

CITY OF OAKLAND
AGENDA REPORT

2009 MAY 14 PM 6:38

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Oakland Police Department
DATE: May 26, 2009

RE: **A Report and 1) Ordinance Repealing and Reenacting Oakland Municipal Code (OMC) Chapter 8.02, Burglar Alarm Systems; 2) An Ordinance Amending Ordinance No. 12809 (Master Fee Schedule) To Reflect Fee Changes Associated with False Alarm Service Fees; and 3) A Resolution Authorizing the City Administrator To Create a Special Fund To Receive Revenues Generated By The False Alarm Reduction Program Administered By the Oakland Police Department**

SUMMARY

Staff requests the adoption of 1) an Ordinance repealing and re-enacting Oakland Municipal Chapter 8.02 - "Burglar Alarm Systems;" 2) an ordinance amending Ordinance No. 12809 (Master Fee Schedule) to reflect fee changes associated with false alarm service fees which will authorize the Police Department to charge service fees for responding to false alarms and false alarm reduction activities; and 3) a resolution authorizing the City Administrator to create a special fund to receive revenues generated by the False Alarm Reduction Program, to ensure this program is self-sustaining.

FISCAL IMPACT

Adoption of these ordinances will permit the Oakland Police Department to effectively administer the false alarm reduction program, and charge service fees for responding to false alarms and false alarm reduction activities. Approval of this resolution will authorize the City Administrator to establish a special revenue fund for police services. The estimated revenue for 2009-10 is \$700,000 (Table 2) with an expenditure budget of \$656,250 (Table 1). Approval of this legislation will also authorize OPD to appropriate expenditures up to the \$700,000 budgeted revenue amount and to appropriate revenues received above and beyond the budgeted \$700,000.

This enhanced False Alarm Program will benefit the general fund as follows: OPD will move expenditures that currently reside in the general fund to the special revenue fund and the general fund will receive Central Services Overhead (CSO) recovery from the special revenue fund. The total estimated net impact to the general fund is a gain of \$224,580 for fiscal year 2009-10 (Table 1). These savings have already been included in the FY 2009-11 proposed budget.

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In the current fiscal year, the false alarm program has generated approximately \$300,000 in revenues at a cost of approximately \$200,000. The sources of revenue are new alarm permits and alarm permit renewals. OPD has maintained this program by using sworn staff and civilian salary savings to fund temporary workers. The database currently used to bill for alarm permits, process alarm permit registrations, and generate alarm renewal invoices, is no longer functional and in need of repair or replacement. Due to these factors, the revenue from the alarm program will drop to zero by the end of 2009 or early part of 2010 unless resources are dedicated to the program.

OPD is currently working with the Department of Information Technology (DIT) to determine the level of support required to maintain the alarm database so it can be used to track alarm permits, renewals, and false alarm statistics. At this time, it is not known whether DIT will repair and maintain the false alarm database and billing system or if OPD will work with DIT to outsource the establishment and maintenance of a false alarm database; a decision concerning this matter should be reached no later than July 2009. All costs associated with the False Alarm Program will be covered by False Alarm revenues.

Below is the estimated budget for the False Alarm Program. It should be noted that this proposal (revenues and expenditures) is included in the 2009-11 Proposed Policy Budget. Therefore, any revenue and expenditure changes adopted with this legislation would likely require a correlating change in the 2009-11 Proposed Policy Budget.

Table 1
2009-10 ALARM PROGRAM BUDGET & GENERAL FUND SAVINGS

Description	False Alarm Program Budget	General Purpose Fund benefit
1.0 FTE Administrative Analyst II	\$99,760	
1.0 FTE Police Records Specialist	\$60,150	
.50 FTE Administrative Services Manager II (transfer from GPF to False Alarm Special Revenue Fund)	\$88,440	\$88,440
1.0 FTE Account Clerk II (transfer from GPF to False Alarm Special Revenue Fund)	\$59,970	\$59,970
Software support	\$100,510	
Other O&M (transfer of \$50,000 from the GPF to False Alarm Special Revenue Fund)	\$221,250	\$50,000
CSO	\$26,170	\$26,170
Total 2009-10 Budget	\$656,250	\$224,580

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Note: 2009-11 Proposed Policy budget proposes revenue of \$700,000 and expenditures of \$656,256.

Adoption of these ordinances will permit the Oakland Police Department to effectively administer the false alarm reduction program, and charge service fees for responding to false alarms and false alarm reduction activities. Approval of this resolution will authorize the City Administrator to establish a special revenue fund for police services. The estimated annual revenue is \$700,000 (Table 2) with a matching expenditure budget of \$700,000 (Table 1). This program will benefit the general fund as follows: OPD will move expenditures that currently reside in the general fund to the special revenue fund and the general fund will receive Central Services Overhead (CSO) recovery from the special revenue fund. The total estimated net impact to the general fund is a gain of \$235,000 per year (Table 1). These savings have already been included in the FY 09 proposed budget.

Table 2

FALSE ALARM REDUCTION UNIT REVENUE PROJECTIONS 2009-10

2009-10 Alarm Permit Revenue Projection

Permit Revenue	Permits	Fee	Revenues
Residential	8,800	\$ 25	\$ 220,000
Commercial	5,100	\$ 35	\$ 178,500
Total	13,900		\$ 400,000

2009-10 False Alarm Service Fee Revenue Projection

	Amounts	Rate of Occurrence
Total Alarm Calls	24,000	100%
False Alarms	23,040	96%
Arrive on-scene	10,368	45%
Collectable	3,629	35%
Fee	\$ 84	
Total	\$ 305,000	(rounded to nearest thousand)

2009-10 Alarm Unit Revenue Projections

Alarm Permits	\$ 400,000
False Alarm Service Fees	\$ 305,000
Total	\$ 705,000

There are significant opportunity costs associated with police response to false alarms. The average false alarm response requires an average of 30 minutes of service time for one or more police officers (Table 3). The estimated labor cost of that service response is approximately \$84 per alarm call. In a typical year, OPD responds to approximately 24,000 false alarms at a cost \$2 million annually, and the equivalent of six (6) police officer FTE. In addition to labor costs of the

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police officers who respond to false alarms, costs associated with dispatcher labor, and vehicle fuel and maintenance, are also factors.

Table 3

HISTORY OF FALSE ALARMS AND ASSOCIATED POLICE OFFICE LABOR COSTS IN OAKLAND

Calendar Year	Total Number of False Alarms	Percent Change from Previous Year	FTE's Used Based on 30 Minutes per Call
2003	36,493	N/A	9
2004	23,430	(64%)	6
2005	24,659	1%	6
2006	24,678	0%	6
2007	22,794	(9%)	5
2008	25,252	10%	6

Since the inception of the program, false alarms dropped dramatically, having a positive, fiscal impact to the City. These reductions are a direct result of increased public awareness of the False Alarm Program.

BACKGROUND

The current False Alarm Program was implemented by OPD in November 2003. The goals of the program are to redirect police resources to crime prevention, recover the costs associated with responding false alarms, and reduce the number of false alarms. OPD was able to implement and support the security alarm registration/permit aspect of the program, but did not have adequate staffing and resources to implement false alarm fines. The Department initially received funding for one employee (PST II) to staff the False Alarm Program.

The alarm administrator position was eliminated after the incumbent retired in July 2004. Since that time the program has been operating with staff (including sworn personnel) on loan from other divisions within the Police Department. As a result of inadequate funding, the False Alarm program has remained in limited operation by the use of transferred funds, temporary contract personnel, and staff from other areas of the Department. The current program was not funded in the current budget (FY 07-09), pending completion of a best practices review and evaluation of cost effective service delivery options.

A team of representatives from the Oakland Police Department and the Finance and Management Agency's (FMA) Revenue Division completed a best practices review of the False Alarm Program, and analyzed staffing and program requirements to operate effective in-house and outsourced security alarm programs. The team surveyed other public agencies and conferred with the National False Alarm Reduction Association concerning best practices, model ordinances, and contracts.

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As result of staff's best practices review, it was determined that O.M.C. Chapter 8.02 should be repealed and reenacted to reflect clearer provisions and language that allow for easier and more equitable administration of the ordinance, and to replace the punitive fines associated with the program with service fees for police services.

KEY ISSUES AND IMPACTS

As illustrated in Table 3, the current program has achieved measurable success in reducing the level of false alarms. However, that success is threatened by a lack of adequate funding as well as other resources necessary to sustain current operations and implement false alarm service fees - which would drastically improve program performance and generate additional revenue.

Staff's recommendation to establish a special revenue fund for police services; modify the burglar alarm ordinance; and modify the Master Fee Schedule in order to address the City's need to reduce the number of false alarms responded to by public safety personnel, minimizes program costs and fully implement a comprehensive and effective false alarm reduction program.

The recommended program and ordinance changes will:

- Reduce the incidence of false alarms and redirect police resources to critical public safety priorities;
- Provide adequate funding to staff the False Alarm Program to achieve optimal results and efficiencies;
- Enhance customer service capabilities with on-line processing of permit renewals, payment processing and user training;
- Minimize program funding requirements and increase net program revenue;
- Enhance program efficiency and revenue performance/cost recovery;
- Incorporate the best practices derived from a model ordinance developed by the National False Alarm Reduction Association; and
- Redefine the definition of a "false alarm" and require verified responses for sites that do not comply with the Ordinance.

PROGRAM DESCRIPTION

False Alarm Reduction Program

The Alarm Program was established to address issues associated with the large number of false alarms to which the Department responds each year. The Department spends approximately \$2

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million per year to respond to false alarms; these responses take away resources from crime-fighting efforts.

The primary tools used to address false alarms are:

- Public education - When alarm companies and alarm users register with the Department, they are provided with training and education concerning the proper use of alarm systems, making them more responsible users.
- Cost Recovery - By recovering some of the costs associated with responding to false alarms, the Department can deploy those revenues toward crime-fighting activities and also provide a deterrent to preventable false alarms.

The false alarm program has been included in the FY 2009-11 Proposed Budget, with estimated revenues and expenditures of \$700,000. The following resources are needed to implement the program:

1. Administrative Analyst II (Alarm Administrator): As the program manager of the False Alarm Program, this person will track alarm permits, levy fees for police services in accordance with the ordinance and Master Fee Schedule, and serve as the primary point of contact for the public concerning the false alarm program.
2. Account Clerk II & Police Records Specialist: These staff members will be responsible for entering alarm permit data, processing payments, and providing clerical support to the unit.
3. Administrative Services Manager II: Staff in this position will manage all revenue-generating functions of the Department, including the False Alarm Program. This position is currently budgeted 100% from the general fund, and will be 50% funded from the special revenue fund for police services beginning July 1, 2009, if these changes are approved.
4. Software support: Funding is required for a DIT position or outside consultant to maintain and support false alarm database, including interface with Computer Automated Dispatch (CAD), payment processing and alarm permit tracking.
5. O&M: Materials and supplies needed to administer the alarm program such as envelopes, postage, employee training, office supplies, etc.

Alarm Permits

Alarm users are required to obtain an alarm permit from the City of Oakland prior to alarm use. The permit is obtained by completing a registration form, which is supplied by the alarm company when the request for an alarm system is made. The alarm user is required to complete the registration and pay the registration fee to the alarm company, who submits the information and payment to the Oakland Police Department, who in turn issues the alarm permit.

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When officers respond to the site of an alarm that does not have an alarm permit, the site owner and the alarm company are subject to a service fee for unregistered alarm use. The purposes of the fee is to recover the costs associated with bringing the alarm user into compliance with the registration requirements of the ordinance, which includes researching the call data, notifying the alarm user of non-compliance with the ordinance, and issuing the alarm user a permit. A secondary impact of this fee is to encourage alarm users to obtain a permit proactively.

SUSTAINABLE OPPORTUNITIES

Economic: A fully functioning program and adequately funded program will generate revenue for the City and reduce false alarms, allowing OPD to redirect existing police resources to crime reduction efforts. Additionally, a successful program will reduce the considerable costs associated with responding to false alarms.

Environmental: A reduction in false alarms will translate to a reduction in noise pollution and peace disturbances throughout the City.

Social Equity: A fully functioning False Alarm Reduction Program will redirect police resources from responding to false alarms to other crime related violations, thereby creating enhanced public safety efforts within the City of Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen opportunities identified in this report.

RECOMMENDATION AND RATIONALE

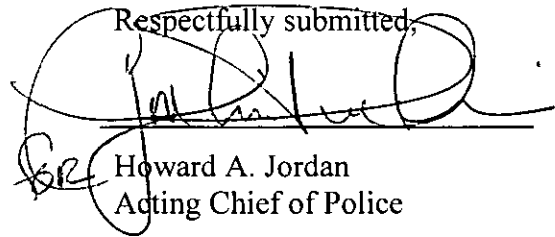
Staff recommends adoption of 1) an Ordinance repealing and re-enacting Oakland Municipal Code (OMC) Chapter 8.02 - "Burglar Alarm Systems," 2) an Ordinance amending Ordinance No. 12809 (Master Fee Schedule) to reflect fee changes associated with false alarm service fees; and 3) approval of a resolution authorizing the City Administrator to create a special fund to receive revenues generated by the False Alarm Reduction Program administered by the Oakland Police Department.

The recommended actions will reduce false alarms and redirect police resources to critical public safety needs. The additional program funding will help provide needed staffing and resources to continue false/security alarm permitting, and to charge fees for police services to private parties. The recommended amendments to the Burglar Alarm Systems Ordinance incorporate best practices and language from the model ordinance developed by the National False Alarm Reduction Association, and improves the City's ability to recover costs associated with responding to, and making efforts to reduce, false alarms.

It is not the intention of this ordinance to interfere with the contractual obligations between Alarm Businesses and Alarm Users or to supersede any provisions of State law.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Council 1) adopt an Ordinance repealing and re-enacting Oakland Municipal Code (OMC) Chapter 8.02 - "Burglar Alarm Systems;" 2) adopt an Ordinance amending Ordinance No. 12809 (Master Fee Schedule) to reflect fee changes associated with false alarm service fees; and 3) approve a resolution authorizing the City Administrator to create a special fund to receive revenues generated by the False Alarm Reduction Program administered by the Oakland Police Department.

Respectfully submitted,

Howard A. Jordan
Acting Chief of Police

APPROVED AND FORWARDED TO
THE FINANCE AND MANAGEMENT
COMMITTEE:


Office of the City Administrator

Prepared by:
Gilbert A. Garcia
Interim Deputy Director

Attachment: Fee Schedule

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City of Oakland
Master Fee Schedule
Effective July 1, 2009

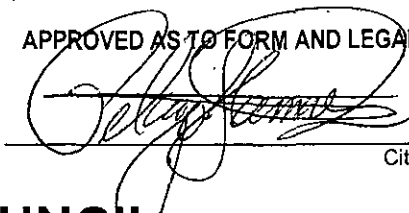
POLICE SERVICES

FEE DESCRIPTION	CURRENT FEE (FY 2008-09)		PROPOSED FEE (FY 2009-10)		% CHANGE
	FEE	UNIT	FEE	UNIT	
AT. FALSE ALARM PROGRAM					
1 Annual Security Alarm Permit Fee					
a. Residential	25.00	Year	<u>25.00</u>	<u>Year</u>	0.00%
b. Commercial	35.00	Year	<u>35.00</u>	<u>Year</u>	0.00%
c. Public Agency/Government*	0.00	Year	<u>0.00</u>	<u>Year</u>	0.00%
2 Service Fees for False Alarms by Unregistered Alarm Systems					
a. Service fee for alarm call from unregistered alarm user (bill to alarm user)	N/A		<u>70.00</u>	<u>Incident</u>	New
b. Service fee installing an unregistered alarm (responsibility of company that installed alarm)	N/A		<u>260.00</u>	<u>Incident</u>	New
c. Service fee for alarm dispatch request for unregistered alarm (responsibility of alarm company that called in dispatch request)	N/A		<u>260.00</u>	<u>Incident</u>	New
3 False Alarm Service Fees					
a. General False Service Alarm Fee (Except Robbery Alarm)	N/A		<u>84.00</u>	<u>Incident</u>	New
b. Robbery False Alarm Service Fee	N/A		<u>156.00</u>	<u>Incident</u>	New
c. Late fee for every false alarm service fee invoice not paid within thirty (30) days	N/A		<u>30.00</u>	<u>Incident</u>	New

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AS TO FORM AND LEGALITY



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

**ORDINANCE REPEALING AND REENACTING OAKLAND MUNICIPAL
CODE (OMC) CHAPTER 8.02, BURGLAR ALARM SYSTEMS**

WHEREAS, intrusion alarms are a valuable crime deterrent and provide safety and security to the businesses and residents of the City of Oakland; and

WHEREAS, the growing number of false alarms is increasingly drawing down the effective resources of the Oakland Police Department; and

WHEREAS, the most effective alarm management is accomplished through a multi-disciplinary approach including consumer education, improved industry standards, and user and industry accountability; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. It is the intent of the City Council in enacting this ordinance, to improve the effectiveness of responsibly used alarm systems in the City of Oakland.

Section 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 3. Oakland Municipal Code Chapter 8.02, Burglar Alarm Systems, is hereby repealed and amended in its entirety to read as follows in Section 4 below.

Section 4. Oakland Municipal Code Chapter 8.02 is enacted as follows:

Sections:
8.02.000 Purpose.
8.02.010 Definitions.
8.02.020 Alarm Registration & Permits.
8.02.030 Alarm System Standards.
8.02.040 Alarm User Responsibilities.
8.02.050 Alarm Company Responsibilities.
8.02.060 Administration.
8.02.070 Alarm Dispatch Requests.

- 8.02.071 Alarm Dispatch Cancellation Requests.
- 8.02.080 Appropriating Public Police Services for Private Purposes Subject to Cost Recovery Fees.
- 8.02.090 Appeals.
- 8.02.100 Scope of Police Duty – Immunities Preserved.
- 8.02.110 Severability.

8.02.000 Purpose.

The City regulates security alarm businesses to assure that responses to false alarms do not diminish the availability of police services to the general public, and to assure that residents who cannot afford, or do choose not to operate, security alarm systems are not penalized for their condition or choice.

The intent of this Chapter is to encourage alarm businesses and alarm users to maintain the operational viability of security alarm systems, and to significantly reduce or eliminate false alarm dispatch requests made to the Oakland Police Department.

The purpose of this Chapter is to provide for and promote the health, safety and welfare of the general public; not to protect individuals, or create (or otherwise establish or designate) any particular class or group of persons who will or should be especially benefited by the terms of this Chapter. This Chapter does not impose or create duties on the part of the City or any of its departments. The obligation of complying with the requirements of this Chapter, and any liability for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, installing or maintaining security alarm systems.

8.02.010 Definitions.

“Alarm administrator” means a person or persons designated by the Oakland Chief of Police to administer the City’s security alarm program to issue citations and levy fees pursuant to this Chapter.

“Alarm appeals officer” means a person or persons designated by the Oakland Chief of Police to provide impartial judgment and determine whether fees that have been levied for false alarms are justified when a person appeals the assessment of those fees.

“Alarm business” means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an alarm system in an alarm site. Alarm businesses do not include persons doing installation or repair work solely on premises they own, lease, or rent where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).

“Alarm dispatch request” means communication to the police has been initiated by an alarm business (via police dispatch) indicating a security alarm system has been activated at a particular alarm site and Police Department response is requested to that alarm site.

“Alarm installation company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system at an alarm site.

“Alarm site” means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

“Alarm system” means a device or series of interconnected devices, including but not limited to, systems interconnected with hard wiring or radio frequency signals, which are designed to emit and/or transmit a remote or local audible, visual, or electronic signal indicating that an intrusion may either be in progress or being attempted at the alarm site. Alarm system does not include an alarm installed in a vehicle or someone's person unless the vehicle or the personal alarm is permanently located at a site.

“Alarm user” means any person, firm, partnership, corporation, or other entity who (which) uses an alarm system at a particular alarm site.

“Automatic voice dialer” means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message (when activated or if self activated) over a telephone line, radio or other communication system, to the police department.

“Duress alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a crisis requiring police response.

“False alarm” means response to an alarm dispatch request where the responding officer finds no reasonable evidence of the commission or attempted commission of a crime, or determines the alarm activation is the result of mechanical failure, improper installation or maintenance, or alarm user negligence.

“Hold up alarm” – See “Robbery Alarm”

“Notice of non-compliance” is a formal notification by the alarm administrator to the alarm business of any violations of this chapter.

“OPD” means the City of Oakland Police Department.

“Panic alarm” – See “Duress Alarm”

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Robbery alarm” or “hold-up alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery is in progress or has just occurred.

“Subscriber” means an alarm user who is a customer of an alarm monitoring company.

“Verified response” means a police response that is based on information received from a person physically present at a location (e.g., an alarm site) or from real-time audio or video surveillance positively verifying that there is evidence of either a crime or an attempted crime at the location.

“Unmonitored alarm system” means an alarm system that is not actively monitored by an alarm business and whose function it is to evoke police response solely by means of a generally audible and/or visible signal.

8.02.020 Alarm Registration & Permits.

- A. Police response to private alarm sites in the City of Oakland is a privilege available only to those alarm users who have a current City of Oakland alarm permit.
- B. No alarm business providing monitoring service to security alarm sites in the City of Oakland shall activate alarm monitoring service or initiate alarm dispatch requests relative to any alarm site in the City that is not properly permitted in accordance with this Chapter.
- C. Alarm permits are valid for one year.
- D. Alarm permits are issued to a person or persons (“alarm user”) having bona fide ownership or control of an alarm site (i.e., home owner, business owner, renter, leaseholder, etc.) specifically for that alarm site or address.
 1. Alarm permits remain in the name(s) of the alarm user of record until a change of ownership or control of the alarm site occurs.
- E. *Alarm permits are valid only to the alarm site and alarm user; alarm permits are not transferable.*
 1. A new alarm site permit must be obtained whenever there is a change of ownership or control of an alarm site.
- F. The initial permit application shall be given to the alarm user at the time of alarm installation. The permit shall be submitted to the alarm administrator or designee within thirty (30) days.
- G. Registration information is determined by the alarm administrator and shall include, but not be limited to, the following:
 1. Name and address of the alarm user (i.e., the person financially responsible for operation of the alarm system being registered).
 2. Home, business, and cellular telephone number(s) of the alarm user.

3. Name, address, and telephone number of the alarm business providing monitoring service to the system.
 4. Alternate telephone number for verification (i.e., secondary cell phone or other telephone designated by the alarm user).
 5. Signature of the alarm user verifying that the information on the permit is factual, and agreement to pay the fees associated with false alarms.
- H. Upon receipt of a completed application and fees, the alarm administrator (or designee) shall issue a security alarm permit number to the alarm user.
- I. The security alarm permit number assigned to an alarm user remains the same for as long as the alarm user continuously maintains registration for the alarm site.
- J. The alarm permit may be renewed under the following conditions:
1. The alarm site has no past-due fees.
 2. The alarm site has not been placed on verified response for excessive false alarms.
 3. The alarm user either updates his/her registration information or verifies that the current registration information is still correct.
 4. The appropriate annual permit fee is paid.
- K. Renewal information and fees are submitted to the alarm administrator (or designee) on or before the initial permit anniversary date each year.
- L. The rates for security alarm permit fees are listed in the City of Oakland Master Fee Schedule.

8.02.030 Alarm System Standards.

- A. It shall be unlawful for anyone to install or sell an alarm system which upon activation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. This action shall not apply to sirens mounted inside a building which cannot be clearly heard from outside the building.
- B. Operating an audible alarm system that does not shut off (by manual or automatic operation) within fifteen (15) minutes from the time of activation is unlawful. If the alarm system has an automatic shutoff with a rearming phase, the rearming phase must be able to distinguish between an open and a closed circuit, and if the circuit is broken the system shall not rearm.
- C. No automatic voice dialing device shall be used to initiate an alarm dispatch request.

- D. All alarm systems shall have a standby backup power supply that will automatically power the operation of the alarm system for a minimum of four (4) hours, should any interruption occur in power to the alarm system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.
- E. Alarm businesses shall not install a device for activating duress, hold-up, or panic alarms in commercial sites that have a single action, non-recessed button.
- F. Each alarm business shall ensure that all duress, hold-up, and panic alarm activating devices in commercial sites are upgraded to meet or exceed the good faith standards specified in this ordinance, within six (6) months of the enactment of this ordinance.

8.02.040 Alarm Users Responsibilities.

- A. Each alarm user is annually responsible for:
 - 1. registering the alarm system by obtaining an alarm permit;
 - 2. paying the permit fee; and
 - 3. providing current registration information.
- B. Alarm users who operate an alarm without a permit shall be charged a non-compliance remediation fee (listed in the Master Fee Schedule.)
- C. Each alarm user is responsible for assuring that the alarm system is used properly and in accordance with the manufacturer's directions and the law Inherent in this responsibility is
 - 1. Assuring that all persons with access to the alarm system are properly trained on correct use of the system and are authorized to cancel accidental activations, and
 - 2. Assuring that procedures and practices are followed that minimize the risk of false alarms.
- D. Each alarm user is responsible for keeping the alarm system properly maintained and in good working order.
- E. Each alarm user is financially responsible for paying service fees when police respond to false alarms from the alarm site. (See OMC 8.02.080 C.M.S.)
- F. Each alarm user is responsible for providing the Police Department with access to the structure or premises, within forty-five (45) minutes of the alarm dispatch request so that the alarm may be verified. Access may be granted by the alarm user or designated responder.
- G. Failure to meet the responsibilities listed in this section may lead to suspension or

revocation of alarm permit and loss of the privileges associated with that permit.

8.02.050 Alarm Company Responsibilities.

The duties of the alarm business shall be to:

- A. Comply with California licensing requirements, and maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company and/or Alarm Company Employee permit with the alarm administrator.
- B. Ensure that installation of all new alarm components adhere to manufacturer's installation guidelines.
- C. Install alarm systems and alarm system components appropriate for the location installed; be available to maintain the system in good working order, and take reasonable measures to prevent the occurrence of false alarms.
- D. Submit an alarm permit form, the correct fee and required documentation on behalf of the alarm user to the alarm administrator prior to the installation of a new alarm system.
- E. Provide alarm users with alarm ordinance and false alarm fee information, with each new installation.
- F. Provide accurate and complete instruction to the alarm user on the proper use of its alarm system. Specific emphasis shall be placed on the avoidance of false alarms. Each business that sells alarm systems, whether or not it is an alarm business as defined in this ordinance, is similarly responsible for instructing the buyer of the alarm system on the proper use of their system.
- G. Institute quality control procedures to track and prevent the occurrence of false alarms for the first thirty (30) calendar days after installing a new alarm system.
- H. Obtain written documentation (with newly installed alarm systems) from alarm users that they have been trained to operate the new system.
- I. Provide group training to commercial users for installations, including false alarm prevention.
- J. Provide a standard, free of charge one-year minimum parts and ninety (90) day labor warranty on the installation and equipment for each new alarm system.
- K. Not sell or transfer an alarm contract during the warranty period, without transfer of the existing warranty or insuring the warranty remains in force for the warranty period.

8.02.060 Administration.

- A. Alarm business proprietary information furnished and secured pursuant to the ordinance codified in this chapter shall be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel, and that the public interest served by not disclosing said information to the public significantly outweighs the public interest served by disclosing said information.
- B. The alarm administrator shall consider an alarm business in non-compliance failure when the business has failed to comply with the provisions of this chapter.
- C. When an alarm business is deemed to be in noncompliance by the alarm administrator, the alarm administrator shall send the alarm business a “notice of noncompliance” with the following information:
 - 1. The section(s) of the ordinance to which the alarm business has filed to comply.
 - a. The specific remedy for the compliance failure;
 - b. The date by which the alarm business must come into compliance; and
 - c. The specific action that will be taken by the department, including the date action shall be taken.
 - 2. Unless otherwise specified in this chapter, the notice of noncompliance shall give the alarm business thirty (30) days to come into compliance with the specified section(s).
 - 3. Failure to come into compliance, within the time specified in the notice of noncompliance, will immediately invoke any applicable fees or penalties.

8.02.070 Alarm Dispatch Requests.

- A. Alarm dispatch requests shall be made only after the alarm monitoring company has attempted to make two calls to different phone numbers where the alarm user or their designee can be reached to verify whether police or medical personnel response is needed.
- B. Alarm dispatch requests may include, but are not limited to, the following information:
 - 1. Alarm site permit number
 - 2. Location of the alarm activation
 - 3. Type of alarm activation

- C. Alarm dispatch requests made to the police department must accurately indicate the type of alarm activation that is the proximate cause for the alarm dispatch request.
- D. Any person who violates the provisions of this section is subject to cost recovery fees for the improper activation of the security alarm system.

8.02.071 Alarm Dispatch Cancellation Requests.

- A. An alarm dispatch request may be canceled only by the alarm business initiating the request prior to the point the responding police officer reports arrival at the alarm site.
- B. Alarm dispatch requests may be canceled in accordance with the procedures established by OPD.
- C. Alarm dispatch requests canceled prior to the police officer's arrival on scene are not subject to false alarm service fees.

Dispatch requests and subsequent police response to a robbery alarm (as defined in this Chapter) may not be canceled by the alarm user. In every case, at least one officer shall respond to affirm that the alarm user is not under duress of any kind.

8.02.080 Appropriating Public Police Services for Private Purposes Subject to Cost Recovery Fees.

- A. Causing police to engage in a false alarm response constitutes an appropriation of public police services for private purposes and is subject to a cost recovery fee.
- B. The alarm user is responsible for payment of his permit and cost recovery fees.
- C. When, in the opinion of the responding police officer(s), an alarm dispatch request can be reasonably associated with an actual or attempted criminal offense at the involved alarm site, the alarm is valid and the response is considered a basic police service not subject to cost recovery fees.

The following actions constitute use of an alarm system that improperly appropriates police services for private purposes and are subject to cost recover fees:

Activating an alarm system with the intent to report:

1. suspicious circumstances, or
2. any non-criminal incident, or
3. a need for fire, medical or other non-police services.

- D. When, in the opinion of the responding police officer(s), an alarm dispatch request can be reasonably attributed to an earthquake, hurricane, tornado or other unusually violent act of nature, a cost recovery fee shall be not assessed.
- E. When, in the opinion of the responding police officer(s), an alarm dispatch request cannot be reasonably attributed to the conditions described in subsection (C) or (D) of this section, the incident is a false alarm and the police officer response is considered an appropriation of public police services for private purposes that is subject to cost recovery.
- F. When the responding officer(s) is (are) unable to determine if an alarm is valid or false because of inaccessibility of the alarm site, the response is presumed to be a false alarm response, and is subject to cost recovery fees. (See OMC 8.02.010).
- G. The cost recovery fees for appropriating public police services for private purposes are listed in the City of Oakland Master Fee Schedule.
- H. Cost recovery fees are assessed based on the response requested. For example, an alarm dispatch request reporting a robbery alarm is subject to the false alarm penalty fee applicable to robbery false alarm responses, even if the alarm activation should properly have been reported as a burglary alarm.
- I. All fees are due and payable upon billing.

8.02.090 Appeals.

Cost recovery fees may be appealed to the alarm appeals officer, as follows:

- A. The appeal process is initiated by the alarm user sending a letter to the alarm appeals officer requesting that the cost recovery fee be waived (an appeal conference,) specifying the reasons for the appeal, and submitting the scheduled appeal fee. This letter and appeal fee must be received by the alarm appeals officer within thirty (30) working days after mailing of the initial invoice to the alarm user.
- B. Service fees may be appealed only on the grounds that the incident cited as the basis for the service fee was, in fact, not a false alarm response. The alarm user must (in his or her letter requesting an appeal) describe detailed, credible evidence in his/her possession that supports the contention that the involved incident was a valid alarm, as described in OMC 8.02.080(C)(D).
- C. The alarm appeals officer may reject requests for appeals that are not supported by detailed, credible evidence of criminal activity or for one of the listed reasons in the City of Oakland false alarm appeal guideline form by the appellant. Notice of rejection of a request for this initial appeal shall be sent to the appellant in writing within ten (10) working days following receipt of the appeal request by the alarm appeals officer.

- D. Whenever the first appeal is denied, the alarm user may then file a second written appeal requesting an in-person hearing.
1. This request must be received within thirty (30) days from the mailing of the denial of the first level of appeal.
 2. All hearings shall be heard by an appeals officer appointed by the Chief of Police.
 3. The alarm administrator shall serve as the City's representative in these hearings.
- E. The filing of a request for an appeal conference with an alarm appeals officer sets aside any pending service fee or related service suspension/revocation until the alarm appeals officer either rejects the appeal request, as described in subsection (A) of this section, or renders a final decision.
- F. The alarm appeals officer, on receipt of a request for a hearing, shall conduct an appeal conference within thirty (30) working days after receiving the appeal request. The alarm administrator may also contact the appellant and offer a resolution or modification of the cost recovery fees prior to the scheduled hearing.
- G. At the conference, the alarm administrator shall present evidence on the City's behalf supporting the case that the applicable cost recovery fees are based on police response to an actual false alarm. The alarm appeals officer shall consider this evidence and any information presented by any interested person(s).
1. Because false alarm responses are based on the professional judgment of the responding police officer using the facts known to the officer at the time of the incident, the burden of proof in appeals is on the appellant.
 2. The appellant must establish with credible evidence that facts not considered by the police officer existed at the time of the incident would lead to the reasonable conclusion that the incident involved was a valid alarm, as described in OMC 8.02.080(C)(D).
 3. The alarm appeals officer shall make his/her decision based on the presence of such facts and conclusions.
- H. The alarm appeals officer shall render a decision and notify the appellant and the alarm administrator thereof in writing within twenty (20) working days after the appeal conference is held. The alarm appeals officer may:
1. affirm,
 2. waive,
 3. cancel, or

4. modify

the penalty fees or actions that are the subject of the appeal.

- I. If the alarm appeals officer affirms or modifies the amount of a service fee due, that amount becomes immediately due and payable.
- J. Appeal decisions are reviewed and approved by the City Administrator prior to becoming official. The official decision of the alarm appeals officer is final, and no further appeals or remedies are available.

8.02.100 Scope of Police Duty – Immunities Preserved.

- A. The issuance of an alarm permit does not create a contract between the City of Oakland and any alarm user, alarm installation company or monitoring company, nor does it create any duty or obligation, either expressed or implied, on the police department to respond to any alarm activation.
- B. Any and all liability and/or consequential damage or loss resulting from the failure of the police department to respond to an alarm dispatch request is hereby disclaimed and governmental immunity as provided by law is fully retained.

By applying for an alarm permit, the alarm user acknowledges that police response to alarm activation is influenced by the availability of officers, priority of current calls for service, traffic and/or weather conditions, and staffing levels.

8.02.110 Severability.

If any section, subsection, clause sentence, or phrase of the ordinance codified in this chapter is for any reasons held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter. The City Council of the City of Oakland hereby declares that it would have passed the ordinance codified in this chapter, any section, subsection, sentence, clause or phrase thereof without said sections, subsections, sentences, clauses, or phrases. (Ord. 12501 (part), 2003)

Section 5.

This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

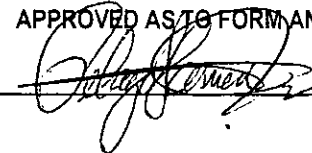
DATE OF ATTESTATION: _____

**ORDINANCE REPEALING AND REENACTING OAKLAND MUNICIPAL
CODE (OMC) CHAPTER 8.02, BURGLAR ALARM SYSTEMS****NOTICE AND DIGEST**

This Ordinance repeals and reenacts Oakland Municipal Code Chapter 8.02 and establishes requirement that all intruder and burglar alarm systems operated and installed in the City of Oakland obtain and maintain a City Alarm Permit. This Ordinance imposes fees for police response to a location where a false alarm has occurred.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 MAY 14 PM 6:39

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 12809 (MASTER FEE SCHEDULE) TO ESTABLISH SERVICE FEES FOR FALSE ALARMS AND FOR FALSE ALARM REDUCTION ACTIVITIES

WHEREAS, causing police to engage in a false alarm response constitutes an appropriation of public police services for private purposes and is subject to a cost recovery fee; and

WHEREAS, the City wishes to recoup the costs of responding to false alarms and false alarm reduction efforts; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Master Fee Schedule. The Master Fee Schedule, Ordinance No. 12676 C.M.S. is amended to add these service fees as follows in Section 3.

Section 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 3 The Master Fee Schedule is amended as follows:

- | | | |
|--|---------------|-----------------|
| 1 Annual Security Alarm Permit Fee | | |
| a. Residential | <u>25.00</u> | <u>Year</u> |
| b. Commercial | <u>35.00</u> | <u>Year</u> |
| c. Public Agency/Government | <u>0.00</u> | <u>Year</u> |
| 2 Service Fees for False Alarms by Unregistered Alarm Systems | | |
| a. Service fee for alarm call from unregistered alarm user (bill to alarm user) | <u>70.00</u> | <u>Incident</u> |
| b. Service fee installing an unregistered alarm (responsibility of company that installed alarm) | <u>260.00</u> | <u>Incident</u> |
| c. Service fee for alarm dispatch request for unregistered alarm (responsibility of alarm company that called in dispatch request) | <u>260.00</u> | <u>Incident</u> |
| 3 False Alarm Service Fees | | |
| a. General False Service Alarm Fee (Except Robbery Alarm) | <u>84.00</u> | <u>Incident</u> |
| b. Robbery False Alarm Service Fee | <u>156.00</u> | <u>Incident</u> |
| c. Late fee for every false alarm service fee invoice not paid within thirty (30) days | <u>30.00</u> | <u>Incident</u> |

Section 4.

This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

ORDINANCE AMENDING ORDINANCE NO. 12809 (MASTER FEE SCHEDULE) TO ESTABLISH SERVICE FEES FOR FALSE ALARMS AND FOR FALSE ALARM REDUCTION ACTIVITIES

NOTICE AND DIGEST

This Ordinance amends the Master Fee Schedule to establish fees for Intruder and Burglar Alarm Permits and Service Fees for False Alarm responses by the City, pursuant to Oakland Municipal Code Chapter 8.02.

DRAFT

Deputy City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 MAY 14 PM 6:39

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
CREATE A SPECIAL FUND TO RECEIVE REVENUES GENERATED BY
THE FALSE ALARM REDUCTION PROGRAM ADMINISTERED BY THE
OAKLAND POLICE DEPARTMENT**

WHEREAS, the current False Alarm Program was implemented by the Oakland Police Department in November 2003. Since the inception of the program, false alarms have dropped dramatically affecting a significant fiscal impact to the City; and

WHEREAS, in the current fiscal year, the false alarm program has generated approximately \$300,000 in revenues at a cost of approximately \$200,000 and

WHEREAS, these reductions are a direct result of increased public awareness of the False Alarm Program; and

WHEREAS, the estimated annual revenue is \$700,000 with an expenditure budget of \$656,250; and

WHEREAS, the creation of a special fund to receive revenues generated by the False Alarm Reduction Program will ensure that this program is self-sustaining, and will benefit the General Fund by moving expenditures that currently reside in the general fund to the special revenue fund; and

WHEREAS, the general fund will receive Central Services Overhead (CSO) recovery from the special revenue fund. The total estimated net impact to the general fund is a gain of \$224,580; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to a to create a special fund to receive revenues generated by the False Alarm Reduction Program, to ensure that the program is self-sustaining; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the Police Department to appropriate expenditures up to the \$700,000 budgeted revenue amount and any additional revenue received above and beyond the \$700,000.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST _____
LaTonda Simmons
City Clerk and Clerk of the Council,
City of Oakland, California