

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending chapter 9.16 sections .020 (Definitions) and .040 (Alarm Permit) of Title 9 (Health and Safety) of the Bellevue City Code (Ordinance 6214) relating to false alarms.

WHEREAS, in 2014 the Council adopted Ordinance No. 6214 repealing the prior false alarm ordinance and enacting a new program to address repeated false alarms and their impact on limited police resources, establishing expectations and holding registered alarm users and companies accountable for repeated violations; and

WHEREAS, not all false alarm calls originate from registered alarm systems and alarm companies; and

WHEREAS, it is equitable to require all alarm users to register and bear the costs of repeated false alarms in order to preserve limited police resources; and

WHEREAS, the Council has determined that it would be beneficial to amend the current Chapter 9.16 (False Alarms) of Title 9 (Health and Safety) of the Bellevue City Code (Ordinance 6214, 2014); now therefore,

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

Section 1. BCC 9.16.020 and Ord. 6214 § 2, 2014, are each reenacted and amended to read as follows:

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.~~

~~N. **Q. 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.~~

~~O. **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.~~

~~P. **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.~~

Section 2. BCC 9.16.040 and Ord. 6214 § 2, 2014, are each reenacted and amended to read as follows:

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.~~

2. ~~3.~~ **Reduced Fee Rate** for Senior Citizens, 65 years of age or older, and individuals with a permanent disability (residential only): \$12.00.
3. ~~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.

Section 3. BCC 9.16.070 and Ord. 6214 § 2, 2014, are each reenacted and amended to read as follows:

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
 - 4. ~~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.

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

Passed by the City Council this _____ day of _____, 2016
and signed in authentication of its passage this _____ day of _____,
2016.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Cheryl Zakrzewski, Assistant City Attorney

Attest:

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6/2/2016

Kyle Stannert, City Clerk

Published _____