

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ALARMS. J

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Chapter 21.35A of the Kirkland Municipal Code is hereby amended by the addition of new sections to read as follows:

21.35A.030 False Alarms--corrective action. It is the intent of Sections 21.35A.030 through 21.35A.080 to reduce the number of false alarms occurring within the city and to encourage the proper operation and maintenance of burglary and/or robbery alarms. These sections provide for corrective administrative action, including fees and potential disconnection for repeated false alarms.

21.35A.040 Definitions. The following, as used in this chapter shall be defined as set forth in this section:

(1) "Person" includes any natural person, partnership, joint stock company, unincorporated association or society, or a corporation of any character whatsoever.

(2) "False alarm" includes the activation of a burglary and/or robbery alarm by other than a forced entry, attempted forced entry, unlawful entry, or actual robbery or attempted robbery on the premises and at a time when no robbery, burglary, or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises.

21.35A.050 Emergency contact card. It is unlawful to have or maintain on any premises a burglary and/or robbery alarm unless there is:

1. on file with the police department an emergency contact card containing the name and phone number of person(s) authorized to enter such premises and turn off any alarm; and
2. for business premises, a list of phone number(s) of person(s) authorized to enter such premises to turn off any alarm posted prominently at the front entrance of the premises. This requirement is in addition to the card required in subsection (1) above.

Any alarm audible upon abutting property for a period in excess of one hour is declared to be a public nuisance and may be summarily abated by the police department.

21.35A.060 False alarm--Unlawful. It is unlawful for anyone to activate any robbery or burglary alarm for the purpose of summoning police except in the event of an actual or attempted burglary or robbery, or for anyone notifying the police of an activated alarm, and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system, to fail at the same time to notify the police of such apparent malfunction.

21.35A.070 False alarm--Fees. For police response to any false alarm, the city may charge and collect, from the person having or maintaining such burglary and/or robbery alarm on premises owned or occupied by him, fees as follows:

(1) For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the owner or occupant of the premises on which the false alarm occurred and upon which the burglary and/or robbery alarm is located.

(2) For a second response to premises within six months after the first response, a fee of twenty-five dollars may be charged. The person having or maintaining such burglary and/or robbery alarm shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the chief of police may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary. The chief of police shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action, and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on the premises.

(3) For such a third response to premises within six months after such a second response and for all succeeding responses within six months of the last response, a fee of fifty dollars may be charged, and if such third false alarm or any such succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed, the chief of police may order the person having or maintaining the burglary and/or robbery alarm to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the police department; provided, that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

(4) The chief of police is authorized to adopt reasonable rules and regulations for administration of the provisions of this chapter.

21.35A.080 Administrative decisions--Notice. Notice of imposition of any administrative decision or sanction, including without limitation the imposition of a fee or order of disconnection, under the provisions of this chapter shall be given to the person having or maintaining a burglary and/or robbery alarm on premises owned or occupied by him; provided, that with respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be the person having or maintaining the alarm on the business premises and to whom notice shall be given.

Section 2. Severability. 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 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of April, 1985.

Signed in authentication thereof this 15th day of April, 1985.

Doris Cooper
MAYOR

ATTEST:

Tam J. Aderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

[Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 17th day of April, 1985 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Tam J. Aderson
Clerk