



Item No. 11 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: JULY 18, 2018

**SUBJECT: CONDUCT A PUBLIC HEARING; AND, IF APPROPRIATE,
INTRODUCE FOR 1ST READING ORDINANCE NO. XX, AN
ORDINANCE OF THE TOWN OF ATHERTON RELATED TO
FALSE ALARM SYSTEMS**

RECOMMENDATION

Conduct a Public Hearing; and, if appropriate, introduce for 1st Reading, Ordinance No. XX, an Ordinance of the Town of Atherton related to False Alarm Systems.

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

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.

Since the last Council meeting on this issue, staff corrected the alarm table below with more accurate data in a more readable fashion. The Police Department responded on scene to 547 false alarms in 2017 and 431 in 2016.

False Alarm Responses
July 18, 2018

# 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- 10 False Alarms	0	0
10+ False Alarms	0	0

Interpreting the table, in 2017 the Police Department responded to 547 false alarm calls. Of the 547 total, the Police Department responded 2 times to 94 addresses. Of the 94 addresses, the Police Department responded 3 times to 63 addresses, etc.

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 FEES / ANNUAL	FALSE ALARMS	FEES
BELMONT	\$50	First and Second Responses	\$0
		Third Response	\$100
		Fourth Response	\$200
BURLINGAME	\$0	First and Second Responses	\$0
		Third – Fifth Responses	\$50
		Sixth Response	\$100
FOSTER CITY	\$0	First Response	\$0
		Second Response	\$55
		Third Response	\$111
		Fourth Response	\$111
		Fifth and after	\$200
HILLSBOROUGH	\$60 + \$24 per month monitoring fee	First and Second Responses	\$0
		Third – Fifth Responses	\$200
		Sixth or more	\$300
MENLO PARK	\$25	First Response & after	\$175
		Per Incident	\$350

AGENCY	ALARM PERMIT FEES / ANNUAL	FALSE ALARMS	FEES
PACIFICA	\$85 / \$45	First Response	\$0
		Second through fifth responses	\$129
		Six or more	\$202
REDWOOD CITY	\$0	First and Second Responses	\$0
		Third and more	\$100
SAN BRUNO	\$0	First and Second Responses	\$0
		Third Response	\$100
		Fourth Response	\$125
SAN CARLOS	\$0	Second and more	\$183
SAN MATEO	\$0	First Response	\$0
		Second and more	\$104
SOUTH SAN FRANCISCO	\$25	First and Second Responses	\$0
		Third – Fifth Response	\$50
		Six – Eight Response	\$100

ANALYSIS

The proposed response to mitigate excessive false responses includes an integrated response of community outreach/education, revision to the false alarm ordinance, enforcement, and an enhanced residential alarm permitting process. The outreach/education will take place using Town resources, local media as appropriate, community meetings and other resident education opportunities. The current Town 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 recommendation is for residents to receive a warning letter for the first, second, and third false alarm responses during a 12-month (one year) period. For the fourth alarm in a 12-month (one year) period, staff recommends a \$200 service charge, a \$300 service charge for the fifth alarm, and a \$400 service for each additional alarm after the fifth alarm in a 12-month (one year) period.

Currently, residents are charged a one-time alarm registration fee of \$61. This payment includes free monitoring of their alarm system by the Police Department if the resident chooses this option. The average monthly cost of private alarm monitoring is approximately \$60 per month for minimal services (\$720 annually). Staff recommendation is to change the initial alarm registration fee to \$100 and establish an annual permit fee of \$100. As part of the permit fee, residents would be required to confirm or update their alarm contact information with the Police Department. The revenue received from the false alarm response services fees and annual alarm registration fees can be utilized to continually upgrade our monitoring and response equipment.

The proposed timeline is to continue to perform the false alarm related community outreach/education for two calendar months after Council approves the new ordinance and complete updates to the false alarm ordinance and permitting process during this time. It is anticipated the enforcement/service charge program would begin when the two months of education and outreach is completed.

Since February 1, 2018, the department has sent out 195 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 which will be in violation of the false alarm ordinance (approximately 600 per year).

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 repeat offenders can easily be accessed through our 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 violations 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

False Alarm Responses
July 18, 2018

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 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

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

C. Section 8.04.070 A. is amended to read as follows: “A. In the event of a false alarm received on any alarm system monitored by the Police Department, the Department shall issue a warning letter for the first and second false alarm responses, and a false alarm response fee for each additional false alarm received in a 1 year period as set forth in Section 8.04.070 C. shall be charged.”

D. 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.”

E. Section 8.04.070 C is deleted in its entirety, and a new section C. is added to read as follows: “C. The first, second, and third false alarms within a 1 year period shall result in a warning letter, but shall not incur any fee or charge for the response. Any

fourth or subsequent false alarm within a 1 year period shall result in assessment of a fee as set forth by resolution of the City Council.

F. Sections 8.04.070 C., D, E, are deleted.

G. Section 8.04.070 F is renumbered 8.04.070G. and is amended to read as follows: "G:. 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.

G. Section 8.04.070 G. is renumbered 8.04.070 C. and is amended to read as follows: "C. 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, 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, Deputy City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

ATTACHMENT 5

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:

Table with 2 columns: Description, Fee. Rows include Initial Alarm Set up Fee (\$100) and Annual Alarm System Service Fee (Jan. 1) (\$100).

Table with 2 columns: False Alarm Fee Service Charge - One year period (12 months), Fee. Rows include 4 (\$200), 5 (\$300), and Subsequent alarms after 5 (\$400).

SECTION 2. That this resolution shall become effective thirty (30) days after passage and shall take effect on October 19, 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 19th day of 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