

ORDINANCE O2022-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE TITLE 9 TO REPEAL SECTION 9.04.040 AND ADD CHAPTER 9.65 "REGULATION OF FALSE FIRE ALARMS" TO REDUCE THE OCCURRENCE OF FALSE FIRE ALARMS

WHEREAS, repeated responses to false fire alarms by the Fire Department result in a significant and unnecessary expenditure of valuable and limited resources; and

WHEREAS, repeated responses to false fire alarms by the Fire Department impair the City'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 risks and protect the life, health, safety and welfare of City residents and the public; and

WHEREAS, false fire alarms are detrimental to the public health, safety and welfare of City residents and imposing fines for excessive false fire alarms will reduce the number of false fire alarms; and

WHEREAS, the City Council intends to exercise the City's constitutional "home rule" authority as a charter city pursuant to California Constitution Article XI, Section 5; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1: Amendment.** Napa Municipal Code Section 9.04.040 is hereby repealed in its entirety.

**SECTION 2. Amendment.** Napa Municipal Code Title 9 is hereby amended to add Chapter 9.65 to read as follows:

Chapter 9.65

REGULATION OF FALSE FIRE ALARMS

Sections:

- 9.65.010 Purpose.
- 9.65.020 Definitions.
- 9.65.030 Violations.
- 9.65.040 Notice.

9.65.010 Purpose. The purpose of this chapter is to regulate excessive false fire alarms and malicious false fire alarms. Such regulation is necessary to promote the health, safety, and welfare of the people. The purpose of this chapter is also to encourage fire alarm users to reduce the high number of false fire alarms by:

1. Repairing or correcting defective or overly sensitive fire alarms;
2. Training themselves and their business employees or family members in the proper and careful use of the fire alarm; and
3. Installing good quality, reliable fire alarms.

9.65.020 Definitions. For purposes of this chapter, the following definitions apply:

“Excessive false fire alarm” means the third false fire alarm at the same location within 180 consecutive days.

“False fire alarm” means the activation of a fire alarm not caused by heat, smoke, or fire, which results in a response. A false fire alarm does not include the following:

1. The activation of a fire alarm caused by an act of nature or natural disaster (e.g., earthquake, severe windstorms, floods).
2. The activation of a fire alarm caused by mechanical failure or malfunction of the fire alarm provided that the responsible person provides the Fire Chief with a completed report of service/repair verifying to the reasonable satisfaction of the Fire Chief that:
  - (a) The fire alarm has been examined by a qualified fire alarm technician; and
  - (b) the fire alarm technician identified and corrected any defect of design, installation, or improper operation of the fire alarm which was identified as the cause of the false fire alarm.

“Fire alarm” means a system, device, or other mechanism that alerts the Fire Department to heat, smoke or fire or any other type of emergency.

“Fire Chief” means the Fire Chief of the City or a designee of the Fire Chief or the City Manager.

“Malicious false fire alarm” is the deliberate sending or reporting of a false fire alarm.

“Response” means the dispatch of any officer, employee, or agent of the City’s Fire Department to the premises following the activation of a fire alarm.

“Responsible person” is defined in Section 1.16.010 of this code.

9.65.030      Violations.

- A. Each excessive false fire alarm is a violation of this chapter.
- B. Each malicious false fire alarm is a violation of this chapter.
- C. Fines for a violation of this chapter shall be established by resolution of the City Council.

9.65.040      Notice of False Fire Alarm or Malicious False Fire Alarm

- A. If the Fire Chief determines that a malicious false fire alarm has occurred, the Fire Chief may initiate an enforcement action against the responsible person in accordance with Section 1.16.010 of this code.
- B. If the Fire Chief determines that a false fire alarm has occurred, the Fire Chief shall provide a written notice to the responsible person that includes the date and time of the response and a statement that the alarm was a “false fire alarm.” The notice shall also notify the responsible person that more than two (2) false fire alarms within 180 consecutive days is a violation of this chapter and will subject the responsible person to enforcement, including fines. The notice may be left at the premises at the time of the response or provided in accordance with Section 1.24.100 of this code.
- C. A responsible person may contest the Fire Chief’s determination of a false fire alarm within thirty (30) days of receipt of the notice provided pursuant to subsection A by submitting a written request for reconsideration, along with supporting documentation, demonstrating to the reasonable satisfaction of the Fire Chief that the activation of the alarm was not a false fire alarm. The Fire Chief will make a final decision on the request for reconsideration and notify the responsible person in writing of the Fire Chief’s decision within a reasonable time of receiving the request to reconsider. The Fire Chief’s final decision under this subsection C shall be appealable only if it results in an enforcement action for an excessive false fire alarm under subsection D.
- D. If the Fire Chief determines that an excessive false fire alarm has occurred, the Fire Chief may initiate any enforcement action against the responsible person in accordance with Section 1.16.010 of this code.
- E. If the responsible person is dissatisfied with an enforcement action taken by the Fire Chief under this section, the responsible person may appeal the Fire Chief’s decision in accordance with Chapter 1.26 of this code.

# ATTACHMENT 1

**SECTION 3: Severability.** If any section, sub-section, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 4: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK OF THE CITY OF NAPA

**ATTACHMENT 1**

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 1<sup>st</sup> day of February, 2022, and had its second reading and was adopted and passed during the public meeting of the City Council on the 15th day of February, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney