1442-ORD
12/04/14

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6214

AN ORDINANCE repealing Chapter 9.16 (False Alarms) of Title 9 (Health and Safety) of the Bellevue City Code; restating Chapter 9.16 of Title 9 (Health and Safety) of the Bellevue City Code relating to false alarms; and establishing severability and an effective date.

WHEREAS, excessive false alarms unduly burden the Bellevue Police Department's limited law enforcement resources, the purpose of this ordinance is to establish reasonable expectations of alarm users, and alarm companies, and to ensure that alarm users are held responsible for their use of alarm systems; and

WHEREAS, the Council has determined that it would be beneficial to repeal the current Chapter 9.16 (False Alarms) of Title 9 (Health and Safety) of the Bellevue City Code (Ordinance 5577, 2004 and Ordinance 2474, 1977 as previously amended by Ord. 2843, 1980; Ord. 4237,1991; Ord. 4819 § 5, 1995; Ord. 4978 § 26, 1997; and Ord. 5577, 2004) as amended and restate Chapter 9.16 of Title 9 (Health and Safety of the Bellevue City Code relating to false alarms; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.16 of Title 9 (Health and Safety) of the Bellevue City Code (Ordinance 5577, 2004 and Ordinance 2474, 1977 as previously amended by Ord. 2843, 1980; Ord. 4237, 1991; Ord. 4819 § 5, 1995; Ord. 4978 § 26, 1997; and Ord. 5577, 2004) is repealed in its entirety.

Section 2. A restated Chapter 9.16 of Title 9 (Health and Safety) of the Bellevue City Code is hereby adopted as follows:

CHAPTER 9.16
FALSE ALARMS

Sections:

9.16.010 Purpose
9.16.020 Definitions
9.16.030 Authority; Funds
9.16.040 Alarm Permit
9.16.050 Duties of the Alarm User
9.16.060 Duties of the Alarm Company
9.16.070 Violations
9.16.080 Enforcement/Penalties
9.16.090 Appeals
9.16.100 Chapter Exemption

9.16.110 Confidentiality
9.16.120 Government Immunity

9.16.010 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 to hold alarm users and alarm companies responsible for proper use of alarm systems.

9.16.020 DEFINITIONS

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

A. **Alarm Administrator:** Person or persons designated by the Police Chief to administer, control, and review false alarm reduction efforts and administer the provisions of this ordinance.
B. **Alarm Detective**: Person or persons designated by the Chief of Police to hear and decide internal reviews related to service fees, fines and registration suspensions pursuant to this chapter.
C. **Alarm Company:** Person or company, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems.
D. **Alarm Permit:** A permit issued by the City allowing the operation of an alarm system within the City.
E. **Alarm Signal:** A detectable signal, audible or visual, generated by an alarm system, to which law enforcement is requested to respond.
F. **Alarm System:** Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry, or other illegal activity requiring immediate attention, and to which law enforcement is requested to respond by an alarm company, but does not include motor vehicle or boat alarms, fire alarms, or alarms designed to elicit a medical response.
G. **Alarm User:** Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
H. **Alarm User Awareness Class:** A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.
I. **Automatic Dial Protection Device:** An automatic dialing device or an automatic telephone dialing alarm system that includes any system which, upon being activated, automatically initiates to the Bellevue Police Department a recorded message or code signal indicating a need for law enforcement response.

J. **Cancellation:** The process by which an alarm dispatch request response is terminated when the alarm company (designated by the alarm user) notifies the Bellevue Police Department that there is not an existing situation at the alarm site requiring police response. If cancellation occurs prior to police arriving at the scene, this is not a false alarm and no civil penalty will be assessed.

K. **City:** The City of Bellevue, Washington, or its agent.

L. **False alarm:**

1. A False Alarm requires the following:
   a. The activation of an alarm system through mechanical or electronic failure; malfunction; improper installation; negligence of the alarm user, his/her employees or agents that either directly or through a third party/object summons law enforcement personnel; and
   b. Upon inspection by the Bellevue Police Department, evidence indicates that no unauthorized entry, burglary, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system.
2. A False Alarm shall not include;
   a. An alarm which can reasonably be determined to have been caused or activated by conditions of nature;
   b. Other extraordinary circumstances not reasonably subject to control by the alarm user;
   c. Law enforcement response was cancelled by the user's alarm company before law enforcement personnel arrive at the alarm location; or
   d. Intentional activation of an alarm system because of the reasonable, but mistaken, belief that a crime is being or about to be committed.

M. **Hearing Examiner:** the Bellevue hearing examiner and the office thereof established pursuant to Chapter 3.68 BCC.

N. **Permit year:** A 12-month period beginning on January 1st of each year which an alarm permit is issued.

O. **Runaway alarm:** An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action or that produces three separate false alarm signals within a 24-hour period.

P. **Verify:** An attempt by the monitoring company, through telephone verification, or its representative, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. Telephone verification means, at a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Q. **Violator**: Any alarm user or alarm company that violates any provisions under this Chapter including but not limited to any alarm user on whose property a false alarm occurs.

9.16.030 AUTHORITY; FUNDS

A. Responsibility for administration of this Chapter is vested with the Chief of Police.
B. The Chief of Police shall designate an Alarm Administrator to carry out the administrative duties and functions described in this Chapter.
C. Monies generated by this Chapter shall be deposited into the appropriate City of Bellevue General Fund Account.
D. The Chief of Police has the authority to review and recommend to the City Council modifying fees set forth in this Chapter.

9.16.040 ALARM PERMIT

A. Permit required. No person shall own, lease, or operate an alarm system without first obtaining a permit for such alarm system from the City. A fee will be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the alarm user or alarm company may be required to provide the permit number to facilitate law enforcement dispatch and enforcement of this ordinance.
B. Application. The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City.
C. Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
D. Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City within 30 days of the change.
E. Multiple alarm systems. If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
F. Failure to Register/Update Information. Failure to obtain a permit under this chapter or report any updated information within 30 days of change shall result in a civil penalty.
G. Permit Fees. The fees for an alarm registration permit are as follows:
1. **Registration Fee**: $25.00.
2. **Annual Renewal Fee**: $25.00. The annual renewal fee shall be paid prior to the expiration of the current permit.
3. **Reduced Fee Rate** for Senior Citizens, 65 years of age or older, and individuals with a permanent disability (residential only): $12.00.
4. **Reduced Fee Rate Qualification**. In order to qualify for the Reduced Fee Rate for Senior Citizens, applicant must provide proof of age, be listed as the property owner or lessee, and must have the permitted alarm in their name. In order to qualify as an individual with a permanent disability the individual must provide proof of permanent disability. Proof may be in the

form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any means the Chief of Police deems an appropriate proof of permanent disability.

9.16.050 DUTIES OF THE ALARM USER

A. Comply with all sections of this chapter;
B. Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
C. Provide the alarm company the permit number, (the number should be provided to the communications center by the alarm company to facilitate dispatch);
D. Must not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report;
E. Must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence. Permits are not transferable. Must update any other changes to information on an alarm application within 30-days of the change.
F. Failure of alarm user to comply with the duties of this chapter may result in a civil penalty.

9.16.060 DUTIES OF THE ALARM COMPANY

A. Any person engaged in the alarm business in the City, shall comply with the following:
1. Obtain and maintain the required state, county and/or city license(s).
2. Provide most current name, address, and telephone number and other available information of the alarm user or a designee, who can be called in an emergency, 24 hours a day and contact a key holder or other emergency contact who will be requested to respond immediately if necessary.

B. Ninety (90) days after enactment of this Ordinance, alarm companies shall, on all new and up-graded installations, use only alarm control panels which meet current industry standards.
C. Prior to activation of the alarm system, the alarm company must provide:
1. Instructions explaining the proper operation of the alarm system to the alarm user.
2. Written information of how to obtain service from the alarm company for the alarm system.

D. An alarm company performing monitoring services shall:
1. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an

alarm signal is valid, EXCEPT in the case of a panic, silent, duress or burglary and/or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

2. Provide address and alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
3. Communicate any available information about the location of the alarm.
4. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

E. Failure of an alarm company to comply with the duties under this chapter may result in a civil penalty.

9.16.070 VIOLATIONS:

A. It shall be a violation of this Chapter for an alarm user to:

1. Have a false alarm occur on the alarm user's property;
2. Install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes;
3. Install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Bellevue Police Department;
4. Fail to obtain or renew a permit for an alarm system; or
5. Fail to comply with any other requirement of this Chapter applicable to alarm users.

B. The alarm user will be responsible for violations under this Chapter whether or not s/he or it individually caused the violation to occur.

C. It shall be a violation of this Chapter for an alarm company to violate any requirements of this Chapter applicable to said companies.

9.16.080 ENFORCEMENT/PENALTIES

A. False alarms. Civil penalties for false alarms may be assessed against an alarm user as follows:

1. First false alarm:	Alarm User Awareness Class or $100
2. Each subsequent false alarm:	$100
3. First panic/robbery/silent/ burglary/duress false alarm:	Alarm User Awareness Class or $200
4. Each subsequent panic/robbery/ silent/burglary/duress false alarm:	$200

B. Other Civil Penalty(ies). Any other violations of this chapter will be enforced through the assessment of civil penalty(ies) in the amount of $100.00 per violation.

C. Alarm User Awareness Class. The City may create and implement an Alarm User Awareness Class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false

alarms. The City may grant the option of attending a class or viewing a class on line in lieu of the first false alarm fee.

D. **Notice of Violation and Civil Penalty(ies)(Notice of Civil Penalties).** Violators of this chapter shall be notified in writing of their violation(s) and penalty. The Notice of Civil Penalty shall include the following:
   1. The name and address of the person responsible for the violation; and
   2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the alarm violation has occurred or is occurring; and
   3. A description of the violation and a reference to the provision(s) of the city regulation which has been violated; and
   4. The required penalty amount due, the manner and means of payment, and a demand that the penalty must be paid within 30 days of service of the notice after which the city may seek collection of funds (including the costs of collection) unless the violator requests an Internal Review or files an appeal; and
   5. The monetary penalty constitutes a personal obligation of the violator; and
   6. The right to ask for internal review of the Notice of Civil Penalty or request a fee waiver to the Bellevue Police Department's Alarm Detective within 15 days after the date of Notice of Civil Penalty(ies) as described in BCC 9.16.080(H); and
   7. The right to file an appeal with the Hearing Examiner within 15 days of the date of the Department Alarm Detective's written final determination of the internal review/request for fee waiver.

E. **Service of Notice**. The Notice of Civil Penalty(ies) shall be sent to the Violator's registered mailing address on the Alarm Permit. The notice shall be sent by first class mail. Alternatively, the Notice of Civil Penalty can be personally served on the Violator. Proof of Service shall be made by a written declaration under penalty of perjury executed by the person affecting the service.

F. **Discontinuance of law enforcement response**. The Chief of Police, or his/her designee may in his/her discretion discontinue police responses to alarm signals from what appears to be a runaway alarm or the failure of an alarm user to make payment of any civil penalty(ies) assessed under this ordinance as required until payment is received.

G. **Civil Non-criminal violation.** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor.

H. **Internal Review of Notice of Civil Penalties or Request for Waiver of False Alarm Fee:**
   1. If the violator believes the violation did not occur and/or where in the interest of justice imposing a fee is not appropriate, the violator may submit a written request for internal review to the Notice of Civil Penalty to the Alarm Detective within 15 days of the date of the Notice of Civil Penalty. The request shall state all reasons for disputing the Notice of Civil Penalty.
   2. The Alarm Detective shall consider the information and respond in writing to the violator within 15 days of receipt of the request stating whether the

Notice of Civil Penalty has been withdrawn or upheld and the reasons supporting the decision. If the Alarm Detective upholds the Notice of Civil Penalty, the Alarm Detective shall notify the Violator :

a. Of the right to appeal the Notice of Violation by requesting a hearing before a hearing examiner within 15 days of the date of the Alarm Detective's decision as provided in Section 7.3g;
b. That the Notice of Appeal shall explain the reasons supporting the appeal;
c. Of the obligation to pay the civil penalty within 30 days of the Alarm Detective's written decision if no appeal is filed; and
d. The address at which to file the appeal.

3. The City will send the Alarm Detective's decision to the violator at its address on file with the Alarm Administrator.

I. **Monetary Penalty**. The monetary penalty must be paid to the city in the manner designated in the notice of penalty. The city attorney or his/her designee is authorized to take appropriate action to collect the monetary penalty. The violator will be responsible for the costs of collection in addition to the monetary penalty.

9.16.090 APPEALS

A. **Procedure**: The Violator shall be notified of the date, time and place of the hearing at least 10 days from the date of the notice of appeal. The hearing examiner shall conduct a hearing on the Notice of Civil Penalty pursuant to the rules of procedure of the hearing examiner. The Chief of Police or his/her designee and the Violator to whom the Notice of Civil Penalty was directed may participate as parties in the hearing and each party may call witnesses. The City shall have the burden of proof to show by a preponderance of the evidence that there was a violation under this Chapter and that the penalty is reasonable. Copies of police reports and dispatch logs shall be admissible in such actions.

B. **Decision of Hearing Examiner**:

1. The Hearing Examiner shall affirm, vacate, or modify the City's decisions regarding the alleged violation and penalty and mail a copy of the decision to the Violator and to the Chief of Police within 10 working days of the conclusion of the hearing.
2. The Hearing Examiner shall issue an order to the Violator for the violation which contains the following information:
   a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
   b. The monetary penalty assessed based on the criteria in BCC 9.16.080; and
   c. The date and time by which the penalty shall be completed or paid and the manner and means of payment after which the City may seek collection of funds

C. **Failure to Appear**. If the Violator to whom the Notice of Civil Penalty was issued fails to appear at the scheduled hearing, the Hearing Examiner will

enter an order finding the violation as stated in the Notice of Civil Penalty, and ordering the appropriate monetary penalty as provided in BCC 9.16.080. The City will carry out the Hearing Examiner's Order and recover the monetary penalty.

D. **Appeal to Superior Court**. An appeal of the decision of the Hearing Examiner must be filed with superior court within 20 calendar days from the date the Hearing Examiner's decision was mailed to the Violator to whom the Notice of Civil Penalty was directed, or is thereafter barred.

E. **Collection of Monetary Penalty**. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed.

1. Any monetary penalty assessed must be paid to the city at the City within 30 calendar days from the date of mailing of the hearing examiner's decision or a notice from the City that penalties are due. The city attorney or his/her designee is authorized to take appropriate action to collect the monetary penalty. The violator will be responsible for the costs of collection in addition to the monetary penalty.

9.16.100 CHAPTER EXEMPTION

The Federal Government, its departments and institutions; the State of Washington, its departments or institutions; and the City of Bellevue shall be exempt from this Chapter. The Bellevue Public School District shall be exempt only from the monetary obligations under this Chapter.

9.16.110 CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no-response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City except as otherwise required by RCW 42.56.

9.16.120 GOVERNMENT IMMUNITY

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Bellevue Police Department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 3. If any word, phrase, clause, sentence, paragraph, subsection, section or other provision is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid

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provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. This Ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

Passed by the City Council this 8th day of December, 2014 and signed in authentication of its passage this 8th day of December, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Siona D. Windsor, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published December 12, 2014.