



City of Coalinga

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PRESS RELEASE

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New Ordinances passed effecting Rental Properties and Burglary Alarms

ORDINANCE NO. 821

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA
ADDING CHAPTER 6 TO TITLE 4 OF THE COALINGA MUNICIPAL CODE
RELATED
TO RENTAL UNITS EVICTION PROGRAM FOR DRUG- OR GANG-
RELATED ACTIVITIES**

The City Council of the City of Coalinga does ordain as follows:

Section 1. Chapter 6 of Title 4 of Coalinga Municipal Code is added to read as follows: Title 4. Public Safety

Chapter 6. Rental Units Eviction Program for Drug- or Gang-Related Activities Sec. 4-6.100 Purpose and Intent.

The eviction program for drug- and gang-related crimes is intended to assist owners and managers of residential rental units in keeping their properties drug and crime free. This program shall pertain to those offenses specifically listed in this chapter.

Sec. 4-6.200 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means any drug, substance, or immediate precursor as listed in the California Uniform Controlled Substance Act (Health and Safety Code § 11000 et seq.). Excluded from this definition is Cannabis and any substance made legal under the Medical and Adult Cannabis Use Regulation Act.

Drug-related nuisance means any activity related to the possession, sale, use, or manufacture of a controlled substance that creates an unreasonable interference with the comfortable enjoyment of life, property, and/or safety of residents of the premises. Such activity includes but is not limited to any activity commonly associated with illegal drug dealing, such as noise, steady traffic day and night to a particular unit, barricaded units, the display or observance of weapons, drug loitering as defined in Health and Safety Code § 11532, or other drug-related occurrences when taken as a whole tend to substantially affect or interfere with any other tenant's beneficial use and enjoyment of any rented property.

Gang-related crime means any crime in which the perpetrator is a known member of a gang or any crime motivated by gang membership in which the victim or the intended victim of the crime is known to be a member of a gang.

Illegal drug activity means a violation of any provision of Health and Safety Code div. 10, ch. 6 (Health and Safety Code § 11350 et seq.) and Health and Safety Code div. 10, ch. 6.5 (Health and Safety Code § 11400 et seq.).

Landlord means any owner of record, lessor, or sublessor, including any person, who receives or is entitled to receive rent for the use of any rental unit or the agent, manager, representative or successor of any of the foregoing.

Premises means any rental unit and the land on which it and any other buildings of a complex are located and common areas, including but not limited to garage facilities,

streets, alleyways, stairwells, elevators and, as the context permits or requires, any public or private property, which is immediately adjacent to any of such areas.

Rental unit means any dwelling, including, but not limited to, any single-family residence, multifamily residence, duplex, and/or condominium, which is rented or offered for rent for residential occupancy in the city. This term also includes any mobile home, whether rent is paid for the mobile home, the land upon which the mobile home is located or both. It also means any recreational vehicle, as defined in Code of Civil Procedure § 799.24, if located in a mobile home park or recreational vehicle park, whether rent is paid for the recreation vehicle, the land upon which it is located or both.

Tenant means any tenant, subtenant, lessee, sublessee or any person entitled to use or occupancy of a rental unit or any other person residing in the rental unit.

Sec. 4-6.300 Administrative procedures.

The City Manager may promulgate such administrative procedures as may be necessary to implement this chapter.

Sec. 4-6.400 Duties of landlord.

(a) Under this chapter a landlord shall not cause or knowingly permit any premises under his control to be used or maintained for any illegal drug activity or gang-related crime or in such a manner as to constitute a drug-related nuisance.

(b) A landlord shall not cause or knowingly permit any tenant to use or occupy premises under the landlord's control, if the tenant commits, permits, maintains or is involved in any illegal drug activity, gang-related crime, or drug-related nuisance on the premises.

(c) Effective January 1, 2019 a landlord shall advise prospective tenants of this ordinance, prior to renting the property, as a condition of the property's rental agreement.

Sec. 4-6.500 Enforcement.

(a) Provided that the owner of record or agent thereof and any known manager of a premises has been served with a written notice by certified mail, return receipt requested, advising that the Chief of Police has determined that the landlord is in violation of section 4-6.400(a) and/or (b) and has failed to comply with the subsection

within 30 business days of the date of service of such notice or to file an appeal within such period as provided in this section, the city may file an action for injunctive relief or utilize any other remedy provided by the law to compel compliance, including but not limited to all remedies available to abate a nuisance. For purpose of this section, the written notice shall also identify the offending tenant(s), unit number if applicable,

the specific violation(s), and provide sufficient documentation describing facts necessary to show a violation of Coalinga City Code section 4-6.400(a) and (b), or the nuisance or illegal purpose provisions of California Code of Civil Procedure Section 1161, subchapter (4), and shall further state that the landlord is required to serve and diligently prosecute either a three-day notice to quit or a 30-day notice to vacate.

(b) No rental unit vacated pursuant to the provisions of this section may be re-rented, leased or otherwise reoccupied by the prosecuted tenant prior to the expiration of a 12-month period following the vacation of the rental unit by the tenant, nor shall the landlord rent any other rental unit located within the city to such prosecuted tenant within such 12-month period. The required notice shall also state that, within such 30-day period, the landlord may file a written appeal of the determination of violation with the City Manager, who shall cause the matter to be set for a hearing. Written notice of the date and time of such hearing shall be served by first class mail addressed to the landlord's last known business address. The city manager shall thereafter conduct an evidentiary hearing to determine whether the police chief's determination is supported by substantial evidence. Following the conclusion of the hearing, the city manager may affirm, reverse, or reverse subject to conditions of the police chief's determination of violation. The city manager's decision shall be based upon written findings and shall be final.

(c) Any individual attempting to diligently prosecute a three-day notice to quit or 30-day notice to vacate pursuant to this section may request that the chief of police produce one or more police officers or employees with personal knowledge of the matters indicated in the notice described in subchapter (b) of this section. Upon the filing of such request with the city, the chief of police shall direct the appropriate police officer or employee with such personal knowledge to appear in any legal proceedings concerning the diligent prosecution of a three-day notice to quit or 30-day notice to vacate. The failure to produce a police officer or employee with sufficient personal knowledge shall relieve the requesting individual of any obligation to prosecute a three-day notice to quit or 30-day notice to vacate which is otherwise required pursuant to this section; provided, however, that any such request must be filed with the city clerk no sooner than 72 hours prior to the time scheduled for the legal proceeding.

(d) The following definitions apply to the terms used herein:

(1) "Sufficient documentation" shall include, but is not limited to, any one or combination of the following: (i) police reports, (ii) police officer or witness affidavits, or (iii) documented observations of any witness or informant willing to testify before a court of law; provided that any such documentation is disclosable pursuant to the requirements of the California Public Records Act (Government Code §§ 6250 et. seq.).

(2) The term "diligently prosecute" means exercising a reasonable effort to legally effectuate a three -day notice to quit or a 30-day notice to vacate the rented premises. Failure to succeed in causing the premises to be vacated shall not constitute a failure to diligently prosecute, provided that the landlord exercised reasonable effort in such prosecution.

Sec. 4-6.600 Lien Authorized.

Any judgment for money given pursuant to this chapter, including permitted fees and costs, may be recorded as a lien against the subject's property in an amount not to exceed \$5,000.00. If multiple defendants exist, they shall be jointly and severally liable for any payment so ordered.

Sec. 4-6.700 Recovery of Possession by Landlord.

(a) Notwithstanding any provision of any ordinance to the contrary, a landlord may bring an action to recover possession of a rental unit upon any of the following:

(1) The tenant is committing or permitting to exist any illegal drug activity, gang-related crime, or drug-related nuisance on the premises; or

(2) The tenant has been convicted of a crime wherein the underlying offense involves illegal drug activity, any drug-related nuisance activity or a gang-related crime on the premises.

(b) Notwithstanding Government Code § 68097.2(b), a public entity may waive all or part of the costs incurred in furnishing the testimony of a peace officer in an unlawful detainer action brought by a landlord to recover possession of a rental unit pursuant to this chapter.

Sec. 4-6.800 Penalties.

It shall be unlawful for any person to violate any section or fail to comply with any of the requirements of this chapter. Any person violating any section of this chapter or failing to comply with any part of its requirements shall be punished as follows:

(1) For three or less violations occurring within any 12-consecutive-month period, a violation of this chapter shall be deemed to be an infraction.

(2) The fourth and any subsequent violations of the same section occurring within any 12-consecutive-month period shall be deemed to be a misdemeanor.

Sec. 4-6.900 Civil Remedies Available.

The violation of any of the sections of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of a restraining order, by preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

Section 2. This Ordinance shall take effect thirty days after its adoption.

Section 3. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation published and circulated in the City of Coalinga, within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the October 4, 2018 meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall become effective 30 days after its adoption.

ORDINANCE NO. 822

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA ADDING CHAPTER 7 TO TITLE 4 OF THE COALINGA MUNICIPAL CODE RELATED TO PUBLIC SAFETY ALARM SYSTEMS

The City Council of the City of Coalinga does ordain as follows:

Section 1. Chapter 7 of Title 4 of Coalinga Municipal Code is added to read as follows: Title 4. Public Safety
Chapter 7. PUBLIC SAFETY ALARM SYSTEMS ORDINANCE

Sec. 4-7.100 Purpose and Intent.

The purpose of this chapter is to set forth regulations governing burglary, robbery, disturbance, fire, and medical alarm systems within the city to reduce false alarms and to provide the authority to establish fines for false alarms.

Sec. 4-7.200 Definitions.

1. **ALARM SYSTEM:** Any equipment designed or intended to notify persons of an emergency at a particular location to which the Police Department/Fire Department is expected to respond; or for detection of an unauthorized entry or attempted entry into premises or a structure; or for alerting others to the commission of an unlawful act, or both. Alarm systems include, but are not limited to, silent alarms, audible alarms, and direct dial telephone devices. The following devices shall not constitute alarm systems within the meaning of this chapter:

(A) Alarm devices affixed to motor vehicles, trailers or trailer coaches, vessels or aircraft;

(B) Alarm devices installed on a temporary basis by the Police Department/Fire Department.

2. **ALARM USER:** Any person who owns or is entitled to the possession of any premises or structure on which an alarm system has been installed.

3. **AUDIBLE ALARM:** A device designed for the detection of an unauthorized entry on, or an attempted entry into premises or a structure; or for alerting others of the commission of an unlawful act, or any equipment designed or intended to notify persons of an emergency at a particular location to which the Police Department/Fire Department is expected to respond, and which, when activated generates an audible sound on or off the premises.

4. **AUTOMATIC DIALING SYSTEM:** Any alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.

5. DIRECT CONNECT ALARMS: An alarm system that is capable of transmitting a signal to an agency maintained by a local governmental entity, including the City of Coalinga or its police/ fire department.

6. EXCESSIVE FALSE ALARMS: Those false alarms exceeding one within a calendar year.

7. FALSE ALARM: The activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or the negligence of the owner, lesser or his or her employees or agents, which activates a response by law enforcement or other emergency response providers when an emergency condition does not exist; provided, however, alarms caused by acts of nature, bona fide power outages, or fire shall not be considered false alarms.

Sec. 4-7.300 Administrative procedures.

The City Manager, Chief of Police/ Fire Chief may promulgate such administrative procedures as may be necessary to implement this chapter.

Sec. 4-7.400 Unlawful Alarms.

(A) Excessive False Alarms: It shall be unlawful for any person to use, operate or maintain an alarm system within the city that emits excessive false alarms.

(B) Unlawful Alarms in Excess of Fifteen Minutes: It shall be unlawful for any audible alarm to not automatically cease transmission within fifteen (15) minutes of activation. Should the alarm fail to silence after twenty (20) minutes, and the Police Department/Fire Department is unable to contact the user or his representative, the Police Department/Fire Department will cause an alarm agent or company to respond and silence the alarm. All costs for silencing the alarm shall be the responsibility of the alarm user. The costs to silence the alarm shall be a charge against the alarm user and shall constitute a debt of that person and is collectible by the city in the same manner as in the case of an obligation under a contract, express or implied.

(C) Direct Dial or Connection to Police Department/Fire Department: It shall be unlawful for automatic dialing systems, direct connection alarms or other direct dial alarms to dial or connect to the Coalinga Police Department/Fire Department directly.

Sec. 4-7.500 Enforcement/Penalties.

(A) Infraction: It shall be unlawful for any person to install, use or maintain any alarm system contrary to or in violation of any of the provisions of this chapter. Any person violating the provisions of this chapter is guilty of an infraction.

(B) Violations: The occurrence of false alarms shall result in a charge or termination of the Police Department/Fire Department response service as follows: For any five (5) false alarms within any thirty (30) day period, or for any one additional false alarm within a total sixty (60) day period from the first false alarm within a total of ninety (90) days from the first false alarm, or for any ten (10) false alarms within one hundred eighty (180) day period, the following charges shall be imposed: twenty dollars (\$20.00) for the first offense; Fifty dollars (\$50.00) for the second offense; and One Hundred dollars (\$100.00) for the third and any subsequent offenses. However, notwithstanding the provision of such charges, the Chief of Police/ Fire Chief/Fire Chief may review the frequency of false alarms in any case and where excessive, or where he

determines that inadequate efforts have been made to correct a false alarm problem, he may discontinue response to such alarms by the Police Department/Fire Department after having first given notice to the alarm subscriber allowing said subscriber an opportunity to be heard prior to the termination of response by the Department. Any subscriber who is dissatisfied with the decision of the Chief of Police/ Fire Chief/Fire Chief may appeal such decision to the City Council by filing written request for a hearing within five (5) days after the Chief of Police/ Fire Chief renders his decision. In the event the Chief of Police/ Fire Chief determines that response shall be terminated such term shall become effective on the date of the notice of decision issued by the Chief of Police/ Fire Chief and shall remain effective until such time as rescinded by Chief of Police/ Fire Chief or modified or rescinded by City Council upon appeal.

(C) Exceptions: The following exceptions shall be considered in reviewing any false alarm situation.

1. A thirty (30) days adjustment period to correct mechanical problems may be allowed for any new, improved or replaced alarm system.

2. Where the false alarms in question were the result of conditions beyond the control of the user, and were not the result of negligence of himself or his employees or agents, or where such false alarms resulted from defects in the system of which the user neither had knowledge nor in the exercise of reasonable care should have had knowledge, then the Chief of Police/ Fire Chief may determine that no charge or termination shall be effected.

(D) Notice: Should any users violate these provisions; the enforcing authority shall notify the subscriber and the alarm company operator providing service or inspection to the user of such fact by mail. The enforcing authority will also notify the user of any surcharges or intent to discontinue police service.

Sec. 4-7.700 Appeals.

In order to prevent or lessen the unnecessary hardship of practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this Chapter, the subscriber or alarm company operator have the option to apply for an exemption from any provision of this Chapter to the City Council. The City Council shall exercise its powers on these matters in such a way that the public welfare is secured, and substantial justice done most nearly in accord with the intent and purpose of this Chapter.

Sec. 4-7.700 Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given without the invalid provision or application, and to this end the provisions of this Chapter are severable

Sec. 4-7.800 Alarm Requirements and Provisions.

(A) Alarm System, Automatic Dialing Devices: It shall be unlawful for any person except a public utility engaged in the business of providing communication services and facilities to use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program, or otherwise provide, or to install any alarm system that will upon activation, either mechanically, electronically, or by other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to any subscriber by a public telephone without the prior written

consent of the subscriber. In no event will an automatic dialing device terminate in a police or fire facility.

(B) Radio Transmission Alarms: A radio transmission alarm is any device or alarm when activated, sends a prerecorded message over any public safety radio frequency. Radio transmission alarms will not be allowed for use in the City.

(C) Monitoring Of Silent Alarms: Alarm companies that currently have alarms installed at the Coalinga Police Department/Fire Department will have a period of sixty (60) days effective date of this Chapter to remove and relocate these alarms.

Sec. 4-7.900 Civil Remedies Available.

The violation of any of the sections of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of a restraining order, by preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

Section 2. This ordinance shall take effect thirty days after its adoption.

Section 3. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published in a newspaper of general circulation published and circulated in the City of Coalinga, within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the September 20th, 2018 meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall become effective 30 days after its adoption.