

ORDINANCE NO. 785

AN ORDINANCE PROHIBITING EXCESSIVE FALSE ALARMS, DESIGNATING THE OPERATION OF ALARM SYSTEMS THAT PRODUCE EXCESSIVE FALSE ALARMS TO BE A NUISANCE, PROVIDING FOR THE ABATEMENT THEREOF AND PROVIDING SERVICE CHARGES AND PENALTIES THEREFOR

WHEREAS, the purpose of this ordinance is to establish standards and controls for the various types of intrusion, hold-up, smoke, fire and other emergency signals from alarm systems that require police or fire department response or investigation in order to protect the public health, welfare and safety and control the excessive number of false alarms;

THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT DO ORDAIN AS FOLLOWS:

Section 1. Definitions. For the purposes of this ordinance, the following definitions shall apply:

"Alarm system" is any device designed for the detection of an unauthorized entry, smoke or fire on premises or for alerting others of the commission of an unlawful act, and which, when actuated, emits a sound or transmits a signal to indicate that an emergency situation exists, and to which public safety personnel are expected to respond.

"Alarm user" means any person using an alarm system at his place of business or at any structure situated at the Monterey Peninsula Airport.

"Audible alarm" is a device designed for the detection of smoke, fire or the unauthorized entry on or attempted entry into a premises or structure or for alerting others of the commission of an unlawful act, and which, when actuated, generates an audible sound on the premises.

"Director of Public Safety" means the Director of Public Safety of the Monterey Peninsula Airport District, or his designee.

"False alarm" means the activation of an alarm system necessitating response by the police or fire department when an emergency does not exist; provided, however, alarms generated by earthquakes, or unusual weather conditions will not be considered as false alarms.

"Non-priority" means that police or fire department response to the activation of an alarm will not be given precedence over other calls and

will be predicated upon availability of police or fire units and other service needs.

Section 2. Disconnection of Audible Alarms. Audible alarms which have emitted an alarm signal in excess of thirty (30) minutes are declared to be a nuisance, and the police or fire department may require or cause such any alarm to be disconnected. If the alarm user is unavailable to make the disconnection within such period, the police or fire departments may use any other means reasonably required to make the disconnection, including but not limited to the hiring of an alarm service company to perform the work. Any expense incurred by the police or fire department in causing such disconnection shall be a charge immediately owing and payable by the alarm user separate and apart from all other charges and penalties provided under this ordinance.

Section 3. Nuisance Alarms. The Director of Public Safety may designate an alarm system at a specific location as a nuisance if such alarm system actuates excessive false alarms. It is found and determined that for the purposes of this section four (4) false alarms within any three (3) consecutive calendar month period is excessive and thereby constitutes a public nuisance. The Director of Public Safety shall not consider any alarm in his computation of nuisance alarms if such alarm was generated by earthquakes, or unusual weather conditions, and not the result of the negligence of the alarm user, his agents or employees. Upon determining that an alarm system constitutes a nuisance alarm, the Director of Public Safety shall provide written notice of his determination to the alarm user. Immediately upon the provision of such notice, if personally served upon the alarm user, or forty-eight (48) hours after such notice has been deposited with postage prepaid in the United States mail addressed to the alarm user, the alarm system shall receive non-priority response from the police and fire departments. The alarm system shall continue to receive non-priority response until the alarm user provides written verification satisfactory to the Director of Public Safety that the alarm system has been completely and professionally evaluated and any problems have been located and corrected. In the event that such written verification satisfactory to the Director of Public Safety has not been provided by the alarm user

within three (3) months of the Director of Public Safety's provision of notice to the alarm user that the alarm system constitutes a nuisance, the Director of Public Safety may require that the alarm user disconnect the alarm system by providing an additional written notice of his determination to the alarm user. Immediately upon the provision of such additional notice, if personally served upon the alarm user, or forty-eight (48) hours after such additional notice has been deposited with postage prepaid in the United States mail addressed to the alarm user, there need not be any response to such alarm system by the police or fire departments. No such alarm system may continue in operation or be reconnected without the written approval of the Director of Public Safety following the alarm user's provision of written verification satisfactory to the Director of Public Safety that the alarm system has been completely and professionally evaluated and any problems have been located and corrected. The decisions of the Director of Public Safety with respect to nuisance alarms shall be final.

Section 4. Service Charges. Whenever the police or fire department are required to respond to an excessive false alarm, a service charge shall be imposed upon the alarm user. It is found and determined that for the purposes of this section, one false alarm per calendar month is not excessive. The service charges set forth below shall apply irrespective of whether any response was made on a priority or non-priority basis.

Second false alarm in a calendar month	\$ 30
Third false alarm in a calendar month	\$ 60
Fourth false alarm in a calendar month	\$100
Fifth false alarm in a calendar month	\$250
Any additional false alarms in a calendar month	\$500

Any false alarm generated by an alarm system that the Director of Public Safety has required to be disconnected pursuant to section 3 of this ordinance (and for which approval to reconnect has not been issued) shall result in a service charge of \$500 to the alarm user for the first false alarm and \$1,000 for each subsequent false alarm in a calendar year. The service charges set forth above shall be immediately owing and payable and are separate and apart from all other charges and penalties provided under this ordinance.

Section 5. Penalties. Any alarm user who continues to operate an alarm system after the Director of Public Safety has, pursuant to section 3 of this ordinance, required the alarm system to be disconnected (and for which alarm system approval to reconnect has not been issued) shall be guilty of an infraction punishable by a fine of \$500. Each day that such an alarm system is operated shall constitute a separate offense.


Section 6. Severability. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This ordinance shall take effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 13th day of March, 2002, by the following roll call vote:

AYES: DIRECTORS: Faul, Irwin, Searle, Chair Foy
NOES: DIRECTORS: None
ABSENT: DIRECTORS: None

Signed this 13th day of March, 2002


Nancy Foy, Chair

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Barbara Sadler
District Secretary