

ORDINANCE NO. 218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 9.10 OF THE UNIVERSITY PLACE MUNICIPAL CODE RELATING TO PERMITS FOR BURGLARY AND ROBBERY AUTOMATIC POLICE ALARM SYSTEMS BY REPEALING SECTIONS 9.10.020 THROUGH 9.10.040 OF THE CODE AND BY ADDING NEW SECTIONS 9.10.020 THROUGH 9.10.080 WHICH REGULATE THE ISSUANCE OF AND REVOCATIONS OF ALARM SYSTEM PERMITS, PROVIDE THAT THE POLICE DEPARTMENT NEED NOT RESPOND TO ALARM CALLS EMANATING FROM ALARMS SYSTEMS WHICH HAVE A DEMONSTRATED RECENT HISTORY OF NUMEROUS FALSE ALARM SIGNALS, PROVIDE FOR SERVICE CHARGES TO ALARM SYSTEM PERMIT HOLDERS FOR REPEATED FALSE ALARM CALLS, DECLARE CONTINUOUS AUDIBLE ALARMS THAT DISTURB THE PUBLIC PEACE A PUBLIC NUISANCE, PROVIDE FOR CIVIL PENALTIES FOR VIOLATION OF THIS CHAPTER AND ESTABLISHING EFFECTIVE DATES FOR THE VARIOUS PROVISIONS OF THIS ORDINANCE

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 report that there are a skyrocketing numbers of calls for assistance being reported to police agencies from automatic security alarm systems installed in businesses and homes users; and

WHEREAS, police departments report that a high percentage of the calls emanating from automatic alarm systems are false alarms: and

WHEREAS, police departments report that responding to false calls for police assistance triggered by automatic alarm systems creates an inordinate demand on police services and detracts from police ability to respond to other crimes that require police assistance; and

WHEREAS, more than ninety-five percent of the calls for police assistance triggered by automatic alarm systems to the Pierce County Sheriff's Office come from apparently false alarms; and

WHEREAS, the City Council believes that a greater proportion of the costs of responding to false alarms at locations served by automatic alarm systems should be borne by the businesses and residences which chose to install such systems rather than by the public at large; and

WHEREAS, the City Council wishes to encourage residences and businesses using automatic alarm systems 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;

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

Section 1. Repealing Sections 9.10.020 Permit Fees, 9.10.030 Permit Revocation and 9.10.040 Service Charges of the University Place Municipal Code (UPMC). Sections 9.10.020 Permit Fees, 9.10.030 Permit Revocation, and 9.10.040 Service Charges of the University Place Municipal Code (UPMC) are repealed effective March 1, 1999 at 12:01 AM. The repeal of these sections shall not effect or abate any criminal prosecution or enforcement action that is instigated or brought by or on behalf of the City prior to the effective date of the repeal. Such prosecutions or enforcement actions shall continue unabated.

Section 2. Adding a new section 9.10.020 Definitions to the University Place Municipal Code. Effective on March 1, 1999 at 12:01 AM, the definitions in Section 8.64.010 of the Pierce County Code, which the City of University Place adopted by reference in Section 9.10.010 of the University Place Municipal Code, are hereby amended to read within the City of University Place as follows:

Definitions.

"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.

"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 City of University Place or its duly authorized agent the Pierce County Sheriff's Department.

"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.

"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.

Section 3. Adding a new Section 9.10.030 Permit Requirements to the University Place Municipal Code (UPMC). Effective on March 1, 1999 at 12:01 AM, Section 8.64.020 of the Pierce County Code, which the City of University Place adopted by reference in Section 9.10.010 of the UPMC, is hereby amended to read within the City of University Place as follows:

Permit Requirements.

- A. Permit Required. ~~From and after July 1, 1993,~~ No person shall operate or use an automatic police alarm system on any premises within ~~unincorporated Pierce County~~ the City of University Place under that person's control without first having obtained from the ~~Sheriff's~~ Department a separate permit for each premise protected by an alarm system. The Department need not respond to any alarm system for which a permit has not first been obtained. For the purposes of this

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, or
3. The person is the system subscriber.

B. Application. All persons required to obtain a permit must complete a permit application form. 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 Paragraphs 3 and 4 of this subsection shall not apply to:
 - a. alarms which are installed by the homeowner/tenant; or
 - e-b. alarms which are installed in multiple-tenant buildings.

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

C. Permit Fee. Each permit shall be given a unique number which shall not be transferable. The Department shall charge a an \$15.00 application fee which shall be set by the City Council by Resolution, except that no fee shall be charged for alarms installed prior to the effective date of this Chapter, if a permit application for such existing alarm system is filed with the Department before July 1, 1993. Permit fees shall be deposited into the Alarm Systems Permits Account in the General Fund, to be used exclusively for the administration of this Chapter.

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 City.

D. E. Any person who owns, operates, or possesses any alarm system within unincorporated Pierce County the City of University Place which does not conform to the requirements of this Chapter shall disconnect that alarm system and render it inoperable. or alter it in accordance with this Chapter no later than December 31, 1993.

Section 4. Adding a new Section 9.10.040 Permit Revocation to the University Place Municipal Code. Effective on March 1, 1999 at 12:01 AM, Section 8.64.010 of the Pierce County Code, which the City of University Place adopted by reference in UPMC Section 9.10.010, is hereby amended to read within the City of University Place as follows:

Permit Revocation and Discontinuance of Response

A. Grounds. The ~~Sheriff~~ 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 Department within a six-month period, or
2. Who has failed to pay a service charge, ~~as set forth in~~ as authorized by this Chapter, within sixty days of billing.

B. Notice of Revocation and non-response. The Sheriff Department shall notify such permittee 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 notice of revocation and non-response ~~revocation of his/her alarm permit~~ and the grounds therefor. An affidavit of service by mail or by personal service shall be retained by the City. The notice of revocation and non-response shall specify the specific date of revocation, which shall be no sooner than ~~ten~~ twenty-one days after either the notice is deposited in the mail or personally served upon the permittee, and that the Department may discontinue responding to alarms which occur at the premises described in the revoked permit after the date of revocation The notice shall also set forth the filing fee for an appeal.

C. Appeal. The permittee, may appeal the notice of revocation and non-response intended or actual revocation pursuant to the provisions of the Hearing Examiner Code, Chapter ~~2-36~~ 2.20 of the UPGMC. 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 that the notice of revocation and non-response 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 non-response 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 service charges, waives any obligation of the City to process the appeal.

Section 5. Adding a new Section 9.10.050 Permit Reinstatement to the University Place Municipal Code. Effective on March 1, 1999 at 12:01 AM, Section 8.64.040 of the Pierce County Code, which the City of University Place adopted by reference in UPMC Section 9.10.010, is hereby amended to read within the City of University Place as follows:

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
2. Similar ~~D~~documentation from an owner/tenant who has personally installed the alarm system.

B. ~~The City County~~ 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.

Section 6. Adding a new Section 9.10.060 Service Charges for False Alarms to the University Place Municipal Code. Effective on March 1, 1999 at 12:01 AM, Section 8.64.050 of the Pierce County Code, which the City of University Place adopted by reference in UPMC Section 9.10.010, is hereby amended to read within the City of University Place as follows:

- A. A-Service charges of \$65.00 in such amounts as the City Council may determine by resolution shall be billed to and paid by the permittee for each a second or subsequent false alarm response in excess of two responses during a six-month period.
- B. Service charges shall be deposited into the False Alarm Systems Permits 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 US Mail to the last known address of the permittee. A Declaration of Service by Mail shall be retained by the City. The written notification shall require that the service charge be paid no later than thirty days after the date the notification is mailed by the Department.
- D. A false alarm service charge may be appealed by filing a written notice of appeal with the City Clerk setting forth the reasons in writing why the false alarms service charge should not be applied. The appeal must be filed with the City Clerk no later than twenty-one (21) days after the date on the City's notification of the false alarm service charge.
- E. The City Manager shall designate an official who shall decide the appeals of false alarm service charges that occur prior to the issuance of a Notice of Revocation and Non-Response. Appeals shall be considered without a hearing and be based solely on the records of the City and the written notice of appeal 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 days after the appeal is filed.
- F. In addition to any other remedy available under state law or the UPMC, the Department may collect service charges delinquent for more than thirty (30) days by assigning them to a collection agency.

Section 7. Adding a new Section 9.10.070, Declaring Continuous Audible Alarms to Be a Public Nuisance, to the University Place Municipal Code. The University Place Municipal Code is hereby amended to add a new section 9.10.070 as follows.

Declaring Continuous Audible Alarms to Be a Public Nuisance.

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 police department.

Section 8. Adding a new Section 9.10.080, Civil Violations, to the University Place Municipal Code. The University Place Municipal Code is hereby amended to add a new Section 9.10.080 as follows:

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.

Section 9. Establishing a Ninety (90) Day Grace Period for Pierce County Alarm System Permit Holders to Comply with this Ordinance All alarm permit holders who obtained an alarm system permit from Pierce County prior to August 31, 1995 shall have until June 1, 1999 at 12:01 AM to come into compliance with Sections 3 (A) and (B) of this ordinance. The City shall exempt such permit holders from any application fee set pursuant to Section 3 (C) of this ordinance.

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 11. 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 five (5) days after its publication.

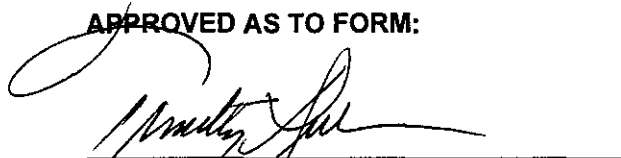
PASSED BY THE CITY COUNCIL on this 19th day of January, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: January 21, 1999
Effective Date: January 26, 1999