



Item No. 8 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

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

FROM: MONA G. EBRAHIMI, CITY ATTORNEY

DATE: MARCH 18, 2020

SUBJECT: WAIVE THE FINAL READING AND ADOPT ORDINANCE NO. 642, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.04.050 MAKING MINOR AMENDMENTS TO THE PERMITTING REQUIREMENTS APPLICABLE TO NEWLY INSTALLED ALARM SYSTEMS.

RECOMMENDATION

Waive the final reading and adopt Ordinance No. 642 amending Chapter 8.04.050 of the Atherton Municipal Code making minor amendments to the permitting requirements applicable to newly installed alarm systems.

BACKGROUND

This is the final reading and adoption of an Ordinance No. 642 of the City Council of the Town of Atherton amending Chapter 8.04.050 of the Atherton Municipal Code making minor amendments to the permitting requirements applicable to newly installed alarm systems. Council waved the first reading and introduced by title only at the February 19, 2020, Regular Council meeting. If approved, this Ordinance will be effective thirty days (30) following adoption.

As a service to residents, the Atherton Police Department monitors approximately 1,300 residential burglary alarm systems. In January 2018, at the request of the Police Department, the Council was asked to review information and documentation of an ongoing residential burglary false alarm response problem in Town. The Council was asked to consider adding a service charge for false alarms and an alarm initial permit fee and annual renewal fee to the current Alarm ordinance.

In July 2018, a public hearing was conducted and Ordinance 635, an Ordinance of the Town of Atherton related to false alarm systems was introduced for 1st Reading. The Ordinance amended Chapter 8.04, Alarm Systems, by adding language to include fees for initial residential alarm permits and fees for annual renewal of the alarm permit. Language was also added to include false alarm fee service charges for false alarm response by the Police Department.

On September 19, 2018, the Council passed and adopted Ordinance 635. Related to Ordinance 635, the Council also passed and adopted Resolution 18-23. Resolution 18-23, amended the Town's master fee schedule to add alarm permit fees and other fees associated with police false alarm responses.

On December 18, 2019, the Council again reviewed the Municipal Code's provisions regarding alarm systems; directed staff to make minor revisions related to the language requiring a building permit and directed staff to prepare a letter to the community updating the community on the Town's alarm monitoring program.

ANALYSIS

The proposed changes to the Atherton Municipal Code are minor. There is a change related to the initial fee program eliminating reference to the Building Department; and, the fee collected for a new alarm system is changed from an "installation fee" to a "registration fee." This change is recommended because it more accurately reflects the purpose of the fee.

FISCAL IMPACT

Approval of the Ordinance is not anticipated to have any fiscal impact.

POLICY FOCUS

The alarm registration and monitoring program registers all alarms and monitors those alarm systems where residents choose to have the alarm monitored by the Town's Police Department. Registration fees collected offset the cost of police response and the cost of monitoring. Registration of alarm systems assist the Police when responding to an active alarm.

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)

ATTACHMENTS

1. Draft Ordinance

ORDINANCE 642

**ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON, STATE OF CALIFORNIA, AMENDING
SECTION 8.04.050 OF THE ATHERTON MUNICIPAL
CODE**

WHEREAS, the City Council has adopted various ordinances regulating alarm systems within the Town as codified at Chapter 8.04 of the Atherton Municipal Code; and

WHEREAS, the Town's Police Department maintains records regarding security alarms in the Town and responds to calls for service originated from such security alarms; and

WHEREAS, the Atherton Municipal Code currently provides for alarm system fees to be paid to the Building Department; and

WHEREAS, amending the provisions of the Atherton Municipal Code related to alarm system fees to provide for their collection by the Police Department would provide for more efficient administration of the Atherton Municipal Code; and

WHEREAS, the Atherton Municipal Code currently lists the fee associated with alarm systems as an "installation fee"; and

WHEREAS, the fee associated with alarm systems is more appropriately referred to as a "registration fee" because the Town is not associated with the installation of such alarm systems beyond the need for any alarm system to be in compliance with the Atherton Municipal Code; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Atherton Municipal Code section 8.04.050 is hereby amended to read as follows:

8.04.050 Installation permit and registration 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 Police Department and pay a registration fee in an amount established by resolution of the city

council. Additionally, each permit shall be renewed annually and a fee paid to the police department in an amount established by resolution of the city council.

SECTION 2: Severability. If any section, subsection, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

Town of Atherton, a municipal corporation

MAYOR: _____
RICK DEGOLIA

ATTEST: _____
ANTHONY SUBER, CITY CLERK

APPROVED AS TO FORM: _____
MONA G. EBRAHIMI, CITY ATTORNEY

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } SS:
TOWN OF ATHERTON }

I, Anthony Suber, City Clerk of the Town of Atherton, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 19th day of February, 2020, and had its second reading and was adopted and passed during the public meeting of the City Council on the 18th day of March, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
ANTHONY SUBER, CITY CLERK