

RESOLUTION NUMBER R- 311021
DATE OF FINAL PASSAGE APR 13 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REVISED BURGLARY AND PANIC ALARM SYSTEMS FEES AND AMENDING THE CITY OF SAN DIEGO RATEBOOK.

WHEREAS, the San Diego Police Department (Police Department) is granted the authority to issue permits, conduct regular inspections, and enforce regulations on a variety of businesses, occupations and activities collectively referred to as Police Regulated Businesses; and

WHEREAS, the City of San Diego (City) currently charges a fee to regulate the use and operation of burglary and panic alarm systems within the City; and

WHEREAS, the City wishes to make changes to the permit fees associated with regulation of burglary and panic alarm systems; and

WHEREAS, the City wishes to establish fines and penalty fees associated with the enforcement of burglary and panic alarm systems; and

WHEREAS, California Proposition 26, which passed in November 2010, amended articles XIII A and XIII C of the California Constitution and created a new definition of a "tax" that required two-thirds voter approval of any "tax" imposed by a local government unless the fee was a reasonable regulatory cost or a penalty or fine imposed to gain compliance of local regulations; and

WHEREAS, it is the policy of the City to establish fees to recover the costs of providing services in accordance with the City of San Diego Administrative Regulation 95.25; and

WHEREAS, Administrative Regulation 95.25 encourages transferring specific fee schedules listed in the San Diego Municipal Code (Municipal Code) and Council Resolutions to the standardized Ratebook maintained by the San Diego City Clerk; and

WHEREAS, the City has an adopted User Fee Policy dated March 10, 2009 (Council Policy 100-05); and

WHEREAS, the Police Department conducted a full evaluation of the costs and revenues associated with providing alarm system permit services; and

WHEREAS, permissible regulatory costs include issuing permits, performing investigations, inspections, audits, administrative enforcement, and adjudication; and

WHEREAS, the City charges a cost recovery regulatory fee for the issuance of alarm system permits and for the administration of the false alarm tracking and management system software; and

WHEREAS, the regulatory cost of issuing a permit is borne by the permittee and is codified in Municipal Code sections 33.0307 and 33.0308; and

WHEREAS, the City desires to have a Fee Schedule that supports compliance after the first false alarm and continues to motivate alarm users to prevent false alarms before their alarm system permit is revoked; and

WHEREAS, to gain compliance from alarm system users, the City wants to charge penalties and fines for violations of the regulations as soon as they occur; and

WHEREAS, the Police Department conducted a survey of penalty fees and fines imposed by other jurisdictions for operating an alarm system without a permit and for generating false alarms; and

WHEREAS, a penalty fee will be assessed against alarm users who fail to maintain a permit and generate a police call for service, and is codified in Municipal Code section 33.3712; and

WHEREAS, a fine will be assessed against alarm users who generate a false alarm and is codified in Municipal Code sections 33.3712 and 33.3717; NOW, THEREFORE,

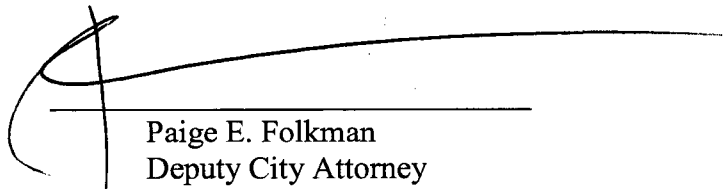
BE IT RESOLVED, by the City Council of the City of San Diego, that the fees related to alarm system permit fees, fines, and penalty fees, reflected in the summary table, as ATTACHMENT A1, are hereby approved.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to amend the fee schedule on file in the Clerk's Office to include the permit fees, fines and penalty fees as reflected in ATTACHMENT A1.

BE IT FURTHER RESOLVED, that the permit fees, fines and penalty fees as reflected in ATTACHMENT A1 are effective contingent upon Ordinance No. O- 20819 amending the Municipal Code relating to burglary and panic alarm systems becoming effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Paige E. Folkman
Deputy City Attorney

PEF:amt:ccm:jvg
March 28, 2017
Or.Dept:Police
Doc. No. 1033514_5

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting
of APR 10 2017.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 4/13/17

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Resolution for Alarm Fees
Attachment A1

Police Alarm Related Fees		
Type of Fee	Proposed	GL Name
Residential Permit	\$10.00 for 1 year	Alarm Permit Fees
Commercial Permit	\$10.00 for 1 year	Alarm Permit Fees
1st False Alarm Fine	\$100.00	1st False Alarm Fine
2nd False Alarm Fine	\$200.00	2nd False Alarm Fine
3rd False Alarm Fine	\$300.00	3rd False Alarm Fine
4th False Alarm Fine	\$400.00	4th False Alarm Fine
5th False Alarm Fine	\$500.00	5th False Alarm Fine
6th False Alarm Fine	\$500.00	6th False Alarm Fine
7th & up False Alarm Fine	\$500.00	7th & up False Alarm Fine
No Permit Penalty	\$300.00	False Alarm Penalty

Passed by the Council of The City of San Diego on APR 10 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 13 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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