



Legislation Text

File #: 18-1243, **Version:** 2

Sheriff's Office recommending the Board consider the following:

- 1) Approve the Final Passage (Second Reading) of Ordinance **5091** to amend Title 5 - Business Taxes, Licenses and Regulations, Chapter 5.44 Emergency Alarm Systems amending Section 5.44.020.- Definitions, 5.44.040.- Permit required, 5.44.050.- Same-Application, 5.44.060.- Same-Fees, 5.44.061.- Same - Exemption from Fees, 5.44.070.- Same-Issuance, 5.44.080.- Same-Expiration, 5.44.090.- Same-Renewal Fees, 5.44.100.- Same -Transferability, Section 5.44.140. - False Alarms, 5.11.170.- Penalty for violation, and
- 2) Approve the addition of the following Sections to Ordinance Title 5 - Business Taxes, Licenses and Regulations, Chapter 5.44 Emergency Alarm Systems, Section 5.44.180 Request for Reconsideration and Appeals, Section 5.44.190 Miscellaneous. (Cont. 8/28/18, Item 42)

FUNDING: Departmental Fee Revenue.

DISCUSSION / BACKGROUND

On August 28, 2018 (Item 42) the Board approved the Introduction (First Reading) of Ordinance 5091 and continued Final Passage (Second Reading) to September 11, 2018.

The Sheriff's Office is proposing the El Dorado County Board of Supervisors will consider an ordinance amending Title 5, Chapter 5.44 of the El Dorado County Code of Ordinances, titled Emergency Alarm Systems. This amendment will make the following material changes to the existing Code provisions: allows the Sheriff's Office to place an alarm system user into non-response status if initial or renewal permit fees are unpaid; allows the Board of Supervisors to set the fees and fines related to emergency alarm systems by resolution; sets the term for all alarm system permits at one year; prohibits the transfer of alarm system permits; allows the Sheriff's Office to require verification prior to responding to an alarm system activation following six previous false alarms within a 12-month period at a site; establishes a reconsideration and appeal process relating to false alarm determinations; reserves the County's rights to immunity with respect to alarm system activation response or non-response; and confirms the severability of the provisions of Chapter 5.44.

A summary of the proposed amendments to each section and a description of additional sections are as follows:

Section 5.44.020. - Definitions

Definitions for Alarm Administrator and Alarm User were added for clarity. The definition of False Alarm was clarified to mean a false alarm not canceled within five minutes and added definition of a "Verified Burglar Alarm".

Section 5.44.040. - Permit-Required

Added language that permits the Sheriff's Office to place an alarm in non-response status for failure

to obtain a permit and/or pay the new/renewal fee.

Note : The Sheriff's Office will still respond to emergencies even when an Alarm Permit is in "non-response" status.

Section 5.44.050. - Same-Application

Sheriff's Office proposing that each alarm system will require a separate permit and the ordinance requires all Alarm Businesses, Alarm Agents, and Responding Agents to notify the Sheriff's Office quarterly of all new or reactivated alarm systems.

Section 5.44.060. - Same-Fees

Added language to allow for fees to be changed via Board resolution and struck the paragraph requiring the Sheriff's office provide a receipt. Receipts will only be given to customers that pay by cash.

Sec 5.44.061. - Same-Exemption from fees

Added emergency response facilities are not required to obtain a permit.

Sec 5.44.070. - Same-Issuance

Eliminated the transferability of permits. When a property or a permit holder moves to a new property an alarm permit cannot be transferred.

Sec 5.44.080. - Same-Expiration

Permits are valid for one year from date of issuance and must be renewed.

Sec 5.44.090. - Same-Renewal fees

Added language to allow for fees to change via Board resolution.

Sec 5.44.100. - Same-Transferability

Clarified that an Alarm permit is not transferable between parties or to another address.

Sec 5.44.140. - False alarms

Restructured how false alarms are counted, added language that allows deputies, under certain circumstances, to use discretion before responding to an alarm and added language to allow for fees to be changed via Board resolution.

Sec 5.44.170. - Penalty for violation

Deleted redundant language covered in other sections.

Sec 5.44.180. - Request for reconsideration and appeals

Establishes a reconsideration and appeal process relating to false alarm determinations

Sec 5.44.190. - Miscellaneous

Reserves the County's rights to immunity with respect to alarm system activation response or non-response; and confirms the severability of the provisions of Chapter 5.44.

The Sheriff's Office is proposing that the Board of Supervisors amend various components of Ordinance Title 5 - Business Taxes, Licenses and Regulations, Chapter 5.44 Emergency Alarm Systems. Proposed changes allow for Board of Supervisors to update fees and false alarm fines periodically via resolution and restructures how False Alarms are counted. Additionally, two new sections have been proposed to be added. If this Ordinance update is approved, the Sheriff's Office will be bringing forward a Fee Resolution with proposed Alarm Permit increases for New Permits, Renewal of Permits and False Alarm Fines on September 11, 2018. The new fees would become effective concurrently with the revised ordinance. The Sheriff's Office is expecting a revenue increase of \$80,000 once the proposed fee increases are approved and in effect for a full Fiscal Year.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION

Approve the Department's recommendation. However, it should be noted that pursuant to Board of Supervisors Policy A-3 - Ordinances - New or Amended, ordinance revisions other than minor amendments required as a result of state or federal law updates are to be brought to the Board of Supervisors for approval in concept prior to the drafting and first reading. The purpose of this policy is to ensure that the Board supports proposed policy changes before extensive staff time is spent developing the revised ordinances. It also provides the public an opportunity to provide input on any conceptual ordinances or amendments. The proposed amendments were not approved in concept by the Board. However, the Board may authorize exceptions to its own policies, and approval of this item will in effect authorize an exception to Policy A-3. An alternative action would be to approve the ordinance changes in concept with this item, and continue the introduction and first reading to the Board's next meeting.

FINANCIAL IMPACT

If the ordinance amendments are approved, the Sheriff will bring a fee resolution along with the second reading of the ordinance on September 11, 2018. The estimated annual increase in revenues is \$80,000.

CLERK OF THE BOARD FOLLOW UP ACTIONS

STRATEGIC PLAN COMPONENT

Public Safety-Protects the community, prevents crime, enforces the law, administers justice, provides rehabilitative services and promptly responds to emergencies and calls for service.

CONTACT

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