

ORDINANCE NO. 516

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, REPEALING ORDINANCE 220, ADOPTING A NEW CHAPTER 8.05 REGULATING ALARMS, ESTABLISHING PENALTIES AND CORRECTIVE ACTION FOR FALSE ALARMS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 8.05 was adopted by the City Council in 1998; and

WHEREAS, the Washington State Auditors identified certain ambiguities in the adopted language; and

WHEREAS, it is in the best interest of the City to revise Chapter 8.05 of the Woodinville Municipal Code to facilitate the administration of the false alarms code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section I. Chapter 8.05 of the Woodinville Municipal Code is hereby repealed and a new Chapter 8.05, entitled "False Alarms", is adopted to read as follows:

Chapter 8.05

False Alarms

Sections:

8.05.010	Purpose
8.05.020	Definitions
8.05.030	Alarm users contact card registration
8.05.040	Exceptions
8.05.050	Service charge for excessive false alarms
8.05.070	Additional duties of alarm user
8.05.080	Alarm business duties
8.05.090	Non-permitted system and uses
8.05.100	Special registrations
8.05.110	Appeals — Administrative hearings
8.05.130	Severability

8.05.010 Purpose. It is the intent of this Chapter to reduce the number of false alarms occurring within the City and the resultant waste of City resources by providing for corrective administrative action, including imposition of fees.

8.05.020 Definitions. Unless the context or subject matter otherwise requires, terms defined herein shall have the following meanings when used in this chapter:

Alarm business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system or real property.

Alarm system. Any system, device or mechanism which, when activated, transmits a telephone message to a private monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device or mechanism primarily protecting a motor vehicle, or a medical alarm.

Alarm user. The person, firm, partnership, association, corporation, company, or organization of any kind to whom a contact card registration is required under this chapter.

Automatic dialing device. A device that is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Burglary alarm system. An alarm system designed or used for detection and reporting of an unauthorized entry or attempted unauthorized entry upon real property protected by the system.

Chief. Chief of Police for the City of Woodinville.

City. City of Woodinville.

Contact card registration. Registration of authorized persons designated by the alarm user to respond, access establishment and correct (reset) or shut off alarm.

Contact card registration year. January 1 to and including December 31.

Department. The King County Sheriff's Office.

False alarm. The activation of any burglary and/or robbery alarm system when no crime is being committed or attempted on the premises. An alarm shall be presumed to be false if the police officers responding do not locate any evidence of an intrusion or commission of an unlawful act or emergency on the premises which might have caused the alarm to sound, but does not include alarms caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

Interconnect. To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Panic/trouble alarm. An alarm system designed or used for alerting police of the need for immediate assistance or aid in order to avoid injury or serious bodily harm.

Premises. Any area and any portion of any area protected by an alarm system.

Response. A response occurs when the police department begins to proceed towards the premises as a result of the activation of the alarm system.

Robbery alarm system. An alarm system designed or used for alerting others of a robbery or other crime in progress which involves potential serious bodily injury or death.

Calendar year. A period of twelve months beginning January 1 and ending December 31.
Sheriff. The King County Sheriff or his/her designee.

System subscriber. Person, corporation, firm, partnership, association, company, organization or other business entity who purchased or contracted for any alarm system.

Verification. An independent method of determining that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation.

8.05.030 Alarm users contact card registration required.

1. No person shall operate or use an alarm system on any premises within the City, under that person's control, without first having obtained from the Woodinville Police Department a separate contact card registration for each premises protected by an alarm system.
2. The City's police may not respond to any alarm system for which a contact card has not first been obtained and completed.
3. For the purposes of this section, a person shall be deemed to be an operator or user of an alarm system if:
 - a. The person controls both the alarm system and the premises upon which it is installed;
 - b. The person controls the premises and is the subscriber, client or tenant of the system subscriber; or
 - c. The person is the system subscriber or alarm user.
4. Information required to be provided on the contact card registration form includes, but is not limited to:
 - a. Subscriber's and/or alarm user's name, address and telephone number(s);
 - b. Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the alarm user and said person will provide access to premise and be able to deactivate alarm, or said persons will provide information on who to contact for access;
 - c. The electrical inspection permit number;
 - d. Name of the alarm business responsible for regular maintenance and that company's electrical contractor's license number.
 - e. The information required in paragraphs (c) and (d) of this subsection shall not apply to alarms which are installed by the homeowner/tenant;
 - f. The information required in paragraph (c) of this subsection shall not apply to (a) existing alarms or (b) alarms which are installed in multiple-tenant buildings.
5. Failure to complete the required information will result in automatic denial of the contact card registration.
6. Contact card registrations shall not be transferable.
7. Completed applications for an alarm user's contact card registration shall be filed with the Woodinville Police Department.
8. Any person who owns, operates, or possesses any alarm system within the City, which does not conform to the requirements of this chapter, shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter.
9. Alarm user shall notify the Woodinville Police Department within ten days, of any change of information from that contained on the contact card.

8.05.040 Exceptions.

This Chapter shall not be construed to apply to the City, or other persons duly authorized to test or activate an alarm when such may be deemed proper by the Chief.

8.05.050 Service charges for excessive false alarms.

1. Service charges will be assessed by the City for excessive false alarms during the registration year as follows:

For Commercial Alarms,
Third, Fourth and Fifth False Alarms...

Fee Set Forth in Fee Resolution

For Residential Alarms,
Fourth and Fifth False Alarms...

Fee Set Forth in Fee Resolution

For Commercial and Residential Alarms,
Sixth and Additional False Alarms.

Fee Set Forth in Fee Resolution

2. The City shall notify the alarm user and the alarm business by regular mail of the third commercial false alarm or fourth residential false alarm, the service charge due and the consequences of the failure to pay the service charge. The City shall also inform the alarm user of the right to appeal the validity of the false alarm determination, as provided in Section 8.05.110. If the service charge has not been received in the City's office within 60 days from the day the notice of service charge was mailed by the City, and there is no appeal pending on the validity of the false alarm, the City shall send the notice of service charges by certified mail. If payment is not received within ten days of the day this notice, the City may initiate enforcement of penalties.

Section 8.05.070 Additional duties of alarm user.

1. The premises shall display a contact card registration decal at or near the main entrance, which shall be clearly visible and readable from the exterior of the premises
2. The premises shall display the street address at or near the front of the premises and at other places where access is available, such as from an alley or parking lot. The street address shall be clearly visible and readable from the exterior of the premises
3. If requested to do so by the Chief or his/her designee, the alarm user or his or her designee shall respond to a premises following activation of an alarm system for which a contact call has been issued within a reasonable time, and in any event, within one hour after said notification.

Section 8.05.080 Alarm business duties.

1. Every alarm system monitoring company engaging in business activities in the City shall:
 - a. Submit user instructions to the Woodinville Police Department.
 - b. Provide the Chief's office with information about the nature of its property alarms, burglary alarms, robbery alarms and panic alarms; its method of monitoring; its program

- for preventing false alarms, and its method of disconnecting audible alarms.
- c. Furnish the alarm user with instructions that provide information to enable the user to operate the alarm system properly and information on how to obtain service for the alarm system at any time. The alarm business shall also inform each alarm user of the requirements to obtain a contact card and where it can be obtained.
 - d. Establish a process for alarm verification. The verification process shall not take more than five minutes, calculated from the time that the alarm signal has been accepted by the alarm business monitoring the system, until a decision is made whether to call for a police dispatch. The means of verification may include one or more of the following:
 - (1) The establishment of voice communication with an authorized person at or near the premises who may indicate whether or not need for immediate police assistance or investigation exists;
 - (2) A feature that permits the alarm system user or a person authorized by the user to send a special signal to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police dispatch;
 - (3) The installation of a video system that provides the alarm system monitoring company when the signal is received with the ability to ascertain that activity is occurring which warrants immediate police assistance or investigation;
 - (4) A confirmation that a signal reflects a need for immediate police assistance or investigation either by the alarm system user, or a person at or near the premises before dispatching police; or
 - (5) An alternate system that the Chief determines has, or is likely to have, a high degree of reliability.
 - e. Coordinate with the Chief's Office or his/her designee to develop a process to cancel an alarm dispatch that is consistent with the communication center's standard operating procedures.
 - f. Provide the Chief's Office, or his/her designee, when requesting an alarm response with a subscriber's and/or alarm users name and phone number for that premise, and the police may not respond if the subscriber's information is not provided.

Section 8.05.090 Non-permitted system and uses.

1. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within 15 minutes. Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona fide emergency when the sound may assist in saving life or avoiding injury.
2. No person shall use an alarm system to protect more than one business and/or private residence without completing a separate contact card registration for each business and/or private residence to be protected.
3. No person shall operate or use any alarm system for which the contact card registration has been revoked.
4. No person shall operate or use any alarm system which automatically dials the department

or City directly and delivers a prerecorded message.

Section 8.05.100 Special registrations.

1. An alarm user required by federal or state law, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to the alarm system regulations of this Chapter, provided:
 - a. The contact card shall designate the special alarm user's status.
 - b. A special alarm user's contact card for a system that has false alarms during the calendar year shall pay the service charges set forth in the fee resolution.
2. An alarm user that is a governmental political unit shall be subject to this chapter; but shall not be subject to service charges provided herein.

Section 8.05.110 Appeals — Administrative hearing.

1. An alarm user may appeal the validity of a false alarm determination to the City's Hearing Examiner. The appeal shall be in writing and shall be requested within ten days of the notice of penalty received from the City. Failure to contest the false alarm determination in the required time period will result in a conclusive decision that the alarm was false.
2. If a hearing is timely requested, written notice of the time and place of the hearing shall be mailed to the alarm user by certified mail, or served personally on the alarm user, at least ten days prior to the date set forth in the hearing. Provided, that with respect to business premises, mailing or personal delivery to the manager or chief administrator regularly assigned or employed at the premises at the time of the occurrence of a false alarm shall be deemed to be mailing or personal delivery to the owner. The hearing shall not be more than 21 nor less than ten days after the filing of the request for hearing.
3. The alarm user and the Chief or his/her designee shall have the right to present written and oral evidence. The Hearing Examiner shall consider all of the evidence, any record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the Hearing Examiner determines that the false alarms alleged have occurred in a calendar year, the Hearing Examiner shall issue written findings pursuant to WMC 2.27.050, waiving, expunging or entering a false alarm designation on the alarm user's record. If false alarm designations are entered on the alarm user's record, the City shall pursue the collection of the service fees. If the civil penalty is not found to be proper, then the alarm user shall bear no costs.
4. If a hearing is canceled more than ten days after its request, then the amount of the service fees owing must be paid.
5. A final decision of the Hearing Examiner may be appealed in the manner set forth in WMC 2.27.040.

Section 8.05.130 Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance

should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

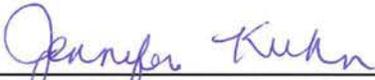
ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 4th DAY OF JANUARY 2011.

APPROVED:



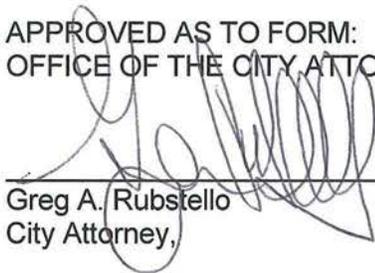
Charles E. Price, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



Greg A. Rubstello
City Attorney,

PASSED BY THE CITY COUNCIL: 1/4/2011
PUBLISHED: 1/10/2011
EFFECTIVE DATE: 1/18/2011
ORDINANCE NO. 516