



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

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

FROM: MONA G. EBRAHIMI, CITY ATTORNEY

DATE: FEBRUARY 19, 2020

SUBJECT: WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.04.050 MAKING MINOR AMENDMENTS TO THE PERMITTING REQUIREMENTS APPLICABLE TO NEWLY INSTALLED ALARM SYSTEMS; REVIEW AND APPROVE THE DRAFT LETTER TO THE COMMUNITY UPDATING THE COMMUNITY ON THE ALARM MONITORING PROGRAM

RECOMMENDATION

Waive the first reading and introduce by title only, an Ordinance amending Chapter 8.04.050 of the Atherton Municipal Code making minor amendments to the permitting requirements applicable to newly installed alarm systems; and review and approve the *draft* letter to the community updating the community on the alarm monitoring program.

BACKGROUND

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.

Staff has also prepared the attached *draft* letter to the community outlining the Town's alarm monitoring program, changes to the program, the program's registration fees, and the timing for collection of those fees.

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 provides (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
2. Draft Correspondence

ORDINANCE O20XX-__

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

ATTACHMENT 1

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

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 ___ day of _____, 2020, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
ANTHONY SUBER, CITY CLERK



Town of Atherton
DEPARTMENT OF
POLICE

ATTACHMENT 2



Dear Resident:

Residential alarm systems are an excellent proactive tool to increase the safety and security for your family and your home. False alarms can occur when alarm systems are used improperly and/or by not properly maintaining the system. Unless the false alarm is canceled by the home owner or alarm monitoring company, a rapid police response is triggered. For safety reasons, that police response involves the dispatch of at least two officers to clear the property. A large number of false alarms impact police operations and the efficient use of police resources.

In 2003, the U.S. Department of Justice, Office of Community Oriented Police Services, conducted an extensive study on false alarm responses conducted 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. That trend line continues and, adjusted for inflation to 2018, that response represents an estimated annual cost of \$2.25 billion dollars. The study also found the vast majority of alarm calls to police, between 94 and 98 percent are false.

In 2018 and 2019, the Atherton Police Dispatch Center received a total of 6,712 residential burglary alarm notifications. Of the 6,712 alarms, Dispatch was able to determine that 4,421 of these alarms were false in time to cancel the police response before the officers were dispatched. Our officers responded to the remaining 2,291 alarms. Of the 2,291 alarm responses, 4 were alarms that resulted in a burglary investigation. The estimated cost of the response to the 2,287 false alarms was approximately \$127,000.

In October 2018, after reviewing data on false alarm responses, the City Council passed amendments to the Town's alarm ordinance with a focus on education, enforcement and fines after a set number of false alarms in a 12-month period. The ordinance requires the registration of all residential alarm systems whether they are monitored by the police department, an alarm company, or are not monitored at all. The initial alarm registration fee is \$100 and then \$50 annually to renew the registration. If you register your alarm within 6 months of receiving this letter, the initial alarm registration fee of \$100 will be waived.

If you need to register your alarm system and/or if you would like to sign up to have your alarm system monitored for free by the Police Dispatch Center, contact the Police Department, in person. If you have already registered your alarm system, thank you. The annual renewal of the registration will occur each January and property owners will be contacted by mail.

The hope is that the modifications to the alarm ordinance will assist in mitigating and reduce false residential burglary alarms. If you have any questions regarding the new alarm ordinance, alarm system permitting, or alarm system monitoring, please call the Atherton Police Dispatch Center at 650-688-6500.

Sincerely,

Steven D. McCulley

Steven D. McCulley
Chief of Police