

ORDINANCE NO. 675

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, ADDING CALISTOGA
MUNICIPAL CODE CHAPTER 9.17 PERTAINING TO ALARM SYSTEMS**

The City Council of the City of Calistoga does hereby ordain as follows:

SECTION ONE:

WHEREAS, the emergency response to a false alarm requires the deployment of personnel and vehicles to non-emergency situations and removes that personnel and vehicles from the primary function of protecting life and properties and causes unnecessary expenditure of public funds; and

WHEREAS, this ordinance is enacted to encourage responsible use of burglar and fire alarms by those protected by automatic electronic alarm systems. Responsible use includes maintaining equipment so that it is not susceptible to false alarms; and

WHEREAS, reasonable regulation of the alarms should result in the significant decrease in false alarms, savings of public resources, abatement of public nuisance, and enhance the public health, safety and welfare; and

WHEREAS, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) under Sections 15061(b)(3), 15301, 15303, 15305 and 15332 of the CEQA Guidelines.

SECTION TWO:

A new Chapter 9.17 entitled "Alarm Systems" is hereby added to Title 9 of the Calistoga Municipal Code to read and provide as follows:

**CHAPTER 9.17
ALARM SYSTEMS**

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| 9.17.010 | Definitions |
| 9.17.020 | Purpose |
| 9.171.03 | Testing |
| 9.17.040 | Penalty for Answering False Alarms |
| 9.17.050 | Termination -- Excessive False Alarms |
| 9.17.060 | Evidence of False Alarms |

9.17.010 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Alarm system" means an assembly of equipment and devices or a single device such as a solid state unit which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department is expected to respond. In this chapter, the term "alarm system" includes but is not limited to the terms "automatic holdup alarm system," "burglar alarm system," "holdup alarm system," "fire alarm system," and "manual holdup alarm system," as those terms are hereinafter defined. Alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into premises or an attempted robbery at premises are specifically excluded from the provisions of this chapter. Also excluded from this definition and from the coverage of this chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, the system is within the definition of "alarm system" and is subject to this chapter.
2. "Automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
3. "Burglar alarm system" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.
4. "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry, or through the negligence of the owner or lessee of an alarm system or said person's employees or agents or other cause.
5. "Holdup alarm system" refers to an alarm system signaling a robbery or attempted robbery.
6. "Manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
6. "Subscriber" means a person who buys or leases or otherwise obtains an alarm signaling system and contracts with or hires an alarm business to monitor or service the alarm device.

9.17.020 PURPOSE. The City of Calistoga declares that law enforcement responses to repeated false alarms as defined in this chapter pose a critical drain on limited police personnel resources, endanger responding officers, and deprive the general taxpayer of a preventive police presence, thereby endangering the general health and welfare of the community at large.

9.17.030 TESTING.

1. No alarm system designed to transmit emergency messages directly to the Police Department or Fire Department shall be tested or demonstrated without first notifying the Police Department dispatcher.
2. No alarm system relayed through intermediate services to the Police or Fire Department will be tested to determine police response without first notifying the police dispatcher.
3. Any testing done without proper advance notification shall be classified as a "false alarm" for purposes of this chapter. All notices shall be prior to the testing date unless the Police Chief gives special permission otherwise. All notices shall include the time, date, owner's or subscriber's name, address and the name of the representative responsible for the testing, and said person's employer's name, address and telephone number.

9.17.040 VIOLATION. There shall be no charge for four (4) false alarms per calendar year. Any false alarms over four (4) false alarms per year shall be deemed a public nuisance and subject to penalty as provided in Section 1.08.010 CMC.

9.17.050 TERMINATION -- EXCESSIVE FALSE ALARMS. The Police Chief or Fire Chief is authorized to require that the owner or lessee of any alarm system directly connected to the department disconnect such device until it is working in such a manner as will not produce a high frequency of false alarms. The Police Chief or Fire Chief may require disconnection if ten (10) false alarms are received in any twelve-month period. The Police Chief or Fire Chief may, after giving notice to the subscriber, order disconnection of the system for non-cooperation of the subscriber, or for violations of this chapter.

9.17.060 EVIDENCE OF FALSE ALARMS. In determining whether an alarm is a false alarm, all circumstances shall be considered. Setting off an alarm may cause a person who was attempting a break-in to flee. In investigating whether an alarm is false, a careful check will be made for signs of attempts to break in, such as scratches around windows.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calistoga hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 4. Effective Date. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 5. Publication

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of Calistoga, County of Napa, State of California, held on the **1st day of February 2011**, and passed at a regular meeting of the City of Council of the City of Calistoga, County of Napa, State of California, held on the **15th day of February 2011**, by the following vote:

AYES: Councilmember Kraus, Vice Mayor Dunsford, Councilmember Canning, Councilmember Slusser, and Mayor Gingles

NOES: None

ABSTAIN/ABSENT: None

ATTEST:



SUSAN SNEDDON, City Clerk



JACK GINGLES, Mayor