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**ORDINANCE NO. 2565**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO,  
CALIFORNIA, AMENDING CHAPTER 5.41 TO TITLE 5 OF THE CHICO  
MUNICIPAL CODE RELATING TO REGULATION OF FIRE ALARM  
SYSTEMS**

**WHEREAS**, the Chico Fire Department (“Fire Department”) is entrusted with responding to emergency situations including responding to fire alarms initiated by fire alarm systems; and

**WHEREAS**, in 2016, the Fire Department estimated that it responded to over 750 false fire alarm calls, which prompted the need to regulate and hold accountable those who were responsible for generating costly and dangerous false fire response calls;

**WHEREAS**, in 2018, the City Council (“City Council”) of the City of Chico (“Chico”), approved and added Chapter 5.41 (Regulation of Fire Alarm Systems) to the Chico Municipal Code regulating fire alarm systems and users with the intent of reducing false fire alarms which constitute a hazard to the safety to first responders and the public in general because of the dangers associated with responding to false fire alarms, and because responding to false fire alarms diverts fire resources from other important Department duties;

**WHEREAS**, while Chapter 5.41. imposes a fee on false alarm users it carves out an exemption for federal, state and local agencies;

**WHEREAS**, while federal, state, and other local public agencies may enjoy certain fiscal immunities, the California Attorney General has determined (*19 Ops. Atty. Gen. 195, 198*), and case law has supported the premise that not all public agencies are immune from locally imposed fees stating that such may be charged user fees for goods and services rendered provided such user fees are charged in accordance to a fee schedule applicable to all users;

**WHEREAS**, over the past few years, the Fire Department has experienced a dramatic increase in the number of calls to facilities owned and/or operated by state agencies, which

1 although benefit from the use of the Fire Department's services, are not held accountable to the  
2 same degree as other users;

3 **WHEREAS**, repeated responses to false fire alarms by the Fire Department curtails its  
4 mission to provide the highest quality fire, rescue, emergency medical, and disaster response  
5 services to the Chico community in a caring and professional manner;

6 **WHEREAS**, repeated responses to false fire alarms by the Fire Department result in  
7 significant expenditures of time, resources, and increased costs to the public;

8 **WHEREAS**, repeated responses to false fire alarms by the Fire Department endangers  
9 the health, safety and welfare of City residents;

10 **WHEREAS**, repeated responses to false fire alarms also drain limited Fire Department  
11 resources by preventing, diverting, or delaying firefighters from serving actual public safety  
12 needs;

13 **WHEREAS**, it has become necessary and appropriate for the City to amend Chapter  
14 5.41 to seek to recover the costs of repeated responses to false fire alarms from all responsible  
15 parties, including public agencies deemed "users" of such alarms through the imposition of  
16 false fire alarm fees.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**  
18 **CITY OF CHICO:**

19 **SECTION 1.** The recitals set forth above are incorporated herein and by this reference  
20 made an operative part hereof.

21 **SECTION 2.** The Title of Chapter 5.41 of the Chico Municipal Code is hereby  
22 amended as follows (removal of language in ~~Strikethrough~~ and new language in Underline):

23 **ARTICLE I. GENERAL PROVISIONS**

24 **5.41.020 Definitions.**

25 H. "Fire alarm user" means any "person," as defined in this Chapter, in possession and control,  
26 whether as an owner, lessee or otherwise, of any building, structure or facility in which a fire  
27 alarm system has been installed and is operated. It means only the subscriber when the system  
28 is connected to a fire alarm system monitoring company. It means only the self-monitored

1 false fire alarm system user when the system is not connected to a fire alarm system monitoring  
2 company.

3 L. "Person" or "person" as used throughout this Chapter means any individual, partnership,  
4 corporation, trust, incorporated or unincorporated entity, or other entity or group of persons.

5 **SECTION 3.** The City Council finds and determines that the enactment of this  
6 Ordinance is not a project under the California Environmental Quality Act (CEQA) (Cal. Pub.  
7 Resource Code §§ 2100 et seq.) in that the activities described in the Ordinance are a  
8 continuing administrative activity of the City involving general policy and procedure making  
9 and organizational or administrative activities of governments that will not result in direct or  
10 indirect physical changes in the environment. (State CEQA Guidelines, Cal. Code of Regs.,  
11 Title 14, § 15378.) Therefore, no environmental assessment is required or necessary.

12 **SECTION 4.** If any part of this Ordinance, or its application to any individual, entity,  
13 or circumstance, is held to be invalid, the remainder of the Ordinance, including the application  
14 or provision to other persons or circumstances, shall not be affected and shall continue in full  
15 force and effect. To this end, the provisions of this Ordinance are severable.

16 **SECTION 6.** The City Clerk shall attest to the passage and adoption of this Ordinance,  
17 and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty  
18 (30) calendar days after its adoption.

19  
20 THE FOREGOING ORDINANCE was adopted by the City Council of the City of  
21 Chico at its Meeting held on June 1, 2021 by the following vote:

22  
23 AYES: Brown, Denlay, Huber, Morgan, Tandon, Reynolds, Coolidge

24 NOES: None

25 ABSENT: None

26 ABSTAINED: None

27 DISQUALIFIED: None

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ATTEST:



Deborah R. Presson  
City Clerk

APPROVED AS TO FORM:



Vincent C. Ewing  
City Attorney\*

\*Pursuant to The Charter of the City of Chico,  
Section 906(E)