

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ADDING CHAPTER 9.28 REGULATION OF FALSE ACTIVATIONS OF FIRE, BURGLARY, AND ROBBERY ALARMS (*First Reading*)**

**WHEREAS**, the City of Coachella’s law enforcement and fire personnel respond to an increasing number of false alarm calls per year, requiring limited public safety resources to be used for false alarm calls rather than other priority public safety calls for service; and,

**WHEREAS**, the City Council seeks to set forth regulations and assessments addressing excessive public safety responses necessitated by false alarms.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The foregoing recitals are true and correct and incorporated herein by this reference.

**SECTION 2. Amendment to Municipal Code.** Chapter 9.28 *Regulation of False Activations of Fire, Burglary, and Robbery Alarms* is hereby added to the Coachella Municipal Code as follows:

**“Chapter 9.28**

**REGULATION OF FALSE ACTIVATIONS OF FIRE,  
BURGLARY, AND ROBBERY ALARMS**

**9.28.010 Definitions.**

The terms used in this chapter have the meanings set forth below:

“Alarm system” means any device designed for the detection of a fire, or detection of any unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and when activated, emits a sound and/or transmits a signal to indicate that an emergency exists, and to which peace officers and/or fire officers are expected to respond.

“Alarm user” means any person using an alarm system at his or her place of business, residence or property.

“City” means the City of Coachella.

“False alarm” means the activation of an alarm system resulting in a response by a first responder when an emergency situation does not reasonably appear to exist; provided, that alarm activations generated by natural disaster or other violent conditions of nature not subject to the control of the alarm user shall not constitute a false alarm.

“Fire Department” means the CALFIRE/Riverside County Fire Department officers as designated by the City for fire protection.

“First responders” means Riverside County Sheriff or Riverside County Fire Department officers as designated by the City for law enforcement or fire protection.

“Person” means natural person, firm, partnership, association or corporation.

“Police Department” means the Sheriff’s Department of the County of Riverside providing law enforcement services to the City.

“Service assessment” means a fee paid to the City after an excessive number of false alarms within the specified period of time based on the cost of service to the City.

**9.28.020 Prohibitions.**

- A. No person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line to the Police Department and then reproduces any prerecorded message to report any unlawful act or other emergency.
- B. All alarm systems sold for installation and installed within the City shall utilize approved Underwriters Laboratories or equivalent rated and protected equipment.
- C. No person shall operate or use, or cause to be operated or used, any alarm system that emits a sound like that of any emergency vehicle siren or civil defense warning system.
- D. No person shall operate or use, or cause to be operated or used, an alarm system designed to report an armed robbery (as defined in California Penal Code Section 211 et seq.) for any purpose other than reporting robberies or other crimes involving potential immediate serious bodily injury or death.
- E. No person shall knowingly turn in a false alarm. This section does not prohibit a test of an alarm system if procedures are taken to ensure that the Police Department and/or Fire Department is notified of the intended test prior to the activation.

**9.28.030 False alarm procedures.**

If first responders determine that a false alarm has occurred, the officer responding to the alarm shall leave a notice at the premises which shall include the date and time of the response and a statement that the alarm was a “false alarm.” The notice shall also state that the user should act to correct the causative problems and a warning that more than two false alarms, including, but not limited to, more than two false fire alarms, or false robbery or burglar alarms, in any 12-month period is excessive.

**9.28.040 Excessive false alarms and service assessment.**

- A. Three or more false alarms within a 12-month period, commencing from the date of the first false alarm, is deemed an excessive number of false alarms.
- B. Multiple activations of an alarm system within a single calendar day shall count as only one false alarm for the purposes of this chapter.
- C. A service assessment shall be paid to the City by an alarm user after an excessive number of false alarms have been received from a business, residence or property.
- D. The amount of the service assessment shall be set according to resolution adopted by the City Council.

**9.28.050 Violations and payment of service assessment.**

- A. Violations and payment of a service assessment as provided in this chapter may be enforced pursuant to the provisions of Chapter 3.20 of this code.
- B. Payment of a service assessment shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the citation.

**9.28.060 Appeal.**

A citation for violation of this chapter may be appealed pursuant to the provisions of Chapter 3.28 of this code.

**SECTION 3. CEQA Analysis.** This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the State’s CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), as the action will not result in either a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, as the action is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly because this Ordinance does not involve any commitment to a specific project which may result in potentially significant physical impact on the environment.

**SECTION 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining 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 thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 5. Publication and Effective Date.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ of \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven Hernandez, Mayor  
City of Coachella

ATTEST:

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Angela M. Zepeda, City Clerk  
City of Coachella

APPROVED AS TO FORM:

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Carlos Campos, Best Best & Krieger LLP  
City Attorney