

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 612 Regulating False Fire Alarms under Chapter 9.20 of the Shoreline Municipal Code and Changing the Penalty for False Alarms from Civil Infraction to Civil Penalty		
DEPARTMENT:	Planning and Community Development City Attorney's Office		
PRESENTED BY:	C. Ray Allshouse, Building Official Flannary P. Collins, Assistant City Attorney		
ACTION:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

The City currently regulates false alarms for electronic security devices (defined as burglary, robbery, panic or yard alarms) in Chapter 9.20 of the Shoreline Municipal Code. The chapter specifically excludes false fire alarms. The Shoreline Fire Department has requested that the City adopt a similar regulation for false fire alarms in order to reduce the burden placed on the Fire Department for unnecessary fire response. This is reflected in Ordinance No. 612 (Attachment A).

Chapter 9.20 currently combines the civil infraction and civil penalty process. Ordinance No. 612 is also intended to clarify that violations of the chapter are civil penalties (which are assessed and collected by the City directly) and not civil infractions (which are collected through the courts).

BACKGROUND:

The current chapter 9.20 of the Shoreline Municipal Code makes it a civil penalty to have two or more false alarms of electronic security devices in a six month period. A \$50 penalty applies for the second false alarm within a six month period; for third and any successive false alarms in a six month period, a \$75 penalty applies. After a third false alarm in a six month period, the current code does allow the police to notify the building owner that they will not respond to subsequent alarms. The police have not utilized this code section and still respond even if the building has had three previous false alarms in a six month period. The intent of Chapter 9.20 is to encourage alarm users and alarm companies to assume responsibility for the reliability and proper use of the alarms, thereby preventing unnecessary police response and burden on police services. The Police Department issues the false alarm invoices and, if it is not paid, the City sends follow-up collection letters. Payments are made to the City and are put

into the General Fund under Police Patrol – Fines/Penalties. The proposed ordinance does not propose a change for the penalty amount or process for these false alarms.

The purpose of this ordinance is to make false fire alarms a violation of the code. The Fire Department has indicated they are experiencing a burden on fire services by responding to false fire alarms; many of these responses are to the same property (and same alarm) in successive months, weeks or even days. The Fire Department responded to 105 false fire alarms from December 4, 2009 to November 27, 2010, of which 33 percent were the second or third false alarm in a consecutive six-month period. The Fire Department has requested the City add fire alarms to Chapter 9.20 and treat fire alarms the same as security alarms. This adoption would give the Fire Department the tool it needs to assess penalties for false fire alarms. The City would not be collecting this penalty for the Fire Department. Note that the “no response” after a third false alarm is not an option for the Fire Department.

Also, the current code mixes civil infraction and civil penalty language and procedure. The proposed changes do not alter the penalty amounts but rather clarify that the penalty is a “civil penalty,” which is collected through the City (or for the Fire Department, through the Department), not a “civil infraction,” which is collected through the courts.

A Council study session was held on September 19, 2011, to discuss the proposed ordinance. Fire response protocol was explained in detail. As a result, staff made minor edits to Ordinance No. 612 to better reflect the stated intent of this legislation.

RESOURCE/FINANCIAL IMPACT:

In 2009, the City collected \$7,000 in penalties for false alarms associated with electronic security devices. For 2010, the City of Shoreline collected \$5,625 in penalties for false alarms for electronic security devices.

The City is not proposing to collect the false fire alarm fee for the Fire Department. Rather, the Fire Department would collect these fees directly so this would have no financial impact on the City.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 612, amending Chapter 9.20 of the Shoreline Municipal Code.

Approved By: City Manager _____ City Attorney 

ATTACHMENT:

Attachment A - Ordinance No. 612

ORDINANCE NO. 612

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CHAPTER 9.20 OF THE SHORELINE MUNICIPAL CODE
TO INCLUDE REGULATION OF FALSE FIRE ALARMS AND
CLARIFYING THE PENALTY FOR EXCESSIVE FALSE ALARMS**

WHEREAS, Chapter 9.20 of the Shoreline Municipal Code regulates electronic security devices, making it a civil infraction to cause two or more false alarms in any consecutive six-month periods; and

WHEREAS, the Shoreline Fire Department has requested a similar regulation of false fire alarms to prevent unnecessary fire response; and

WHEREAS, Chapter 9.20 currently combines the civil infraction and civil penalty process; and

WHEREAS, a civil penalty is a more appropriate penalty tool for false alarms;

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

Section 1. Amendment. Chapter 9.20 SMC is amended to read as follows:

**Chapter 9.20
ELECTRONIC SECURITY DEVICES AND FIRE ALARMS**

Sections:

- 9.20.005 Purpose.
- 9.20.010 Prohibited - Exception.
- 9.20.020 False alarm - Definition.
- 9.20.030 Requirements.
- 9.20.040 ~~Civil penalties for~~ Excessive or improper false alarms - Penalties.
- 9.20.050 ~~False alarm - Civil penalty.~~
- 9.20.050~~5~~ No response to excessive false alarms.
- 9.20.055~~60~~ False alarm - Responsibility - Issuance of notice of violation,
collection of civil penalty.
- 9.20.06~~70~~ Right to hearing.

9.20.005 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 and fire emergency response to false alarms, thereby to protect the emergency response capability of the city 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.

9.20.010 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 or fire department, is prohibited, except by federal, state or local government agencies acting with the permission of the police or fire chief. This provision specifically includes devices utilizing the public telephone system.

9.20.020 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 Shoreline police or fire department 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 multi-tenant 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 or fire 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 police officers 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 or if the responding fire officials do not locate any risk from fire, heat, water or smoke. 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 or official to the alarm site is not a false alarm for the purposes of ~~fine~~ penalty 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 or fire response to the alarm site.

I. "No response" means that police officers 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 or fire dispatch.

9.20.030 Requirements.

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

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

B. An alarm user:

1. Shall submit an emergency response contact card to be on file with the Shoreline police department in the sheriff's office communications center, via the Shoreline Police, and/or the Shoreline fire department providing 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 police or fire department 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 Shoreline police department or whether an actual fire is occurring at the alarm site and report the results of its verification attempt to Shoreline Fire Department;

2. Request cancellation of an alarm dispatch request upon verifying no event has occurred that the alarm system was intended to report; and

3. If applicable, ~~Describe~~ describe in plain language, other than a zone number, the specific location on the premises of the point of entry or unauthorized access.

9.20.040 Civil penalties for excessive or improper false alarms - Penalties.

A. For a response to premises at which no other false alarm has occurred within any consecutive six-month period, no fee shall be charged.

9.20.050 False alarm—Civil penalty. A.

B. 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 a civil infraction punishable by a maximum penalty and default amount~~ shall be assessed a civil penalty of fifty dollars, ~~not including statutory assessments~~. The penalty and default amount for the third and any successive false alarms in a six-month period is seventy-five dollars, ~~not including statutory assessments~~. 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 chief of police 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.

~~B. C.~~ Any alarm system business or monitoring company, through error, omission or mechanical/electrical failure, that violates Shoreline Municipal Code 9.20.030 ~~commits~~ shall be assessed a civil penalty ~~infraction punishable by a civil penalty and default amount of one hundred dollars, not including statutory assessments.~~

9.20.0505 No response to excessive false alarms.

A. After the third false alarm in a six-month consecutive period, the police chief 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 police will not respond to any subsequent alarm activations without the approval of the police chief or a visual verification.
3. Prior to placing an alarmed premises or a no-response status, a Shoreline police officer will contact the owner/user to provide training and/or alarm inspection. The owner/user shall provide written verification that corrective action was taken to prevent further false alarms to the police chief within ten working days of the fourth false alarm.

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 police chief. If police response is suspended, the Shoreline police 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 police chief for reinstatement may only be obtained by applying in writing for the reinstatement. The police chief 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 city and police chief 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.

~~9.20.060 False alarm—Responsibility—Issuance of notice of violation, filing, hearing penalty.~~ The Police Department shall issue notice of infraction to a person following a violation of this chapter. The infraction shall be filed with the Shoreline Municipal Court for hearing pursuant to Chapter 7.80 RCW.

Section 2. Publication, Effective Date. This ordinance shall go into effect five days after passage and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON OCTOBER 10, 2011.

Keith McGlashan, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

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