

ORDINANCE 4210

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO POLICE FALSE ALARMS; AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 21.35A.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 21.35A.020 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.020 Definitions.

For the purpose of this chapter, the following words and terms shall have the meaning ascribed to them below unless the context in which they are used clearly indicates otherwise:

(1) "Alarm business" shall mean a business operated by any individual, partnership, corporation, or other entity 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 on real property.

(2) "Alarm monitoring company" shall mean a business operated for the purpose of monitoring the electronic transmission of an alarm signal when activated.

(3) "Alarm system" shall mean any system, device, or mechanism which, when activated, transmits an electronic signal to a private monitoring company or some other telephone 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 vehicle or a medical alarm.

(4) "Alarm user" shall mean the person, firm, partnership, association, corporation, company, entity, or organization of any kind that has an alarm system installed in or on their premises.

(5) "Alarmed premises" shall mean any enclosed or open area and/or any portion of an area protected by an alarm system.

(6) "Burglary alarm system" shall mean 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.

(7) "Communication center" shall mean the Kirkland police department communication center.

(8) "Corrective action report" shall mean a report, supplied by the city of Kirkland, requesting the alarm user to detail what steps were taken to correct an improperly functioning alarm.

(9) ~~"Duress/panic alarm system" shall mean an alarm system designed or used for alerting police or medical personnel of the need~~

~~for immediate assistance or aid in order to avoid injury, personal physical harm or other crimes against a person. Duress/panic alarms are commonly secondary features of burglary alarm systems.~~

"Duress Alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

(10) "Entity" shall mean alarm user.

(11) "False alarm" shall mean the activation of any burglary, robbery, duress/panic alarm system when no crime is being committed or attempted upon a person, real, or other property or when no medical emergency exists. An alarm shall be presumed to be false if the responding police officers do not locate any evidence of an intrusion or commission of an unlawful act or emergency on the premises which might have been a legitimate cause for the alarm to activate. This does not include alarms caused by violent acts of nature or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm business.

(12) "Managing employee" shall mean the finance and administration licensing employee assigned to administer the false alarm program.

(13) "Probationary period" or "probation" shall mean a six-month period following any service suspension during which if a false alarm is received the alarm user is moved to the next service suspension level.

(14) "Robbery alarm system" shall mean 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. See "Holdup Alarm".

(15) "Service suspension" shall mean a period of time when the Kirkland police department will not respond to reports of property-related alarms.

Three separate service suspension levels exist:

(A) Level I. A ninety-day service suspension for a site not currently on probation which has experienced six or more false alarms in a twelve-month period. This is followed by a six-month probation period.

(B) Level II. A three-hundred-sixty-five-day service suspension for a site which has experienced a false alarm while on a Level I six-month probationary period. This is followed by a six-month probation period.

(C) Level III. A permanent service suspension for a site which has experienced a false alarm during the six-month Level II probationary period.

(16) "System subscriber" shall mean a person, corporation, firm, partnership, association, company, organization, or other business entity who purchased, owns, or contracts for the use of any alarm system.

(17) "Verification" shall mean an independent method of authentication, used by the alarm monitoring company to determine that a signal from an automatic alarm system reflects the true need for an immediate police response. See Enhanced Call Verification.

(18) "Dual Action Device" means a panic/holdup or duress device that requires two simultaneous actions to activate, i.e. a holdup device with buttons on each side that must be simultaneously depressed or two buttons on a keypad that must be simultaneously depressed and held for 2-3 seconds.

(19) "Enhanced Call Verification (ECV) shall mean a monitoring procedure requiring that a minimum of two calls be attempted prior to making an alarm dispatch request. Should the first call be unsuccessful, a second call will be made to a different phone number where a responsible party can typically be reached. An alarm dispatch request may be made after the second call is attempted. ECV is not required for duress, holdup or panic alarms.

(20) "Holdup Alarm" shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred and requires law enforcement response.

(21) "Panic Alarm" shall mean an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(22) "SIA CP-01 Control Panel Standard" shall mean the ANSI-American National Standard Institute approved Security Industry Association- SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.

Section 2. Section 21.35A.030 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.030 Administration.

(a) The false alarm program shall be overseen by the managing employee. Personnel and volunteers may be assigned to this program as needed and will answer to the managing employee regarding the activities associated with this program.

(b) The managing employee shall coordinate the maintenance of records and correspondence necessary to support the false alarm program.

(c) ~~The managing employee shall ensure the communication center has an accurate and current list of alarm system suspension sites at all times. This list will designate the premises name, address, and clearly note the period of service suspension and any other pertinent information as determined by the managing employee.~~ accurate, up to date access to those sites on all levels of service suspension. The communication center will be notified by the suspension icon specific

to each suspended address. In addition, the managing employee will provide, upon request, a current list designating the premise name, address, and period of service suspension.

(d) The managing employee or their supervisor and the police chief or designee are the only individuals authorized to exercise discretion in administration of any portion of this program.

Section 3. Section 21.35A.050 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.050 Registration fees.

(a) In addition to other fees set forth in this chapter, the following fees shall be assessed against the alarm user by the city:

Initial alarm registration	\$20.00 <u>\$25.00</u>
Annual renewal of alarm registration	\$20.00 <u>\$25.00</u>

(b) All fees shall be collected by the department of finance and administration licensing staff.

Section 4. Section 21.35A.060 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.060 False alarm fees.

Within a twelve-month period the following false alarm fees will be assessed:

		<u>*Applies to non registered/renewed permits only</u>
<u>First False Alarm *</u>	<u>\$50.00</u>	
Second False Alarm	\$50.00	
Third False Alarm	\$100.00	
Fourth False Alarm	\$150.00	
Fifth False Alarm	\$200.00	
<u>Sixth False Alarm</u>	<u>\$250.00</u>	
<u>Seventh False Alarm & Above</u>	<u>\$300.00</u>	

Section 5. Section 21.35A.090 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.090 Corrective action.

(a) After the first false alarm during a twelve-month period, a letter shall be mailed to the alarm user detailing the false alarm program requirements and fees. If the alarmed premise has a current alarm

permit registration, no alarm fine will be assessed. If the alarmed premise is not currently registered or renewed, an invoice for fifty dollars shall be mailed to the alarm user.

(b) After the second false alarm during a twelve-month period, a reminder letter detailing the false alarm program requirements and an invoice for fifty dollars shall be mailed to the alarm user.

(c) After the third false alarm during a twelve-month period, a corrective action report will be provided to the alarm user by the licensing staff along with an invoice for one hundred dollars. Failure by the alarm user to respond to the corrective action report within fifteen business days from the date of the postmark on the notice sent by the city will result in a service suspension until such time as the fee and corrective action report response is received. The managing employee will notify the police communications center of the service suspension and effective dates.

(d) After the fourth false alarm during a twelve-month period, a reminder letter detailing the false alarm program requirements and an invoice for one hundred fifty dollars shall be mailed to the alarm user.

(e) After the fifth false alarm during a twelve-month period, a letter along with an invoice for two hundred dollars shall be delivered by certified mail to the alarm user informing them that service suspension will occur if there is one more false alarm during the twelve-month period.

(f) Following the sixth false alarm in a twelve-month period, the managing employee or their supervisor, with the approval of the police chief or designee, will set a service suspension date. Notification of the service suspension will be sent along with an invoice for two hundred and fifty dollars.

(g) A false alarm occurring during any suspension level or probationary period will incur a fine of three hundred dollars. This includes response to false panic, duress and holdup alarms.

Section 6. Section 21.35A.140 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.140 Effect of service suspension.

(a) Suspension of response under this chapter shall apply only to burglary and property alarms and shall not apply to any holdup, robbery, panic, or duress alarms. However, all such alarms shall be counted in determining the total number of false alarms received.

(b) Those alarm systems on service suspension may request a waiver of suspension and be moved to a 6 month probation if written request and alarm company work orders are received to show that corrective measures have been taken to reduce the reoccurrence of the type of false alarms which resulted in the suspension:

<u>Holdup/Panic Alarms:</u>	<u>Installation of dual action devices</u>
<u>Entry/Exit errors:</u>	<u>Upgrade control panel to SIA CP-01 Control Panel Standard</u>

(c) If the alarm user remains false alarm free during the probationary period, they will be returned to full response status. Should a false alarm occur during this probationary period, the alarm user will be moved back to the original suspension status followed by a new 6 month probationary period.

Section 7. Section 21.35A.150 of the Kirkland Municipal Code is hereby amended to read as follows:

21.35A.150 Verification required, Enhanced call verification required.

~~No alarm monitoring company or business shall contact the licensing staff or the police communications center to report an alarm activation unless a verification procedure has been utilized by said company to ascertain whether the activation is a false alarm. Verification shall not be required on robbery, duress, or panic alarm activations.~~

(a) No alarm monitoring company or alarm business shall contact the police communications center to report an alarm activation unless Enhanced Call Verification (ECV) procedures have been utilized by said company to ascertain whether the activation is a false alarm. ECV shall not be required for robbery, holdup, duress or panic alarm activations. The alarm monitoring company or alarm business must indicate that the ECV was followed prior to requesting dispatch from the police communication center.

(b) At a minimum, the enhanced call verification procedure shall consist of:

(1) Attempt by the alarm business or alarm monitoring company to call the alarm site or a responsible party to determine if the alarm was accidentally activated by an authorized occupant of the building;

~~(2) Calling an emergency contact to determine if there should be an individual at the premises at the time the alarm was activated; or~~ In the event a call to the protected premise or primary responsible party is unsuccessful, a second call will be attempted to a responsible party to determine if there should be an individual at the premise at the time the alarm was activated: or

(3) Audibly or visually monitor the premise utilizing electronic means followed by a call to a responsible party to determine if there should be an individual at the alarmed premise at the time the audible or visual signal is received.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary

form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of October, 2009.

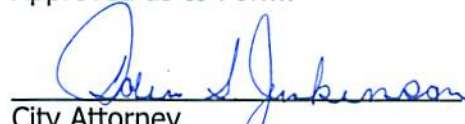
Signed in authentication thereof this 20th day of October, 2009.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4210

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO POLICE FALSE ALARMS; AND AMENDING KIRKLAND MUNICIPAL CODE CHAPTER 21.35A.

SECTION 1. Adds definitions for "Dual Action Device"; "Enhanced Call Verification" (EDV); "Holdup Alarm"; "Panic Alarm" and "SIA CP-01 Control Panel Standard and amends the definitions of "Duress Alarm"; "Robbery alarm system" and "Verification."

SECTION 2. Amends the KMC Chapter 21.35A.030 related to Administration and updating data provided to the Communication Center.

SECTION 3. Amends KMC Chapter 21.35A.050 related to registration fees.

SECTION 4. Amends KMC Chapter 21.35A.060 related to false alarm fees.

SECTION 5. Amends KMC Chapter 21.35A.090 related to corrective action, invoice fees and fines.

SECTION 6. Amends KMC Chapter 21.35A.140 related to effect of service suspension.

SECTION 7. Amends KMC Chapter 21.35A.150 related to enhanced call verification required.

SECTION 8. Provides a severability clause for the ordinance.

SECTION 9. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 20th day of October, 2009.

I certify that the foregoing is a summary of Ordinance 4210 approved by the Kirkland City Council for summary publication.



City Clerk