

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ENACTING
CHAPTER 9.48 OF THE ROCKLIN MUNICIPAL CODE TO IMPLEMENT A FALSE FIRE ALARM CODE

WHEREAS, the City of Rocklin Fire Department (“fire department”) responds to many emergency incidents in the City of Rocklin; and

WHEREAS, repeated responses to false alarms by the fire department results in a significant and unnecessary expenditure of valuable and limited resources and impairs the department’s readiness and responsiveness to calls for service, which in turn increases risk to the public; and

WHEREAS, the reduction of false fire alarms will reduce public risk, and protect the life, health, safety, and welfare of city residents and the public; and

WHEREAS, false fire alarms are detrimental to public health, safety, and welfare, and the peace and quiet of the inhabitants of the City, and imposing fines for excessive false fire alarms will reduce the need for unnecessary response; and

WHEREAS, excessive false fire alarm calls constitute a public nuisance; and

WHEREAS, the City Council of the City of Rocklin wishes to establish a penalty to discourage false fire alarm calls.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Findings. The findings and recitals set forth above are true and correct.

Section 2. Purpose. The purpose of this ordinance is to enact Chapter 9.48 of the Rocklin Municipal Code to establish standards and controls to reduce the incidents of false fire alarm calls responded to by the fire department.

Section 3. Authority. This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code section 37100.

Section 4. Enact. Chapter 9.48 of Title 9 of the Rocklin Municipal Code implementing a False Fire Alarm code.

9.48 False Fire Alarms

Sections:

9.48.010 Purpose.

9.48.020 Definitions of terms used in this Chapter.

9.48.030 False Fire Alarm penalty.

9.48.040 False fire alarm fines- procedures and appeals.

9.48.050 Remedies cumulative.

9.48.010 Purpose.

The purpose of this chapter is to establish standards and controls to reduce the incidents of false fire alarm calls responded to by the fire department.

9.48.020 Definitions of terms used in this Chapter.

The following terms, whenever used in this chapter, shall have the following meanings:

- A. "City" means the City of Rocklin.
- B. "Fire Officer" means person with the responsibility for managing fire and rescue services.
- C. "Commercial property" means any structure or occupancy use not meeting the definition of C-1, C-2, C-3, C-4, C-H Zone as defined in the Rocklin Municipal Code.
- D. "False Fire Alarm" means the activation of a fire alarm system resulting in a response by the Fire Department and which is caused by the negligence or intentional misuse of the fire alarm system by the owner, its employees, agents or other activation of a fire alarm system not caused by heat, smoke or fire; or a fire alarm to which the fire department responds, if the fire department determines that the fire alarm was not related to a fire or life safety emergency at the time of that alarm.
- E. "Fire Alarm Agent" means any person who is self-employed or employed either directly or indirectly by a fire alarm business who duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing a fire alarm system in or on any building, place or premises.
- F. "Fire Alarm Business" means any person conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring a fire alarm system in or on any building, place or premises.
- G. "Fire Alarm" means a device or alarm that is designed to respond either manually or automatically to smoke, fire or activation of a fire suppression system.
- H. "Fire Alarm Monitoring Company" means a person in the business of providing monitoring services.
- I. "Fire Alarm System" means a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of a fire or emergency medical situation or both, and, when activated, emits a sound or transmits a signal to indicate that an emergency exists.
- J. "Fire Alarm User" means any person responsible for operating a fire alarm system at any premises in the City.
- K. "Fire Department" means any employee of the Rocklin Fire Department.
- L. "Responsible Party" means the owner of record, occupant, or lessee of property or premises with a fire alarm where a false fire alarm occurs, or the person who causes the false fire alarm at that property or premises.

9.48.030 False Fire Alarm penalty.

- A. A Responsible Party shall be assessed a false fire alarm regulatory fine for the third, and any subsequent, false fire alarms occurring on the same property or premises within any twelve (12) month period. The amount of the false fire alarm fine shall be established by resolution of the City Council.
- B. The Fire Alarm User shall pay a false fire alarm fine for all subsequent false fire alarms that occur.
- C. The Fire Alarm Business or Fire Alarm Agent will be subject to False Fire Alarm fine as established by the City Council if the Fire Officer responding to the false fire alarm determines that the fire alarm business or fire alarm agent directly caused the false fire alarm. In this situation, the False Fire Alarm fine will not be assessed against the Fire Alarm User.
- D. Fines established and/or levied by this section shall be paid directly to the City's Finance Division within 30 calendar days from the date of when the invoice was rendered.
- E. Exceptions. False fire alarms shall not be counted in assessing false fire alarm fines under either of the following circumstances:
 - 1. Following a written request for a determination by the Responsible Party and presentation of evidence by the Responsible Party to the Fire Chief or his/her designee; or
 - 2. The false fire alarm was caused by an act of nature or natural disaster.
 - 3. The false fire alarm was caused by the presence of smoke or fire.

9.48.040 False fire alarm fines-procedures and appeals.

- A. Notice of Imposition. If the Fire Department assesses a fine, the Fire Department shall send a written notice of the action and a statement of the right to an appeal to the affected person or entity. The notice shall specify the date, time, fine, and nature of the events which are the basis for the imposition of the false fire alarm fine. The notice shall state that the Responsible Party has the right to request a hearing before the Fire Chief or his/her designee by submitting a written request to the Fire Chief within ten (10) days of the date of notice.
- B. Hearing on Imposition. Upon the receipt of a timely written request from the Responsible Party, the matter shall be set for a hearing before the Fire Chief or his/her designee on a date which is at least one week from the date of the receipt of the request for a hearing. At the hearing, the Responsible Party may present relevant evidence regarding the alleged grounds for the imposition of a false fire alarm fine.
- C. Decision. The Fire Chief or his/her designee shall notify the responsible party of his/her decision in writing by certified mail no later than two weeks after the hearing. The decision shall be final.
- D. The failure of the Responsible Party to file a timely notice of appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an

administrative hearing and a final adjudication of a notice of imposition of a false fire alarm fine.

- E. Collection of Fines. In the event of the failure of any person to pay the fines assessed pursuant to the provisions of this chapter, the city may institute an action in any court of competent jurisdiction to collect any charges, together with interest, which may be due and payable and all administrative costs of collection in the same manner as any other debt owing to the city may be collected.

9.48.050 Public Nuisance.

- a. It is unlawful and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property or premises in the city to maintain such property or premises in such manner that three or more false fire alarms occur at such property or premises within a calendar year.
- b. The Fire Department may not consider any false fire alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, unusual acts of nature, or the presence of smoke of fire. Nuisance alarms shall be considered as the result of negligence of the fire alarm user, the agents or employees of the fire alarm user, or a defect in the fire alarm system.

9.48.060 Remedies Cumulative.

Unless otherwise expressly provided, the remedies, procedures and fines provided by this chapter are cumulative to each other and to any others available under state law or other city ordinances.

Section 5. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 6. Environmental. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 8. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and

against the ordinance, to be published in the *Placer Herald*. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on October 12, 2021, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on November 9, 2021, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Jill Gayaldo, Mayor

ATTEST:

Hope Ithurburn, City Clerk

First Reading:
Second Reading:
Effective Date: