

ORDINANCE NO. 67

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING BY REFERENCE CHAPTER 8.64 RELATING TO ALARM SYSTEMS, OF THE PIERCE COUNTY CODE AS A REGULATION OF THE CITY, DECLARING AN EMERGENCY.

WHEREAS, the City of University Place will incorporate on August 31, 1995;
and

WHEREAS, the City will be contracting with Pierce County to provide police services to residents of the City at least on an interim basis during the post incorporation period; and

WHEREAS, Pierce County deputy sheriffs are familiar with the Pierce County Code; and

WHEREAS, allowing Pierce County deputy sheriffs to continue to enforce certain Pierce County Code provisions within the City after incorporation both promotes the public welfare and allows police officers to make an orderly transition to the enforcement of criminal codes which the City of University Place will enact after incorporation; and

WHEREAS, the City wishes to provide for the regulation and permitting of alarm systems, NOW THEREFORE,

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

Section 1. Authority to adopt Pierce County Code. Pursuant to RCW 35A.12.140 and 35A.13.180, the City adopts by reference Chapter 8.64, Alarm Systems, of the Pierce County code, as amended by this ordinance, as a regulation of the City.

Section 2. Section 8.64.020 - Permit Fee.

Section 8.64.020.C., Permit Fee, is amended to read as follows:

C. Permit Fee. Each permit shall be given a unique number which shall not be transferable. The department shall charge a \$15.00 application fee, 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. In addition, no fee shall be charged persons who reside in the City of University Place and have registered an alarm system prior to August 31, 1995, with the Sheriff's Department, as required by this Chapter. The \$15.00 application fee will be charged for

all applications from persons who reside in the City of University Place received as of August 31, 1995, the city's official date of incorporation. The application fee will be immediately transferred to the City of University Place.

Section 3. Section 8.64.030 - Permit Revocation.

Section 8.64.030.B, Notice of Revocation, is amended to read as follows:

B. Notice of Revocation. The sheriff shall notify such permittee in writing by first class mail of the revocation of his/her alarm permit and the grounds therefore. The notice shall specify the specific date of revocation, which shall be no sooner than ten days after the notice is deposited by mail.

Section 4. Service Charges.

Section 8.64.050B. is amended to read as follows:

B. Service charges shall be transferred to the City of University Place.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, safety, property, or peace, shall be effective on the official date of incorporation.

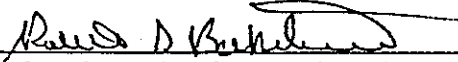
PASSED BY THE CITY COUNCIL ON AUGUST 28, 1995


Stanley L.K. Flemming, Mayor

ATTEST:


Susan Matthew, Interim City Clerk

APPROVED AS TO FORM:


Robert J. Backstein, Interim City Attorney

Date of Publication: August 31, 1995

Effective Date: August 31, 1995

Chapter 8.64

ALARM SYSTEMS

Sections:

- 8.64.010 Definitions.
- 8.64.020 Permit Requirements.
- 8.64.030 Permit Revocation.
- 8.64.040 Permit Reinstatement.
- 8.64.050 Service Charges.
- 8.64.060 Additional Duties of Permittee and/or Agents of Permittee.
- 8.64.070 Unlawful Systems and Uses.
- 8.64.080 Violation - Penalty.
- 8.64.090 Severability.

8.64.010 Definitions.

- A. "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.
- B. "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.
- C. "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.
- D. "Department" means the Pierce County Sheriff's Department.
- E. "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.
- F. "Permittee" means the person(s), corporation, or other business entity to whom a permit has been issued under this Chapter.
- G. "Premises" means any area and any portion of any area protected by an alarm system.
- H. "System Subscriber" means person(s), corporation(s), or other business entity who purchased or contracted for any alarm system.

(Ord. 92-170 § 2 (part), 1993)

8.64.020 Permit Requirements.

A. Permit Required. From and after July 1, 1993, no person shall operate or use an alarm system on any premises within unincorporated Pierce County 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;
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;
 - b. existing alarms; or
 - c. 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 \$15.00 application fee, 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. Any person who owns, operates, or possesses any alarm system within unincorporated Pierce County which does not conform to the requirements of this Chapter shall disconnect that alarm and render it inoperable or alter it in accordance with this Chapter no later than December 31, 1993.

(Ord. 92-170 § 2 (part), 1993)

8.64.030 Permit Revocation.

- A. Grounds. The Sheriff may revoke a permit 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 Section 8.64.050 of this Chapter, within sixty days of billing.
- B. Notice of Revocation. The Sheriff shall notify such permittee in writing by first class mail of the revocation of his/her alarm permit and the grounds therefor.

The notice shall specify the specific date of revocation, which shall be no sooner than ten days after the notice is deposited in the mail, and ~~that the Department may discontinue responding to alarms which occur at the premises described in the revoked permit after the date of revocation.~~

- C. Appeal. The permittee may appeal the intended or actual revocation pursuant to the provisions of the Hearing Examiner Code, Chapter 2.36 PCC.

(Ord. 92-170 § 2 (part), 1993)

8.64.040 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
 2. Documentation from an owner/tenant who has personally installed the alarm system.
- B. The 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.

(Ord. 92-170 § 2 (part), 1993)

8.64.050 Service Charges.

- A. A service charge of \$65.00 shall be billed to and paid by the permittee for each false alarm response in excess of two responses during a six-month period.
- B. Service charges shall be deposited into the Alarm Systems Permits Account in the General Fund, to be used for the administration and enforcement activities associated with this Chapter.

(Ord. 92-170 § 2 (part), 1993)

8.64.060 Additional Duties of Permittee and/or Agents of Permittee.

- A. The permittee shall display the permit at or near the main entrance of the premises in such a manner that the permit is clearly visible and readable from the exterior of the premises.
- B. The permittee shall display the street address 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 premise.
- C. All telephone calls from a private monitoring company requesting the Department response shall include the permit number for that premises, and the Department need not respond if the permit number is not provided.
- D. The permittee or his/her designee shall respond to a premises following activation of an alarm system for which a permit has been issued. The response shall be made within a reasonable time, and in any event within one hour after being requested to do so by the Department.

(Ord. 92-170 § 2 (part), 1993)

8.64.070 Unlawful System and Uses.

- A. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within fifteen minutes.
- B. No person shall use an alarm system to protect more than one licensed business and/or private residence without receiving a separate permit for such licensed business and/or private residence to be protected.
- C. No person shall operate or use any alarm system for which the permit has been revoked by the Department.
- D. No person shall operate or use any alarm system which automatically dials the Department directly and delivers a prerecorded message.

(Ord. 92-170 § 2 (part), 1993)

8.64.080 Violation - Penalty.

In addition to the penalties and regulations provided herein, any person who violates any provisions of this Chapter shall be guilty of a misdemeanor. (Ord. 92-170 § 2 (part), 1993)

8.64.090 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 92-170 § 2 (part), 1993)