

ORDINANCE NO. 1379

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON
ADDING A NEW SECTION 5.08.065, REPEALING CHAPTER 48.48, AND ADDING A
NEW CHAPTER 48.48 TO THE BONNEY LAKE MUNICIPAL CODE,
RELATING TO FALSE ALARMS.

WHEREAS, the City's "False Alarm Ordinance" is in need of update to clarify provisions, aid in enforcement, and facilitate a contract with a private provider of alarm administration services.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

Section 1. A new Section 5.08.065 shall be added to the Bonney Lake Municipal Code to read as follows:

BLMC § 5.08.065 – Alarm Business License Endorsement

- A. For purposes of this Section, "alarm business" means any business engaged in the selling, leasing, installing or responding to security alarms, as defined in BLMC Chapter 8.48. Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization.
- B. All alarm businesses engaged in the business of selling, leasing, installing, responding to, or monitoring security alarms to individuals and businesses within the City of Bonney Lake shall obtain an Alarm Business License Endorsement from the City, regardless of whether they are otherwise required to have a City business license.
- C. Alarm businesses must complete the license endorsement application form available from the City's finance department and pay an annual license fee of ten dollars (\$10.00) for every alarm site within the City of Bonney Lake, up to a maximum of one hundred dollars (\$100.00). Failure to pay the annual license fee within thirty days of notification shall result in a twenty-five dollar (\$25.00) late fee. Upon applying for a license endorsement, and prior to each annual renewal, the alarm business shall provide the City with a list of current customers owning or operating alarm systems within the city limits.
- D. No alarm business shall presume, anticipate, or expect that emergency response will result solely from the activation of any security alarm system sold, leased, installed, or monitored by an alarm business that lacks an endorsement from the City.

- E. Alarm businesses shall not market, sell, install, or monitor alarm systems that fail to comply with all requirements of Chapter 8.48 BLMC.
- F. Alarm businesses shall cooperate fully with the Alarm Administrator in enforcing the provisions of the City's False Alarm Ordinance, Chapter 8.48 BLMC. Cooperation shall include, but not be limited to, answering the Alarm Administrator's requests for customer lists, alarm call data, the identity of each alarm business's Alarm Response Manager, and other information in a prompt manner; facilitating the Alarm Administrator's efforts to issue permits to alarm systems in existence prior to the effective date of this Ordinance; and notifying the Alarm Administrator of new and disconnected accounts.
- G. Failure to cooperate with the Alarm Administrator may constitute grounds for penalties under BLMC § 5.08.220, and/or revocation of the alarm business's endorsement, subject to the appeal provisions of BLMC § 5.08.210. Alarm businesses shall cooperate fully with requests made by the Police Department or Citycom dispatcher as to the method of communicating dispatch requests, including use of Enhanced Call Verification (a minimum of two telephone calls attempting to reach a responsible party prior to notification of a CityCom dispatcher). Failure to cooperate fully may constitute grounds for penalties under BLMC § 5.08.220, and/or revocation of the alarm business's endorsement, subject to the appeal provisions of BLMC § 5.08.210.

Section 2. Bonney Lake Municipal Code Chapter 8.48 is hereby repealed in its entirety.

Section 3. A new Chapter 8.48 is hereby added to the Bonney Lake Municipal Code to read as follows:

Chapter 8.48 - False Alarms

- 8.48.010** Purpose.
- 8.48.020** Definitions.
- 8.48.030** Alarm permits required - permit fees.
- 8.48.040** Responsibilities of alarm users.
- 8.48.050** Prohibited alarm devices.
- 8.48.060** False alarms.
- 8.48.070** False alarm fines.
- 8.48.080** Appeals.
- 8.48.090** Exceptions.

8.48.010 Purpose

The purpose of this Chapter is to protect against false alarms hindering or diminishing the availability of police services to the general public, and to safeguard public resources. This Chapter is not intended to convey any special benefit to any entity, individual, or group of individuals.

8.48.020 Definitions

- A. Alarm Administrator means the person designated by the City Administrator to administer the City's False Alarm Ordinance. The City may contract with a private provider to serve as the Alarm Administrator.
- B. Alarm Appeals Officer means the person designated by the City Administrator to hear and decide appeals related to false alarm fines. The Alarm Appeals Officer shall be a different person and entity than the Alarm Administrator.
- C. Alarm business means any business, individual, partnership, corporation or other entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or responding to security alarms. Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization.
- D. Alarm dispatch request means the initiating of a communication to the police, via the regional communications agency, by an alarm business indicating that a security alarm system has been activated at a particular alarm site and requesting emergency response to that alarm site.
- E. Alarm site means a structure or portion thereof served by a single security alarm system. In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate alarm site.
- F. Alarm system means a device or series of interconnected devices, including, but not limited to, systems interconnected with hard wiring or radio frequency signals, which are designed to emit and/or transmit a remote or local audible, visual or electronic signal indicating that an intrusion may either be in progress or is being attempted at the alarm site. Security alarm systems do not include those devices designed to alert only the inhabitants of specific premises and that have no sounding or signaling devices which can be heard or seen on the exterior of the alarm site.
- G. Alarm user means any person, firm, partnership, corporation or other entity that controls a security alarm system at an alarm site, who is the holder of the alarm permit, and who is financially responsible for the operation of an alarm system.
- H. Burglary alarm (also property/intrusion alarm) means an alarm system that is used to detect and report unauthorized entry or attempted unauthorized entry upon real property.
- I. Monitoring means the process an alarm business uses to keep watch on alarm systems; to receive alarm activation signals from alarm systems; to verify alarm activations; to relay alarm dispatch requests for emergency response to an alarm site; and to cancel alarm dispatch requests.
- J. Multi-unit complex means any building or group of buildings located/co-located on the same real property and comprised of two or more separately occupied units.

K. Robbery alarm (also duress alarm, hold-up alarm or panic alarm) means an alarm signal generated by the manual or automatic activation of a device, or any system, device, or mechanism on or near the premises intended to signal that a robbery or violent crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime. All robbery/panic alarms installed after the effective date of this ordinance are required to possess a dual activation mechanism.

L. Security alarm monitoring business means any person, firm or corporation who is engaged in the monitoring of security alarm systems and the summoning of police response to activations thereof. This includes both businesses that are engaged in alarm monitoring for profit and businesses that have specialized units or subsidiaries that monitor only their own alarm systems.

M. Unmonitored alarm system means an alarm system that is not actively monitored by an alarm business and whose function it is to evoke police response solely by means of a generally audible and/or visible signal.

8.48.030 Alarm permits required – permit fees.

A. Every alarm user in the City of Bonney Lake, including those in possession of an alarm system prior to the effective date of this Ordinance, must obtain an alarm permit by providing the following information to the Alarm Administrator:

1. Name and address of the alarm user (i.e., the person financially responsible for operation of the alarm system);
2. The home and business telephone number of the alarm user;
3. The name, address and telephone number of the alarm business providing monitoring service to the system;
4. An alternate telephone number for verification (cell phone or other telephone designated by the alarm user);
5. The signature of the alarm user verifying that he or she has read and understood this Chapter and any information brochures provided by the Alarm Administrator, and agrees to pay any false alarm fines levied.
6. (a) The non-refundable annual alarm permit fee of \$24.00 (residential and/or commercial)
(b) The non-refundable annual renewal fee of \$24.00 (residential and/or commercial)
 - (1) Reduced rates for Senior Citizens, 65 years of age or older, and individuals with a permanent disability (residential only):

- Non-refundable annual alarm permit fee of \$12.00
- Non-refundable annual renewal fee of \$12.00

In order to qualify for the senior rate, applicants must provide proof of age, be listed as the property owner or lessee and must have the alarm contract 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 other means that the Alarm Administrator deems an appropriate proof of permanent disability. In addition, the individual must be listed as the property owner or lessee and must have the alarm contract in their name.

B. On receipt of the application, fee and verification statement, the Alarm Administrator shall issue a security alarm permit number to the alarm user, which shall remain the same for as long as the alarm user maintains a permit for the alarm site. Alarm permits are valid for one year, and must be renewed annually by providing verification that permit information is still current and paying the non-refundable alarm permit renewal fee.

C. No alarm user shall presume, anticipate, or expect that emergency response will result solely from the activation of any unmonitored security alarm system, or a monitored security alarm system for which the alarm user has not obtained an alarm permit.

8.48.040 Responsibilities of alarm users.

A. Each alarm user is responsible for assuring that his or her alarm system is used properly and in accordance with the manufacturer's directions and the law. Inherent in this responsibility is assuring that all persons with access to the alarm system are properly trained on correct use of the system and are authorized to cancel accidental activations, and assuring that procedures and practices are followed that minimize the risk of false alarms.

B. Each alarm user is responsible for keeping his or her alarm system properly maintained and in good working order.

C. Each alarm user is financially responsible for paying any false alarm fines.

8.48.050 Prohibited alarm devices.

A. No person shall install or operate a monitored security alarm system in the City of Bonney Lake that fails to differentiate burglary alarm activations from robbery/panic alarm activations.

B. No person shall install or operate a monitored security alarm system in the City of Bonney Lake that fails to differentiate crime-related incidents from fire, medical or other non-crime-related incidents.

C. No person shall operate a security alarm system in the City of Bonney Lake that has a siren, bell, light or other device audible or visible from any property adjacent to the alarm site that signals for longer than ten (10) consecutive minutes after the alarm is activated, or that repeats the ten-minute alarm cycle more than three (3) consecutive times without resetting.

D. No person shall operate a security alarm system in a multi-unit complex in the City of Bonney Lake that fails to identify alarm activations by the specific unit involved.

8.48.060 False alarms.

A. When, in the opinion of the responding officers, an alarm dispatch request cannot be reasonably attributed to actual or attempted criminal offense at the involved alarm site, the incident is a false alarm and the alarm user is subject to a false alarm fine.

B. When the responding officer is unable to determine if an alarm is valid or false because of inaccessibility of the alarm site, the response is presumed to be a false alarm and the user is subject to a false alarm fine.

C. An alarm dispatch request may be canceled by the alarm business initiating the request at any time up to the point at which the responding officer or service reports arrival at the alarm site to the dispatcher. Alarm dispatch requests canceled in accordance with the procedures established by the Alarm Administrator prior to arrival of emergency services at the alarm site are not subject to false alarm fines.

8.48.070 False alarm fines.

A. The fine for a false burglary alarm shall be one hundred dollars (\$100.00) per false alarm. The fine for a false robbery/panic alarm shall be two hundred dollars (\$200.00) per false alarm.

B. Any alarm user having a permit from the City may request that his or her first false alarm fine be waived if the alarm user provides proof that he or she has successfully completed the on-line false alarm class provided by the Alarm Administrator within 30 days of the fine.

C. Fines shall be assessed based on the response requested. An alarm dispatch request reporting a robbery/panic alarm, for example, is subject to the false alarm fine applicable to robbery/panic alarms, even if the alarm activation should properly have been reported as a burglary alarm.

D. False alarm fines assessed for any alarm site that does not have a permit from the City shall be double the applicable fine referenced in this Section. Provided, however, that the fine shall be reduced by \$50.00 for a burglary alarm and \$100.00 for a panic alarm if the alarm user obtains a

permit within thirty (30) days of the fine. No alarm user lacking a permit from the City shall have the option to waive any false alarm fines in exchange for completing an on-line false alarm class.

E. All fines are due and payable on receipt of invoice. Fines that are unpaid thirty (30) days or more after the date of invoice are considered past due for purposes of this Chapter.

F. A late fee of \$25.00 shall be imposed on past due accounts to cover the cost of processing and collection.

8.48.080 Appeals

A. False alarm fines may be appealed to the Alarm Appeals Officer by sending a letter to the Alarm Administrator requesting an appeal conference and specifying the reasons for the appeal. This letter, along with a \$50.00 appeal fee, must be received by the Alarm Administrator within ten (10) working days after receipt of the notice of fine.

B. The Alarm Appeals Officer, on receipt of an appeal request, shall conduct an appeal conference in Bonney Lake within fifteen (15) working days after receiving the appeal request, and shall determine if grounds exist to waive or cancel the fee or action.

C. False alarm fines may be appealed on the grounds that the incident cited as the basis for the fine was, in fact, not a false alarm response. The alarm user has the burden of proving, by a preponderance of the evidence, that the incident was not a false alarm.

D. An alarm user may also argue that mitigating circumstances support waiver or reduction of the fine. The Alarm Appeals Officer is not obligated to reduce or waive any fines and/or appeal fees, but has discretion to do so for extraordinary mitigating circumstances.

E. The Alarm Appeals Officer shall render a decision and notify the appellant and the Alarm Administrator thereof in writing within ten (10) working days after the appeal conference is held.

8.48.090 Exceptions.

The provisions of this Chapter shall not apply to temporary alarm systems used by the Police Department or other public law enforcement agencies for investigative or protective purposes (e.g., VARDA, WAVE or similar systems).

Section 4. This Ordinance shall take effect and be in force thirty (30) days from its passage, approval, and publication as required by law.

PASSED by the City Council this 22nd day of February, 2011.



Mayor Neil Johnson, Jr.

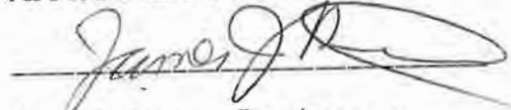
AUTHENTICATED:



Harwood T. Edvalson, CMC

City Clerk

APPROVED AS TO FORM:



James J. Dionne, City Attorney

Passed: 2/22/11

AB11-04

Valid: 2/22/11

Published: 3/2/11

Effective Date: 3/24/11

There are 8 Pages to this Ordinance

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 22 February 2011	Agenda Bill Number: AB11-04
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-04	Councilmember Sponsor:

Agenda Subject: Revise the City's False Alarm Ordinance and Related Municipal Code

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adding A New Section 5.08.065, Repealing Chapter 8.48, And Adding A New Chapter 8.48 To The Bonney Lake Municipal Code, Relating To False Alarms.

Administrative Recommendation:

Background Summary: The City's False Alarm Ordinance is in need of update to clarify provisions and aid in the enforcement of the ordinance. The purpose of the ordinance is to protect against false alarms that may hinder or diminish the availability of police services to the general public and to safeguard public resources. By diminishing false alarm occurrences we are enabling scarce police resources to better focus on current, real time policing activities.

Attachments: Yes

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance
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Budget Explanation: NA

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:	Finance Committee	<i>Approvals:</i>	Yes	No
	Date: 8 February 2011	Chair/Councilmember	Deputy Mayor Swatman	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember	Mark Hamilton	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember	James Rackley	<input checked="" type="checkbox"/> <input type="checkbox"/>

Forward to: 1/25/2011 Council Meeting - pulled and remanded to 2/8/2011 Fin. Committee Meeting. Forward to 2/15 workshdop for discussion. Forward to 2/22 Meeting for action.

Consent Agenda: Yes No

Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS

Director:	Mayor:	Date Reviewed by City Attorney: 12/22/2010
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AFFIDAVIT OF PUBLICATION

ORDINANCE NO.1379
CITY OF BONNEY LAKE

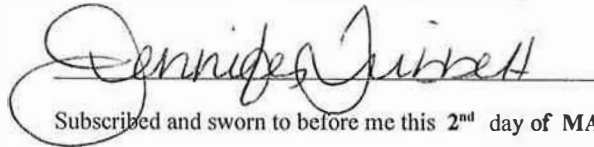
STATE OF WASHINGTON
COUNTY OF KING SS.


JENNIFER TRIBBETT being duly sworn says

that she is the CHIEF CLERK of the _____

Courier-Herald Newspapers

And that the Enumclaw Courier Herald and Bonney Lake & Sumner Courier Herald, published in King/ Pierce Counties, have been approved as Legal Newspapers by order of the Superior Court of the State of Washington for King County and Pierce County, and that the Annexed printed copy is a true copy of the NOTICE in the above entitled matter as it was printed in the regular entire issue of said paper for a period of ONE INSERTION commencing on the 2nd day of MARCH 2011 and ending on the 2nd day of MARCH 2011, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said NOTICE was published in said newspaper and not in supplement form. That the full amount of the fee charged for said foregoing publication is the sum of \$73.88 which amount has been billed in full at the rate of \$9.85 per inch for the first insertion and \$9.85 per inch for each subsequent insertion.


Subscribed and sworn to before me this 2nd day of MARCH, 2011.



Notary Public for the State of Washington,
residing in King County

Commission expires 3/15/12

City of Bonney Lake
Ordinance 1379
[AB11-04] - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington Adding A New Section 5.08.065, Repealing Chapter 8.48, And Adding A New Chapter 8.48 To The Bonney Lake Municipal Code, Relating To False Information. (Adopted February 22, 2011 and effective thirty (30) days after passage, approval and publication.)
Ordinance 1380
[AB11-24] - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Repealing Chapters 8.20, 8.24, 8.28, 8.32 W And 8.40 Of The Bonney Lake Municipal Code 6.1 And Corresponding Portions Of Ordinance Nos. Cr 244, 389, 454 And 1338, Repealing And Enacting A New Chapter 8.20 Entitled (A "Public Nuisances." 20 (Adopted February 22, 2011 And Effective Thirty (30) Days After Passage, Approval And Publication.)
Ordinance 1382
[AB11-32] - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 12.12.080 Of The Bonney Lake Municipal Code And Ordinance No. 561 Relating To Establishment Of The Sewer Schedule. (Adopted February 22, 2011 and effective thirty (30) days after passage, approval and publication.)
284402
3/2/11