

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2016 - 021

**ORDINANCE TO ADD CHAPTER 9.70 ALARM SYSTEMS
TO THE KITTITAS COUNTY CODE**

WHEREAS, the Board of County Commissioners declares that response to false alarms to be an unnecessary, wasteful use of the limited personnel and other resources of the Sheriff's Office; and

WHEREAS, such unnecessary responses divert those resources from being available for those actually in need of law enforcement services, and

WHEREAS, the purpose of this chapter is to provide for and promote the health, safety, and welfare of the general public by providing more effective law enforcement services to the public through prevention of false alarms and reduction of responses to false alarms and not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by this Ordinance; and

WHEREAS, nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 9.70 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of Kittitas County, or any of its officers, employees, or agents; and

WHEREAS, a public hearing was held on [Insert Public Hearing Date], and the public was provided due notice and opportunity to provide testimony on the proposed ordinance; and

WHEREAS, the Board of County Commissioners of Kittitas County hereby adopts this Ordinance pursuant to and by the authority of Sections 36.01.030 and 36.32.120 of the Revised Code of Washington and Article 11, §11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve the public health; and

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners adopt this Alarm System Chapter as a new Chapter, 9.70, of the Kittitas County Code as follows:

• **9.70.010 - Legislative declaration.**

The Board of County Commissioners declares that response to false alarms to be an unnecessary, wasteful use of the limited personnel and other resources of the Sheriff's Office. Such unnecessary responses divert those resources from being devoted to those actually in need of law enforcement services. Therefore, the purpose of this chapter is to promote more effective and

efficient law enforcement services to the public through prevention of false alarms and reduction of responses to false alarms.

- **9.70.020 - Definitions.**

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning and in addition, the following definitions shall apply:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, designed to alert law enforcement agencies, the public, or any person or group of persons including a business or other commercial entity of the commission or attempted commission of a crime.

(2) "Alarm user" means any person, business or other entity, which owns or has control over any building, structure or facility where an alarm system is maintained.

(3) "Authorized service personnel" means those persons who, by reason of their experience, training or occupation, can demonstrate to the Sheriff that they are qualified to inspect and repair alarm systems. The Sheriff may in his discretion presume that the employment of a person for such purposes by the provider of any given alarm system is sufficient evidence that the person is so qualified.

(4) "False alarm" means the intentional or unintentional activation of any alarm system that elicits a response from the Sheriff's Office when no criminal act has been committed or attempted. The causes of false alarm include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act. The determination as to whether an event is a "false alarm" as defined in this section shall be made by the Sheriff or his or her designee.

(5) "Intentional" means an act done by intention. A person acts with intent or intentionally when he or she acts with the objective or purpose to accomplish a particular result.

- **9.70.030 - Prohibited equipment—Automatic dialing device.**

Any alarm system designed to alert any law enforcement agency of an emergency by providing unattended automatic dialing to 911 or any public telephone number of a law enforcement agency for the purpose of transmitting a preprogrammed signal, message or code is prohibited.

- **9.70.040 - Required equipment—Standby power backup source.**

All alarm systems shall have a standby backup power supply which will automatically continue the operation of the alarm system should any interruption occur in power to the system. The transfer of power from the primary source to the backup source must occur in a manner that does not activate the alarm.

- **9.70.050 - Audible alarms—Time limit.**

It shall be unlawful to operate an audible alarm system which does not shut off within a maximum of thirty minutes from the time of activation. Shutoff may be accomplished either with

an automatic cutoff or by manual operation. If the alarm system has an automatic cutoff with a rearming phase, the rearming phase must be able to distinguish between an open and closed circuit and if the circuit is broken, the system will not rearm.

• **9.70.060 - Emergency response information.**

(1) This section shall not apply to any alarm system until there has been at least one verified false alarm as defined in the definition section of this Chapter.

(2) After there has been at least one verified false alarm as defined in this Chapter, no person or business shall install, operate, or make use of in any manner such alarm system unless:

(a) The name, business address and business telephone number of the alarm user has been provided to the Sheriff in a manner acceptable to the Sheriff, for use as needed to implement the provisions of this Chapter and any rules and regulations promulgated under the authority of this chapter;

(b) There is a list filed with the Sheriff, of the names and telephone numbers for the person or persons authorized to enter the premises where the alarm is located and take necessary action, including but not limited to turning off the alarm or opening the alarmed premises for search can be reached at all times; or

(c) Such a list is filed with a monitoring service and a twenty-four hour telephone number for that service is provided to the Sheriff.

(3) The failure to provide the information required by the provisions of subsection (2) of this section prior to installing, operating, or making use of in any manner an alarm system after such a false alarm is unlawful. Alarm users of any existing alarm systems in use on the effective date of this Chapter shall have a period of not more than twenty business days after that date to ensure that this information is provided as required. The Sheriff may order that an alarm system installed, operated, or made use in violation of this provision be disconnected; provided, that no alarm system required by law shall be ordered disconnected. Notice shall be given to the alarm user by any method reasonably likely to provide actual notice, including certified mail or personal service, at least forty-eight hours prior to the required disconnection, if the name(s) and contact information of the alarm user(s) have been provided to the Sheriff. Failure to furnish the name(s) and contact information of the alarm user(s) as required in this subsection, in addition to being prohibited shall constitute a waiver of this notice requirement.

(4) Upon notification by the Sheriff's Office, or any other law enforcement agency acting in concert with or on behalf of the Sheriff's Office as authorized by RCW 10.93.070(1), (2) or (3), or RCW 10.93.130, that his presence is required, the alarm user or representative listed as required by 9.70.060(1)(a), shall promptly proceed to the scene of the alarm, or a nearby location if so directed, within a reasonable period of time and render necessary assistance. Such assistance shall include turning off the alarm and/or opening the alarmed premises so a search can be made as directed by law enforcement personnel on scene.

(5) Circumstances that may require the alarm user's presence include, but are not limited to: continual malfunction of an alarm system which causes repeated false alarms over a short period of time; evidence at the alarmed premises indicating a crime was committed or attempted and further investigation is necessary; or the premises is not or cannot be, properly secured.

- **9.70.070 - False alarms prohibited—Penalties.**

(1) No alarm user shall cause or allow a false alarm.

(2) The intentional activation of a burglary or robbery alarm system for the purpose of summoning the Sheriff's Office, or any other law enforcement agency acting in concert with or on behalf of the Sheriff's Office as authorized by RCW 10.93.070(1), (2) or (3), or RCW 10.93.130, for other than an actual burglary or robbery or other life-threatening emergency situation, shall be punishable as an infraction with a fine of not less than five hundred dollars plus statutory costs and assessments upon a first offense, and as a misdemeanor for any subsequent offense within a five year period.

(3) The third false alarm and each subsequent false alarm, from the same location within any six-month period, shall constitute a civil infraction subject to monetary penalty as set forth below:

(a) For the third false alarm, a penalty of fifty dollars plus statutory costs and assessments shall be assessed;

(b) For the fourth false alarm, a penalty of one hundred dollars plus statutory costs and assessments shall be assessed;

(c) For the fifth false alarm and each succeeding false alarm, a penalty of two hundred and fifty dollars plus statutory costs and assessments shall be assessed.

(4) A location which has had three or more false alarms in any six month period must complete a probationary period of not less than six months without a false alarm to restart the six month period for calculation of the penalties set in 9.70.070(3).

(5) Hearing on notices of infraction issued pursuant to Section 9.70.070(3) shall be held in the appropriate district court. The procedures for issuance of a notice of infraction, hearings, assessment and payment of monetary penalties, statutory costs and assessments, shall be in accordance with the provisions of RCW Chapter 7.80.

- **9.70.080 - Enforcement—Policies.**

(1) The provisions of this chapter shall be administered and enforced by the county Sheriff. The Sheriff is authorized to make and enforce such rules and regulations as are necessary to implement the provisions of this chapter, and further to delegate his authority under this Chapter to any subordinate as necessary to effectuate this Chapter.

(2) Copies of these rules and regulations promulgated by the Sheriff shall be available to the public at the county Sheriff's Office and/ or at the Office of the County Commissioners. A copy of this Chapter and the rules and regulations shall be provided to each person or entity known to have an alarm system at the time of enactment of this Chapter, and to any person or entity known to subsequently obtain, install or make use of such an alarm.

(3) Enforcement of the provisions of this Chapter and the rules and regulations promulgated by the Sheriff as authorized in this Chapter may be by appropriate judicial proceeding(s) as necessary as determined by the Sheriff and Prosecuting Attorney.

(4) The Sheriff may utilize the following procedures and practices to reduce false alarms:

(a) On the first false alarm within a six-month period, the alarm user may in the discretion of the Sheriff be required to provide certain information when an alarm is received from an alarm system under his or her control. This information may include but is not limited to:

(i) The cause of the alarm;

(ii) Any corrective action taken;

(iii) Whether or not the alarm system had been inspected and/or repaired and the name and address of the person performing the repairs.

(b) On the second false alarm within a six-month period, the alarm user shall submit a written report as provided in the previous subsection. In addition, the Sheriff may require inspections of the alarm system by authorized service personnel at the alarm user's expense; and the Sheriff may prescribe corrective action to be taken as the result of the inspection.

(c) On the third or subsequent false alarm within a six-month period, the alarm user shall submit a written report as provided in the previous subsections. The Sheriff may require inspections of the alarm system by authorized service personnel at the alarm user's expense; and the Sheriff may prescribe corrective action to be taken as the result of the inspection. In addition:

(i) The Sheriff may assign a lower response priority or not respond at all, to alarms received from the alarm system; and

(ii) The Sheriff may order that an alarm system be disconnected; provided, that no alarm system required by law shall be ordered disconnected. Notice shall be given to the alarm user by any method reasonably likely to provide actual notice, including certified mail or personal service, at least forty-eight hours prior to the required disconnection, if the name(s) and contact information of the alarm user(s) have been provided to the Sheriff. Failure to furnish the name(s) and contact information of the alarm user(s) as required by 9.70.060(1)(a), in addition to being prohibited shall constitute a waiver of this notice requirement.

(d) If the policies of ordering alarm systems disconnected and/or no response by the Sheriff are implemented, provisions shall be made for allowing the alarm system to be reconnected and response reinstated if the alarm user satisfactorily shows that the cause(s) of the previous false alarms has (have) been identified and corrected.

(i) Once reconnected, the alarm system shall be on probationary status for six months.

(ii) If the instances of false alarms continue during the probationary period, the alarm system may again be ordered disconnected and the policy of no response may be invoked.

• **9.70.090 - Penalties.**

The violation of any of the provisions of this chapter, except subsections 9.70.070(2) and (3), shall constitute a misdemeanor as defined in RCW 9A.20.010.

• **9.70.100 - Grace period.**

There shall be a three month grace period beginning at the effective date of the ordinance codified in this chapter, during which time no punitive action will be taken against alarm users violating section 9.70.070(3) of this Chapter; provided, the Sheriff may require alarm users to provide information as required by Section 9.70.080(3) (a), and further provided that the grace period for the provisions of 9.70.060(1) shall be as specified in .060(2). There shall be no grace period for enforcement of 9.70.070(2).

• **9.70.110 - Distribution of funds.**

All funds collected from fines imposed by the district courts for violation of this chapter shall be distributed as provided in RCW 3.62.020.

• **9.70.120 - Severability.**

If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

• **9.70.130 - Effective date.**

This chapter shall take effect at 12:01 a.m. on Dec. 1, 2016.

ADOPTED this 1st day of Nov. 2016.

BOARD OF COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON



Chair



Vice-Chair



Commissioner

APPROVED AS TO FORM:

Deputy Prosecuting Attorney



ATTEST:
CLERK OF THE BOARD


Julie A. Kjorsvik