

ORDINANCE NO. 473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 9.10 "ALARMS" OF THE UNIVERSITY PLACE MUNICIPAL CODE TO REGULATE THE ISSUANCE, REVOCATION, AND REINSTATEMENT OF BURGLARY AND ROBBERY AUTOMATIC POLICE ALARM SYSTEM PERMITS AND TO REGULATE THE ISSUANCE, REVOCATION, AND REINSTATEMENT OF ALARM BUSINESS PERMITS FOR BUSINESSES SERVING AND MONITORING ALARM SYSTEMS.

WHEREAS, the City of University Place wishes to encourage security alarm system users and security alarm monitoring companies to maintain reliable and effective burglary and robbery alarm systems for businesses and residences within the City; and

WHEREAS, police departments throughout the Puget Sound region continue to report that a high percentage of the calls emanating from automatic alarm systems are false alarms, which creates an inordinate demand on police services and detracts from police ability to respond to other crimes that require police assistance; and

WHEREAS, the City Council wishes to encourage residences and businesses using automatic alarm systems and alarm businesses to adopt effective means to cut down on the number of false alarms transmitted to the police by requiring such businesses and residences to pay a portion of the added costs for police services associated with responding to false alarms through a false alarm penalty fee; and

WHEREAS, Chapter 8.64 Pierce County Code, previously adopted by reference, has been substantially revised and now contains provisions that either do not apply or that the City does not wish to adopt; and

WHEREAS, the City Council desires to reduce the number of false alarms to which the Police Department is required to respond, thereby rendering the Police Department more available for the necessary responses; and

WHEREAS, the citizens of University Place would be better served if the City monitored and worked with Alarm Businesses that are operating in the City; and

WHEREAS, it is in the interests of the health, safety and welfare of the citizens to reduce the number of false alarm responses required by the Police Department;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

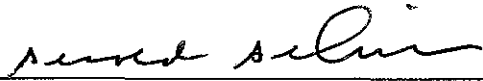
Section 1. Amending Chapter 9.10 UPMC "Alarms". Title 9 of the University Place Municipal Code is hereby amended in the form attached hereto as Exhibit A and incorporated by this reference.

Section 2. Copy to be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 3. 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 by a court of competent jurisdiction shall not be affected.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective July 15, 2006.

PASSED BY THE CITY COUNCIL ON JULY 10, 2006



Gerald Gehring, Mayor

ATTEST:



Sarah Ortiz, City Clerk

APPROVED AS TO FORM:



Janean Z. Parker, City Attorney

Published Date: 7/13/06
Effective Date: 7/15/06

EXHIBIT A TO ORDINANCE NO. 473

Chapter 9.10 ALARMS

9.10.010 Authority to adopt Pierce County Code Purpose

~~Pursuant to RCW 35A.12.140 and 35A.13.180, the city adopts by reference Chapter 8.64 PCC, Alarm Systems, as amended by this chapter, as a regulation of the city.~~

The purpose of this Chapter is to provide for and promote the health, safety and welfare of the general public, not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially benefited by the terms of this Chapter. This Chapter does not impose or create duties on the part of the City or any of its departments, and the obligation of complying with the requirements of this Chapter, and any liability for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, installing or maintaining security alarm systems.

The intent of this Chapter is to encourage alarm businesses and alarm users to maintain the operational viability of security alarm systems and to significantly reduce or eliminate false alarm dispatch requests made to the Police Department.

The City regulates security alarm businesses to assure that responses to false alarms do not diminish the availability of police services to the general public and to assure that citizens who cannot afford or do not choose to operate security alarm systems are not penalized for their condition or choice.

9.10.020 Definitions

“Alarm Business” means persons, partnerships, corporations, or associations who conduct the business of monitoring any Alarm System within the City of University Place.

“Alarm System” means any system, device, or mechanism which, when activated, transmits a telephone message to a private monitoring company or some other 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 motor vehicle.

“Alarm User” means any person or entity, who has contracted for monitoring, repair, installation or maintenance service from an Alarm Business for an Alarm System, or who owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

"Burglary Alarm System" means an alarm system designed or used for detecting and reporting an unauthorized entry or attempted unauthorized entry upon real property protected by the system.

"Robbery Alarm System" means 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.

"Department" means the ~~e~~City of University Place Community Services Department, its agent, the University Place Police Department, or its duly other agent authorized agent the Pierce County sheriff's department by the City Manager.

"False Alarm" means the activation of any burglary and/or robbery alarm system when no crime is being committed or attempted on the premises. An alarm shall be presumed to be false if the police officers responding do not locate any evidence of an intrusion or commission of an unlawful act or emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes, or other violent acts of nature shall not be deemed to be false alarms.

"False Alarm Service Charge" means a charge for the second and each subsequent false alarm response. False Alarm Service Charges shall be set by the City Council by separate resolution.

"Permittee" means the person(s), corporation, or other business entity to whom a permit has been issued under this Chapter.

"Premises" means any area and any portion of any area protected by an alarm system.

~~"System Subscriber" means person(s), corporation(s), or other business entity who purchased or contracted for any alarm system.~~

~~(Ord. 218 § 1,2, 1999)~~

9.10.030 Alarm System Permit requirements

A. Permit Required. No person or entity shall operate or use an alarm system on any premises within the city of University Place under that person's or entity's control without first having obtained from the ~~e~~Department a separate permit for each premises protected by an alarm system. The ~~e~~Department need not respond to any alarm system for which a permit has not first been obtained. For the purposes of this ~~s~~Section, a person shall be deemed to be an operator or user of an alarm system if:

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

2. The person controls the premises and is the subscriber, client, or tenant of the system-subscriber Alarm User; or
3. The person is the system-subscriber Alarm User.

B. Application. All persons or entities required to obtain a permit must complete a permit application form and pay the applicable fee. Information required to be provided on the permit application form includes, but is not necessarily limited to:

1. Subscriber's name, address, and telephone number(s);
2. Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the subscriber;
3. The electrical inspection permit number for the premises;
4. Name of the alarm company responsible for regular maintenance and that company's electrical contractor's license number;
5. The information required in subsections (B)(3) and (4) of this section shall not apply to:
 - a. Alarms which are installed by the homeowner/tenant; or
 - b. Alarms which are installed in multiple-tenant buildings.

Failure to complete the required information will result in automatic denial of the permit.

3. Name of the alarm company responsible for regular maintenance and that company's electrical contractor's license number; and
4. The electrical inspection permit number for the premises, if available.

C. Permit Fee. Each permit shall be given a unique number which shall not be transferable. The dDepartment shall charge an application fee for new applicants and also a Reinstatement Fee for the reinstatement of any permit that has been revoked. The Permit Fee and Reinstatement Fee which shall be set by the eCity eCouncil by resolution. Permit fFees and Reinstatement Fees shall be deposited into the aAlarm sSystems pPermits aAccount in the gGeneral fFund, to be used exclusively for the administration of this eChapter.

D. No permit shall be issued to any person, corporation or other business entity whose alarm permit has been revoked within the preceding six months by the eCity.

E. Any person who owns, operates, or possesses any alarm system within the city of University Place which does not conform to the requirements of this chapter shall disconnect that alarm system and render it inoperable.
(Ord. 284 § 1, 2000; Ord. 218 § 3, 1999).

E. Duties of Alarm Users.

An Alarm User shall:

1. Display the street address of the alarm site at or near the front of the premises and at other places where access is available, such as from an alley or parking lot. The street address shall be clearly visible and readable from the exterior of the premises;
 2. Maintain the alarm site and utilize the Alarm System in a manner that will minimize or eliminate False Alarms;
 3. Make every reasonable effort to have a responder to the Alarm System's location within 45 minutes, when requested by the law enforcement agency, in order to:
 - a. Deactivate an Alarm System; or
 - b. Provide access to the alarm site; or
 - c. Provide alternative security for the alarm site.
 4. Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System is intended to report.
- F. Any person who owns, operates, or possesses any alarm system within the City of University Place which does not conform to the requirements of this Chapter shall disconnect that alarm system and render it inoperable.

9.10.040 Alarm System Permit ~~r~~Revocation and ~~d~~Discontinuance of ~~r~~Response

A. Grounds. The ~~d~~Department may revoke a permit and/or discontinue responding to alarm system calls at the location of any permittee:

1. Whose alarm system has resulted in more than five false alarm responses by the ~~d~~Department within a six-month period; or
2. Who has failed to pay a ~~s~~Service ~~e~~Charge, as authorized by this ~~e~~Chapter, within sixty (60) days of billing.

B. Notice of Revocation and Nonresponse. The ~~d~~Department shall notify ~~such the permittee and the Alarm Business, if applicable,~~ in writing either by first class mail sent to the last known address of the permittee, or by personal service ~~on the permittee of the~~ ~~n~~Notice of ~~r~~Revocation and ~~n~~Nonresponse and the grounds therefor. An affidavit of service by mail or by personal service shall be retained by the ~~e~~City. The ~~n~~Notice of ~~r~~Revocation and ~~n~~Nonresponse shall specify the specific date of revocation, which shall be no sooner than twenty-one (21) days after either the ~~n~~Notice is deposited in the mail or personally served ~~upon the~~ permittee, and that the ~~d~~Department may discontinue responding to alarms which occur at the premises described in the revoked permit after the date of revocation. The ~~n~~Notice shall also set forth the filing fee for an appeal.

C. Appeal. The permittee may appeal the ~~n~~Notice of ~~r~~Revocation and ~~n~~Nonresponse ~~to the Hearing Examiner pursuant to the provisions of in~~ accordance with Chapter 2.20 UPMC, Hearings Examiner. A notice of appeal, together with the applicable fee, must be filed with the ~~e~~City ~~e~~Clerk no later than

fourteen (14) days after the date that the ~~Notice of Revocation and Nonresponse~~ is either mailed to or personally served on the permittee.

D. Appeal Fee. The fee for filing an appeal of a ~~Notice of Revocation and Nonresponse~~ shall be set by the ~~City Council~~ by resolution. The appeal fee shall include all past due ~~False Alarm Service Charges~~ imposed on a permittee. Failure to pay the appeal fee, including all past due ~~False Alarm Service Charges~~, waives any obligation of the ~~City~~ to process the appeal.
(Ord. 218 § 4, 1999).

9.10.050 Alarm System Permit ~~Reinstatement~~

A. Reinstatement of the permit may be made upon receipt by the ~~Department~~ of either:

1. ~~A letter from a licensed alarm company that the alarm system is operating properly and/or the permittee's agents are properly trained in the alarm system operation; or~~ Payment of any outstanding service charges and a reinstatement fee; and

2. ~~Similar documentation from an owner/tenant who has personally installed the alarm system.~~ a. A letter from a licensed alarm company that the alarm system is operating properly and/or the permittee's agents are properly trained in the alarm system operation; or
b. Similar documentation from an owner/tenant who has personally installed the alarm system.

B. The ~~City~~ shall not be responsible for any costs incurred by the permittee to qualify for reinstatement.

C. Reinstated permittees will be billed for any false alarm responses after reinstatement, and will be subject to further revocation after three more false alarm responses during the remainder of the six-month period.

D. Permits will not be reinstated if there are any outstanding fees or service charges due.
(Ord. 218 § 5, 1999).

9.10.060 Service ~~Charges~~ for ~~False Alarms~~.

A. ~~False Alarm Service charges in such amounts as the city council may determine by resolution~~ shall be billed to and paid by the permittee for a second or subsequent false alarm response during a six-month period.

B. ~~False Alarm Service Charges~~ shall be deposited into the ~~False Alarm Service Charges~~ account in the ~~General Fund~~, to be used for the administration and enforcement activities associated with this ~~Chapter~~.

C. A permittee shall be notified of all ~~False Alarm Service Charges~~ assessed by the ~~Department~~ by a written notification sent via U.S. Mail to the

last known address of the permittee. A dDeclaration of sService by mMail shall be retained by the eCity. The written notification shall require that the sService eCharge be paid no later than 30 days after the date the notification is mailed by the dDepartment.

D. A fFalse aAlarm sService eCharge may be appealed by filing a written notice of appeal with the eCity eClerk setting forth the reasons in writing why the fFalse aAlarm sService eCharge should not be applied. The appeal must be filed with the eCity eClerk no later than twenty-one (21) days after the date on the eCity's notification of the fFalse aAlarm sService eCharge.

E. The eCity mManager shall designate an official who shall decide the appeals of fFalse aAlarm sService eCharges that occur prior to the issuance of a nNotice of rRevocation and nNonresponse. Appeals shall be considered without a hearing and be based solely on the records of the eCity and the written nNotice of aAppeal filed by the applicant. A written decision either granting the appeal or denying the appeal shall be mailed to the appellant not later than fourteen (14) days after the appeal is filed.

F. In addition to any other remedy available under state law or the UPMC, the dDepartment may collect False Alarm sService eCharges delinquent for more than thirty (30) days by assigning them to a collection agency.
(Ord. 218 § 6, 1999).

9.10.070 Declaring eContinuous aAudible aAlarms to be a pPublic nNuisance.

An alarm system that emits an audible signal for more than fifteen (15) minutes and disturbs the peace and tranquility of the public is hereby declared to be a public nuisance. Such an alarm system may be summarily abated by the pPolice dDepartment.
(Ord. 218 § 7, 1999).

9.10.080 Civil Violations

~~Any violation of the provisions of this Chapter is a civil violation punishable by a fine of up to \$500 a day for each day, or portion thereof, in which a violation occurs as provided for in Chapter 1.20 of the UPMC. The City Manager or designee shall be the responsible Department Director for the purpose of enforcing this Chapter.~~
(Ord. 218 § 8, 1999)

9.10.080 Alarm Business Registration Requirements

- A. Registration Required. From and after July 1, 2006, all person(s) who conduct the business of monitoring Alarm Systems in any building, structure, site, or other property within the City of University Place are required to register with the Department.

- B. Registration Application.** All Alarm Businesses are required to complete a registration application form and pay the applicable registration fee. Information required to be provided on the registration application form includes, but is not limited to:
1. Alarm Business name, physical address, mailing address, business telephone number;
 2. Contractor and/or state business license number;
 3. Principals of the Alarm Business;
 4. A 24-hour telephone number to the monitoring center; and
 5. A list of alarm systems being monitored within the City of University Place.
- C. Registration Fee.** The Department shall charge a registration fee which shall be set by the City Council by resolution. Registration Fees shall be deposited in the Alarm System Permits Account in the General Fund to be used exclusively for the administration of this Chapter.
- D. Alarm Business Registration Restrictions**
1. Any false statement of material fact made by an applicant for the purpose of obtaining an Alarm Business registration to monitor Alarm Systems shall be sufficient cause for refusal to issue, or revocation of a registration;
 2. An Alarm Business registration cannot be transferred to another person or business; and
 3. An Alarm Business shall inform the Department of any change that alters any of the information in subsections UPC 9.10.080 B, sections 1-5, within five business days of such change.

9.10.090 Alarm Business Registration Duration and Renewal

An Alarm Business's registration shall expire one year from the date of registration and must be renewed annually by submitting an updated application and renewal fee to the Department. It is the responsibility of the Alarm Business to submit an application prior to the registration expiration date. Failure to renew will result in alarm dispatch requests from the Alarm Business not being accepted for dispatch.

9.10.100 Duties of the Alarm Businesses

Alarm Businesses shall:

1. Work cooperatively with the Department to reduce false dispatches to false alarms.
2. Provide the Department with information regarding Alarm Systems installed, operated, monitored and cancelled within the City of University Place in the format (paper or electronic) requested by the Department at least quarterly or as otherwise requested by the Department;
3. Inform the Department of any alarm site that is ineligible for an alarm dispatch request by law enforcement;
4. Inform the Department of alarm sites that protect weapons, ammunition, explosives, or certain types of hazardous materials which require a third party capable of responding to secure the alarm site;
5. Make all requests for alarm dispatches to a telephone number and in the form designated by the Department;
6. Not make requests for alarm dispatches for Alarm Systems that are on the Department's non-response list for a revoked permit;
7. Program arming station control panels to send cancel codes to abort dispatches;
8. Upon takeover of any Alarm System, the Alarm Business shall upgrade or modify the Alarm System to bring the system into compliance with this ordinance;
9. Alarm Businesses must maintain for a period of at least one year, records relating to alarm dispatch requests. Records must include the name, address, and phone number of the Alarm User, the Alarm System zone(s) and sensors activated, use of third party responders, the time of alarm dispatch request and, if applicable, reasons which led to alarm cancellations. The Department may request copies of such records for individually named Alarm Users; and
10. Alarm Businesses that perform monitoring services for a fee whose registration is suspended or revoked are required to notify all Alarm User customers within five (5) days of the suspension of such suspension or revocation. The Alarm User shall be notified that the Department shall not accept alarm dispatch requires from the suspended or revoked business, and will not respond to their alarm during the Alarm Business's suspension or revocation.

9.10.110 Alarm Business Registration Revocation

- A. Grounds for revocation. The Department may revoke an Alarm Business registration for failure to comply with the provisions of this Chapter, or the failure to comply with requests for information from the Department as provided for in this Chapter.
- B. Notice of Revocation. The Department shall notify such registrant in writing by first class mail or personal service of the revocation of the Alarm Business Registration and the grounds thereof. The notice shall specify the specific date of revocation, which shall be no sooner than twenty-one (21) days after the notice is deposited in the mail or personally served, and that the Department shall discontinue responding to alarm dispatch requests from the Alarm Business for their customers. The Alarm Business will be required to notify their Alarm System monitoring customers that the Department will not respond to alarms at their alarm site beginning twenty-one (21) days after the Department mails notice to the Alarm Business.
- C. Appeal. The Alarm Business may appeal the Notice of Revocation to the Hearing Examiner in accordance with Chapter 2.20 UPMC. A notice of appeal, together with the applicable fee, must be filed with the City Clerk no later than fourteen (14) days after the date the Notice of Revocation is either mailed to or personally served on the Alarm Business.
- D. Reinstatement. Alarm Business registration may be reinstated upon receipt and approval by the Department of a plan to correct the conditions that led to the revocation and payment of all fees and penalties due from the Alarm Business. The City shall not be responsible for any costs incurred by the Alarm Business to qualify for reinstatement.

9.10.120 Government Immunity

- A. Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the Alarm User or permittee acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

- B. The Department recognizes that some alarm sites may pose a greater public safety risk due to their business and/or contents of the alarmed site. In the event that a potential risk to the public is perceived due to an unsecured alarm site, the Department may elect to provide security measures to secure the site until the responsible parties can arrive. However, the Department shall not be responsible for securing any alarm site or for the loss or damage to any property.
- C. The Department shall not be responsible for any acts or failure to act by the Alarm User or permittee. In certain situations, the Department may not respond to requests for alarm responses due to permit revocation, or the failure to obtain a permit.
- D. The Department shall not be responsible for investigating alarm sites that are inaccessible due to fences, terrain obstructions, other physical obstructions, or potentially dangerous animals.

9.10.130 Violation – Penalty

Any violation of the provisions of this Chapter is a civil violation punishable by a fine of up to \$500 a day for each day, or portion thereof, in which a violation occurs as provided for in Chapter 1.20 of the UPMC. The City Manager or designee shall be the responsible Department Director for the purpose of enforcing this Chapter.

In addition to the penalties and regulations provided herein, any person who violates any provisions of this Chapter shall be guilty of a Class 1 misdemeanor.