

ORDINANCE NO. 4042

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FALSE ALARMS, REPEALING AND RE-ENACTING CHAPTER 21.35A THE KIRKLAND MUNICIPAL CODE, ESTABLISHING STANDARDS FOR ALARM USERS, INCLUDING REGISTRATION, FEES, PROBATIONARY PERIODS, AND SUSPENSION OF POLICE RESPONSE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, many businesses and residents within the City have central station monitored alarm systems installed on real property under their control; and

WHEREAS, such alarms are designed to notify police and emergency medical service providers of situations involving threats to personal safety such as burglary, robbery, and medical emergencies; and

WHEREAS, when such alarms are activated, the central station monitoring service contacts the Kirkland Police Communications Center, resulting in the dispatch of Kirkland Police officers or other emergency personnel; and

WHEREAS, the Communications Center received approximately 2,600 alarm-related calls for the 2005 calendar year with over 99% being confirmed false alarms; and

WHEREAS, Kirkland Police Department and Fire Department responses to such false alarms consume a significant amount of Department resources and diverts police officers and other emergency personnel from other important and essential duties; and

WHEREAS, Chapter 21.35A of the Kirkland Municipal Code presently contains provisions related to false alarms, including registration and false alarm fees; and

WHEREAS, existing City standards are dated and have not proven effective at reducing the rate of false alarm calls within the City; and

WHEREAS, other cities in the Puget Sound region have developed false alarm policies which include suspension or termination of police response to premises which have repeated false alarm calls and found that such policies can result in significant reductions in false alarm reports; and

WHEREAS, the City Council finds that adoption of similar policies within the City is likely to reduce false alarm calls within the City, conserve limited police resources, and otherwise be in the public interest;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Chapter 21.35A of the Kirkland Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 21.35A
POLICE FALSE ALARMS

21.35A.010 Purpose.

It is the intent of this chapter to reduce the number of false alarms occurring within the city and recover city expenses associated with police responses to false alarms.

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 Premise" 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 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.

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.

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 90-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 365 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.

21.35A.030 Administration.

1. 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.

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

3. 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 premise name, address, and clearly note the period of service suspension and any other pertinent information as determined by the managing employee.

4. 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.

21.35A.040 Registration required.

1. After July 1, 2006, no person or entity shall operate or use an alarm system on any premises within the City of Kirkland, without first having obtained an alarm permit from the City of Kirkland licensing staff. A separate alarm permit shall be required for each premise protected by an alarm system.

2. The Police Department may not respond to an alarm system for which a permit has not been obtained.

3. For the purposes of this section, a person or entity shall be deemed to be an operator or user of an alarm system if:

A. The person or entity controls both the alarm system and the premises upon which it is installed;

B. The person or entity controls the premises and is the subscriber, client or tenant of the alarm system provider; or

C. The person or entity is the system subscriber or alarm user.

4. All persons required to obtain a permit must complete an application on a form approved by the licensing staff and pay the fee as determined by this Ordinance. All alarm systems require an annual renewal of registration and payment of associated fees. All applications shall include the following information and such other information as may be prescribed by the licensing staff:

A. The system subscriber and/or alarm user's name, addresses and telephone number(s);

B. Names and telephone number(s) of three additional persons designated to respond in the event of alarm activation in the absence of the system subscriber or alarm user. Said persons must be capable of providing access to the premises and be able to deactivate the alarm;

C. The electrical inspection permit number for the alarm system;

D. The name of the alarm business responsible for regular alarm system maintenance and the company's electrical contractor's license number;

E. The information required in paragraph C of this subsection shall not apply to existing alarms or alarms that are installed in multiple-tenant buildings.

5. Failure to provide all required information will result in automatic denial of the permit and may result in no police response to alarm activations at the alarmed premise.

21.35A.050 Registration fees.

1. 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
Annual renewal of alarm registration	\$20.00

2. All fees shall be collected by the Department of Finance and Administration licensing staff.

21.35A.060 False Alarm Fees.

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

Second False Alarm	\$50
Third False Alarm	\$100
Fourth False Alarm	\$150
Fifth False Alarm	\$200

21.35A.070 Fees - Exemptions.

The following persons shall be exempt from fees imposed under KMC Sections 21.35A.050 and 21.35A.060:

Persons over the age of 62 that reside within alarmed premises where no business activities are conducted are exempt from the fees imposed by this chapter.

21.35A.080 Failure to Pay Fees.

Failure by any person, firm, partnership, association, corporation, company or organization to pay any fees imposed under this chapter shall result in a service suspension until the fee is paid. Payment must be made to the City of Kirkland licensing staff within 15 business days of the postmark date of the notice to pay that was mailed by the City. All such notices shall state that failure to pay the fee will result in service suspension.

21.35A.090 Corrective Action.

1. 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.

2. After the second false alarm during a twelve month period a reminder letter detailing the false alarm program requirements and an invoice for \$50 shall be mailed to the alarm user.

3. 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 \$100. Failure by the alarm user to respond to the Corrective Action Report within 15 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.

4. After the fourth false alarm during a twelve month period a reminder letter detailing the false alarm program requirements and an invoice for \$150 shall be mailed to the alarm user.

5. After the fifth false alarm during a twelve month period, a letter along with an invoice for \$200 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.

6. 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.

21.35A.100 Service Suspension - Level I.

The following provisions and procedures shall apply to Level I Service Suspensions:

1. Except as otherwise provided in this chapter, the Police Department will not respond to an alarm activation during the ninety-day period beginning from the first date of service suspension.

2. The alarm user shall be provided written notice by certified mail of the service suspension date prior to implementation of said suspension.

3. The alarm user will be provided a blank Corrective Action Report prior to the expiration of the service suspension period. Failure by the alarm user to respond to the Corrective Action Report prior to the expiration of the suspension period will result in continued service suspension until such time as the Corrective Action Report is received by the licensing staff. The alarm user shall be notified of the consequences of failing to submit the Corrective Action Report at the time the alarm user is provided the Corrective Action Report.

4. If the Corrective Action Report has not been received by the licensing staff prior to the expiration of the ninety-day service suspension the managing employee will contact the alarm user to determine the status of the report and advise them that service will not be restored until the report is received.

5. Upon the expiration of the ninety-day service suspension, the alarm user will be placed on a six month probationary period.

21.35A.110 Service Suspension - Level II.

The following provisions and procedures shall apply to Level II Service Suspensions:

1. Except as otherwise provided in this chapter, the Police Department will not respond to an alarm activation during the 365-day period beginning from the first date of service suspension.

2. After the first false alarm while on Level I probation, the managing employee or their supervisor with the approval of the Police Chief or designee will set a 365-day service suspension.

3. The alarm user shall be provided written notice by certified mail of the service suspension date prior to implementation of said suspension.

4. The alarm user will be provided a blank Corrective Action Report prior to the expiration of the service suspension period. Failure by the alarm user to respond to the Corrective Action Report prior to expiration of the suspension period will result in continued service suspension until such time as the Corrective Action Report is received by the licensing staff. The alarm user shall be notified of the consequences of failing to submit the Corrective Action Report at the time the alarm user is provided the Corrective Action Report.

5. Prior to the expiration of the 365-day service suspension period, the managing employee will verify whether a completed Corrective Action Report has been submitted by the alarm user. If not, the managing employee will contact the alarm user to determine the status of the report.

6. Upon the expiration of the 365-day service suspension period, the alarm user will be placed on a six-month probationary period.

21.35A.120 Service Suspension - Level III.

The following provisions and procedures shall apply to Level III Service Suspensions:

1. Except as otherwise provided in this chapter, the Police Department will not respond to an alarm activation from the first date the permanent service suspension goes into effect.

2. After the first false alarm while on Level II probation, the managing employee or their supervisor with the approval of the Police Chief or designee will set a permanent service suspension date.

3. The alarm user shall be provided written notice by certified mail of the permanent service suspension date prior to implementation of said suspension.

21.35A.130 Exemptions.

The managing employee may, in his or her discretion, not include false alarm activations generated by a newly installed and registered alarm system during the first five business days immediately following the initial installation thereof.

21.35A.140 Effect of Service Suspension.

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

21.35A.150 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.

At a minimum, the verification procedure shall consist of:

1. Attempt by the alarm business or alarm monitoring company to call the alarm site 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 premise at the time the alarm was activated; or

3. Audibly or visually monitor the premise utilizing electronic means.

21.35A.160 Administrative Appeals.

1. An alarm user may appeal the validity of a false alarm determination to the City Hearing Examiner. The request for an appeal must be in writing and

filed with the City Clerk within 15 business days of the postmark on the notice that was sent by the City. Failure to contest the false alarm determination in the required time period shall result in a presumption that the alarm was false.

2. Failure to appear at the hearing set in response to an appeal will result in the appellant being responsible for all costs incurred.

3. The appeal hearing shall be before the hearing examiner and a written transcript or tape recording of the proceedings shall be kept. The alarm user and the City shall have the right to present written and oral evidence and call witnesses. If the hearing examiner determines that the activation was a valid alarm, the hearing examiner shall order the false alarm designation removed from the alarm user's record. If the false alarm designation is determined to be valid, the designation shall be entered upon the alarm user's record and the licensing staff shall pursue collection of any penalties or fees. In either case, the hearing examiner shall enter written findings setting forth the basis for his or her decision.

21.35A.170 Change of Alarm Business.

If an alarm user changes the alarm business or alarm monitoring company in an effort to remedy false alarms or a service suspension, all response services by the Police Department will be reinstated when all fees have been paid and the alarm user has re-registered with the City.

21.35A.180 Prohibited Acts.

No person or entity shall:

1. Operate or use an alarm system, which emits an audible sound where such emission does not automatically cease within fifteen minutes. Any alarm system which does not meet the requirements of this subsection or which, because of repeated audible activations, significantly disturbs the peace of the neighborhood, shall be deemed to be a nuisance. In those incidents when the alarm is declared a nuisance, and no other alternatives exist, the Police Department may disable the alarm without prior notice.

2. Use an alarm system to protect more than one licensed business or private residence without receiving a separate alarm permit for such business or private residence.

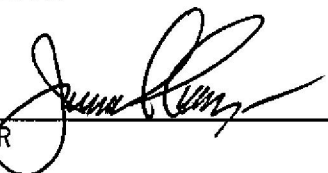
3. Operate or use any alarm system for which the registration or service response has been suspended.

4. Operate or use any alarm system that automatically dials the Police Department directly and delivers a pre-recorded message. The Police Department may not respond to an alarm of this type.

Section 2. 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 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.

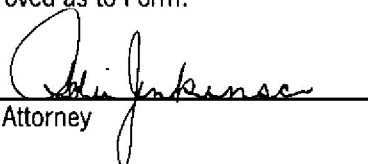
Passed by majority vote of the Kirkland City Council in open meeting this 7th day of March, 2006.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

Ord\False Alarm Ordinance

PUBLICATION SUMMARY
OF ORDINANCE NO. 4042

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FALSE ALARMS, REPEALING AND RE-ENACTING CHAPTER 21.35A THE KIRKLAND MUNICIPAL CODE, ESTABLISHING STANDARDS FOR ALARM USERS, INCLUDING REGISTRATION, FEES, PROBATIONARY PERIODS, AND SUSPENSION OF POLICE RESPONSE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.


SECTION 1. Establishes standards for alarm users, including registration, fees, probationary periods, and suspension of police response.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. 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 7th day of March, 2006.

I certify that the foregoing is a summary of Ordinance 4042 approved by the Kirkland City Council for summary publication.



City Clerk

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