AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING BY REFERENCE KING COUNTY CODE CHAPTER 12.32, RELATING TO ELECTRONIC SECURITY DEVICES

WHEREAS, the Sammamish City Council finds that an ordinance relating to alarms and security devices is in the best interest of the public health, safety, and welfare;

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

Section 1. Electronic Security Devices. Chapter 12.32 of the King County Code, Electronic Security Devices, including all future amendments thereto, is hereby adopted by reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22ND DAY OF September, 1999.

CITY OF SAMMAMISH

[Signature]

Repealed by

2002-107
ATTEST/AUTHENTICATED:

[Signature]

Ruth Muller, Interim City Clerk

Approved as to form:

[Signature]

Bruce L. Disend, City Attorney

Filed with the City Clerk: Sept. 10, 1999
Passed by the City Council: Sept. 22, 1999
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Chapter 12.32
ELECTRONIC SECURITY DEVICES

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12.32.005 Purpose. A. The purpose of this chapter is to encourage alarm users and alarm businesses to assume increased responsibility for the mechanical/electrical reliability and proper use of alarm systems and to prevent unnecessary police emergency response to false alarms, thereby to protect the emergency response capability of the county from misuse.

B. The obligation of complying with this chapter and liability for failing to do so is placed on the parties responsible for owning, operating, monitoring or maintaining alarm systems. (Ord. 13577 § 1, 1999).

12.32.010 Prohibited - Exception. The installation or use of any electric, electronic or mechanical security device which gives automatic notice to the communications center of the sheriff's office, is prohibited, except by federal, state or local government agencies acting with the permission of the sheriff. This provision specifically includes devices utilizing the public telephone system. (Ord. 13577 § 2, 1999: Ord. 1952 § 1, 1974).

12.32.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Alarm business" means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing an alarm system or causing to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved or installed an alarm system in or on any building, structure or facility.

B. "Alarm dispatch request" means a notification to the sheriff's office by an alarm business or another party that an alarm, either manual or automatic, has been activated at a particular alarm site.

C. "Alarm monitoring company" means an individual, partnership, corporation or other form of association that engages in the business of monitoring property, burglary, robbery or panic alarms and reporting activation of the alarm system to a law enforcement agency.

D. "Alarm site" means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, is a separate alarm site.
E. "Alarm system" means a system, device or mechanism that, when activated, transmits a telephone message to a private alarm monitoring company or some other number, 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, to report a crime in-progress or other crisis situation requiring a police response. "Alarm system" does not include a fire alarm system, medical alert system or an alarm installed on a motor vehicle.

F. "Alarm system user" means a person, firm, partnership, association, corporation, company or organization of any kind that uses an alarm system at its alarm site.

G. "False alarm" means the activation of any combination of burglary, robbery, panic or yard alarm when no crime is being committed or attempted on the premises. An alarm is presumed false if the sheriff's deputies responding do not locate evidence of an intrusion or commission of an unlawful act or emergency on the premises that might have caused the alarm to sound. However, "false alarm" does not include an alarm caused by extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. An alarm dispatch request that is canceled by the alarm system monitoring company or the alarm system user before arrival of the responding officer to the alarm site is not a false alarm for the purposes of fine assessment or no-response status designation.

H. "Monitoring" means the process by which an alarm business receives signals from the alarm system and relays an alarm dispatch request to the proper jurisdiction for the purpose of summoning police response to the alarm site.

I. "No response" means that sheriff’s deputies may not be dispatched to investigate a report of an automatic burglary or property alarm system activation at an alarm site that has a record of four false alarms within a continuous six-month period, if the alarm is the only basis for making the dispatch.

J. "Premises" means an area or a portion of an area protected by an alarm system.

K. "Sheriff" means the sheriff of King County.

L. "Verification" means an attempt to avoid an unnecessary alarm dispatch request by the alarm business, or its representative, by contacting the alarm site by telephonic or other electronic means, with or without actual contact with a system user or representative, before requesting a police dispatch. (Ord. 13577 § 3, 1999: Ord. 5655 § 1, 1981: Ord. 5164 § 1, 1980: Ord. 1952 (part), 1974).

12.32.030 Requirements. A. 1. An alarm system may not have an alarm signal audible on the exterior of an alarm site that sounds longer than ten minutes after being activated.

2. An alarm system may not automatically dial the sheriff’s office directly and deliver a prerecorded message unless specifically authorized by the sheriff.

B. An alarm user:

1. Shall submit a contact card to be on file in the sheriff’s office communications center, a notice of the telephone numbers at which the person or persons authorized to enter the premises can be reached to respond;

2. Shall maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms;
3. Shall make every reasonable effort to respond or cause a representative to respond to the alarm site within one hour when notified by the sheriff’s office to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and

4. May not manually activate an alarm for any reason other than an occurrence of an event for which the alarm system was intended to report.

C. An alarm monitoring company shall:
   1. Attempt to verify whether an actual crime is being committed at the alarm site and report the results of its verification attempt to the sheriff’s office;
   2. Request cancellation of an alarm dispatch request upon verifying no event has occurred that the alarm system was intended to report; and
   3. Describe in plain language, other than a zone number, the specific location on the premises of the point of entry or unauthorized access. (Ord. 13577 § 4, 1999: Ord. 5655 § 2, 1981).

12.32.040 Civil penalties for excessive or improper false alarms. For a response to premises at which no other false alarm has occurred within any consecutive six-month period, a fee may not be charged, but the person having or maintaining the burglary or robbery alarm shall within three working days notice to do so make a written report to the sheriff on forms prescribed by the sheriff setting forth the cause of the false alarm, the corrective action taken and such other information as the sheriff may require to determine the cause of the false alarm and corrective action necessary. (Ord. 13577 § 5, 1999: Ord. 12904 § 3, 1997: Ord. 5655 § 3, 1981).

12.32.050 False alarm - Civil penalty. A. Any person or business, through error, omission or mechanical/electrical failure that causes two or more false alarms in any consecutive six-month period commits an infraction punishable by a civil penalty. The penalty for the second false alarm is seventy-five dollars. The penalty for the third and successive false alarms is one hundred dollars. Any succeeding false alarms as a result of failure to take the necessary corrective action or any nonpayment of any false alarm charges, or both, may result in the sheriff ordering the disconnection of the alarm until either the corrective action is taken or any outstanding charges are paid, or both, or ordering no response to future alarms. However, a disconnection may not be ordered as to any premises required by law to have an alarm system in operation.


12.32.055 No response to excessive false alarms. A. After the third false alarm in a six-month consecutive period, the sheriff shall send a notification to the alarm user and the alarm monitoring company, if any, by regular mail, that contains the following information:
   1. That the third false alarm has occurred; and
   2. That if another false alarm occurs within the six-month period, the sheriff’s office will not respond to any subsequent alarm activations without the approval of the sheriff or a visual verification.
B. 1. After the fourth false alarm within a consecutive sixth-month period, the police may not respond to subsequent alarms without approval of the sheriff. If police response is suspended, the sheriff shall send a notification of no-response status to:
   a. The sheriff’s office communication center;
   b. The alarm user, by first class mail; and
   c. The alarm user’s alarm monitoring company, if any, by first class mail.

2. The notice must include explanation that the approval of the sheriff for reinstatement may only by obtained by applying in writing for the reinstatement. The sheriff may reinstate the alarm user upon a finding that reasonable effort has been made to correct the false alarms, including documentation from an alarm business, stating that the alarm system is operating properly and that the alarm user’s agents are properly trained in the alarm system’s operation. The county and sheriff are not responsible for costs incurred by the alarm system user to qualify for reinstatement.

C. The suspension of police response must begin twenty days after the notice of suspension or notice of no-response status was sent by first class mail to the alarm user unless a written request for an appeal hearing has been filed in the required time period under this chapter. (Ord. 13577 § 7, 1999).

12.32.060 False alarm - Responsibility - Issuance of notice of violation, collection of civil penalty. The sheriff’s office shall issue notice of infraction to a person following a violation of this chapter. The sheriff’s office shall notify the King County office of finance of the charges, fees and penalties that are to be collected. The King County office of finance shall collect charges, fees and penalties not properly canceled and discharged. (Ord. 13577 § 8, 1999; Ord. 5655 § 5, 1981; Ord. 5164 § 3, 1980; Ord. 1952 (part), 1974).

12.32.070 Right to hearing. Any person or business cited has a right to a hearing to contest the validity of either the notice of infraction or the amount of the civil penalty or both. The hearing shall be held in the division of the district court where the notice of violation was issued.

A. Such a person or business shall make a written request for a hearing on a form provided by the sheriff.

B. A request for a hearing must be filed with the district court within ten days after the date when the citation was issued.

C. The district court at least ten days after the request for a hearing shall notify the person requesting the hearing, in writing: 1. of the hearing date and time; 2. that if the person or business desires to have the officer responsible for the issuance of the civil infraction, a written request on a document provided by the district court must be returned to the district court no later than ten days before the hearing date; and 3. that in the absence of such a request, the officer's notice of violation must be received in evidence.

D. A person or business has until ten days after the date of the request for a hearing to cancel the hearing by making payment to the district court in the amount of the civil infraction. If a hearing is canceled more than ten days after its request, then a ten dollar cancellation fee must be paid to the district court in addition to the amount of the civil infraction.

E. At the hearing, the sheriff's office shall produce any relevant evidence to show that the issuance of the notice of violation was proper.

F. At the hearing, the person or business having requested the hearing may produce any relevant evidence to show that the issuance of the notice of violation was not proper.
G. At the conclusion of the hearing, the district court shall determine whether the imposition of the civil penalty was proper and provide both parties with a copy of its decision setting forth in writing the reasons for the determination reached. Should the district court determine that the amount of the penalty was not proper, then the court shall determine the proper amount and provide a copy of its decision to the person or business requesting the hearing and the sheriff's office.

H. If the civil penalty is found proper, then the civil penalty together with court costs and the expenses of the hearing shall be assessed as a civil penalty against the owner of the premises.

I. If the civil penalty is not found to be proper, then the owner of the premises shall bear no costs.

J. Nothing in this chapter shall be construed to prevent a court exercising discretion in assessing penalties, costs or arranging time payments if justice so requires. (Ord. 13577 § 9, 1999: Ord. 5655 § 6, 1981).

12.32.080 Severability. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. (Ord. 5655 § 7, 1981).