 4th false alarm @ \$200; 5th false alarm @ \$300; and \$400 for each additional false alarm after the 5th alarm.

False alarm response impacts limited police resources and can impact officer safety. In 2016, our police officers responded to approximately 500 false alarms. On a very low-end time estimate, the 500 false alarm responses equal 500 patrol hours. This is almost 4 months of one full time police officer doing nothing but responding to false alarms at an approximate cost of over \$33,000. In the last 10 years, our officers responded to 9 alarms which were true alarms resulting in a burglary investigation. The last real alarm our officers responded to was in July 2015.

Your help and cooperation are needed to assist our officers by mitigating false alarms. Please ensure you, your family members, and staff/employees are very familiar with the operation of your alarm system.

Should your alarm be accidentally activated, it is important for you to call our dispatch center immediately at 650-688-6500 in order to report the activation and stop a police response to your residence.

Sincerely,

Steven D McCulley
Chief of Police

ATTACHMENT 3

Date

Resident Name
Address
Atherton, CA 94027

Dear Resident:

On **DATE** our officers responded to a third report of a Panic/Residential/Audible alarm at your address. The alarm was determined to be false. This letter serves as notice of the Town's Alarm Ordinance with specific information regarding false alarm responses. A copy of the updated ordinance is attached for your review and education. Should we respond to your address for additional false alarms in the one year period, the following are the fees that will be imposed: 4th false alarm @ \$200; 5th false alarm @ \$300; and \$400 for each additional false alarm after the 5th alarm.

False alarm response impacts limited police resources and can impact officer safety. In 2016, our police officers responded to approximately 500 false alarms. On a very low-end time estimate, the 500 false alarm responses equal 500 patrol hours. This is almost 4 months of one full time police officer doing nothing but responding to false alarms at an approximate cost of over \$33,000. In the last 10 years, our officers responded to 9 alarms which were true alarms resulting in a burglary investigation. The last real alarm our officers responded to was in July 2015.

Your help and cooperation are needed to assist our officers by mitigating false alarms. Please ensure you, your family members, and staff/employees are very familiar with the operation of your alarm system.

Should your alarm be accidentally activated, it is important for you to call our dispatch center immediately at 650-688-6500 in order to report the activation and stop a police response to your residence.

Sincerely,

Steven D McCulley
Chief of Police

ATTACHMENT 4

ORDINANCE ____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTER 8.04, ALARM SYSTEMS

WHEREAS, current Chapter 8.04 of the Atherton Municipal Code establishes a system of regulation of Alarm Systems in private properties; and

WHEREAS, that Chapter is outdated and requires revision and amendment; and

WHEREAS, staff recommends adoption of the following revised sections of Chapter 8.04 as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Current sections of Chapter 8.04, ALARM SYSTEMS, are revised as set forth following:

A. The title of current section 8.04.020 is revised to read as follows: “8.04.020 Business license required for Alarm System businesses.”

B. Section 8.04.050 is revised to read as follows: “8.04.050 Installation Permit and Fee Required; Annual Renewal.

Each person installing an alarm system in any premises or building in the Town shall obtain an appropriate permit from the Building Department and pay an installation fee in an amount established by Resolution of the City Council. Additionally, each permit shall be renewed annually on its anniversary of installation and a fee paid to the Police Department in an amount established by Resolution of the City Council.”

C. Section 8.04.060 is deleted in its entirety.

D. The title of current section 8.04.070 False alarms is amended to read as follows: “8.04.070 False alarms and fees.”

E. Section 8.04.070 A. is amended to read as follows: “A. The first through third false alarms within a 12 month period shall result in a warning letter, but shall not incur any fee or charge for the response. Any fourth false alarm within the 12 month period shall result in assessment of a fee as set forth by resolution of the City Council. A fifth false alarm within the 12 month period shall result in assessment of a fee as set forth by resolution of the City Council. Any subsequent false alarm in excess of five shall result in assessment of a fee for each additional false alarm as set forth by resolution of the City Council.”

F. Section 8.04.070 B. is amended to read as follows: “B. The term “false alarm” is defined as when an alarm signal is activated intentionally or inadvertently which results in a Police response when there is no need for such response. If the alarm system owner contacts the Police Department prior to the arrival at the location of the alarm by a dispatched unit, the alarm system response shall not count as a false alarm.”

G. Existing Section 8.04.070 D deleted, and in its place a new section C is added as follows: “C:. Appeals. Any determination of a false alarm may be appealed by the alarm owner to the Chief of Police. Within five days of receipt of a written appeal, the Chief of Police or his authorized deputy shall set the time and place for the hearing of the appeal and give the appellant written notice thereof by United States mail, postage prepaid, to the address given in the appeal. The owner of the alarm system may appear at such hearing and testify if he or she desires. An appeal for financial hardship in paying accrued false alarm fees shall be part of the appeal process. The decision of the Chief of Police on the appeal shall be final, and the alarm owner shall be notified of the decision by regular United States mail, postage prepaid. There shall be a 30-Day grace period before termination of the alarm monitoring or non-response to privately monitored alarm.”

H. Sections 8.04.070 E and F are deleted.

I. Section 8.04.070 G. is renumbered 8.04.070 D. and is amended to read as follows: “D. Excessive false alarms. In the event of receipt of more than 12 false alarm activations in a 1 year period, such alarm system monitoring shall be suspended and the owner notified that the Town will not continue to monitor their alarm system although the Police Department will continue to respond to outside monitoring calls for response or direct calls for service; however, additional false alarm fees in such cases will still be charged.”

SECTION 2: Remaining provisions of Chapter 8.04 shall remain in full force and effect.

Introduced this _____ day of _____, 2018.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2018, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Cary Wiest, Mayor

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

RESOLUTION 18-

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING THE TOWN’S MASTER FEE SCHEDULE TO ADD AN ANNUAL ALARM PERMIT FEE AND OTHER FEES ASSOCIATED WITH FALSE ALARM

WHEREAS, the Atherton Municipal Code authorizes the City Council to establish fees for alarm systems by resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON THAT:

SECTION 1. The City Council of the Town of Atherton in the State of California hereby establishes the following alarm system fees:

Description	Fee
Initial Alarm Set up Fee	\$100
Annual Alarm System Service Fee (Jan. 1)	\$100 <u>50</u>

False Alarm Fee Service Charge – One year period (12 months).	Fee
4	\$200
5	\$300
Subsequent alarms after 5	\$400

SECTION 2. That this resolution shall become effective thirty (30) days after passage and shall take effect on ~~August 18, 2018~~October 17, 2018.

* * * * *
I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this ~~18th~~19th day of ~~July~~September 2018, by the following vote:

- AYES: Council Members:*
- NOES: Council Members:*
- ABSENT: Council Members:*
- ABSTAIN: Council Members:*

Cary Wiest, Mayor
Town of Atherton

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney