

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 399

### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO POLICE RESPONSE TO VERIFIED ALARMS; RECOVERING COSTS RELATED TO RESPONSES TO FALSE ALARMS, AND AMENDING CHAPTER 9.40 OF THE BURIEN MUNICIPAL CODE TITLED FALSE ALARMS.

WHEREAS, the Burien Police Department annually responds to approximately 1,300 alarms of which approximately 99 percent are false, and

WHEREAS, responses to false alarms have diverted the annual equivalent of approximately nine percent of the directed calls for service for the City of Burien, and

WHEREAS, responses to false alarms thereby may endanger the public by preventing, diverting, or delaying police officers from patrolling a neighborhood; responding to calls for service; or investigating and solving crimes, and

WHEREAS, the use of tax dollars to pay for responses to false alarm systems confers a private benefit to an alarm company because it is the alarm company – not the City’s police force - that should be tasked with the verification of responses and/or the provision of private security personnel;

Whereas, this allocation of a private benefit is not in the public interest and may result in diminished public safety, and

WHEREAS, the use of tax dollars to cover the costs of responses to false alarms unfairly requires the estimated 75 percent of taxpayers who do not own alarms to subsidize the costs of response to their net detriment, and

WHEREAS, private firms in the local area offer private response services for a fee, but most alarm owners instead rely on the “free” service provided by the Burien Police Department, and

WHEREAS, law enforcement’s continued responses to alarms is hazardous and unnecessarily puts police officers, citizens, and visitors at risk , and

WHEREAS, the City desires to shift responses to alarms that are not verified from the police to the alarm monitoring companies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BURIEN:

**Section 1 Amendment.** Chapter 9.40 of the Burien Municipal Code is hereby amended in its entirety to read as follows:

#### **Burien Municipal Code Chapter 9.40**

#### **FALSE ALARMS**

Sections:

|          |  |          |                             |
|----------|--|----------|-----------------------------|
| 9.40.010 | Short Title/Purpose.                       | 9.40.060 | Penalty for failure to pay. |
| 9.40.020 | Definitions.                               | 9.40.070 | Appeals and Contested Fees  |
| 9.40.030 | Verified Response Required                 | 9.40.080 | Mailing of notices.         |
| 9.40.040 | Fees                                       | 9.40.090 | No Duties                   |
| 9.40.050 | Certain devices, systems, uses prohibited. |          |                             |

#### **9.40.010 Short Title/Purpose.**

This ordinance shall be known as the False Alarm Ordinance and may be cited as such. The purpose and intent of this chapter is to:

- A. Protect public safety by curtailing or eliminating the extraordinary number of false alarms, which prevent, hinder, or delay public safety personnel from responding to legitimate calls for public service;
- B. Shift the response to alarms that are not verified to the alarm monitoring companies.
- C. Recover the costs associated with responses to false alarms as the expenditure of such public funds constitutes an unlawful gifting of public monies;
- D. Stop the current subsidization of private business with public tax dollars;

#### **9.40.020 Definitions.**

Unless the context or subject matter otherwise requires, terms defined herein shall have the following meanings when used in this chapter:

(A) “Alarm System” or “Alarm Device” means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system 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 or a medical alert alarm. An alarm system or alarm device may consist of one or more components (e.g. motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. Non-monitored alarm systems are also included in this definition.

(B) “Alarm System Monitoring Company” or “alarm system operator” means any person, individual, partnership, corporation, or other form of association that engages in the business of monitoring intrusion, property, burglary, robbery, panic alarms, or other “alarm systems” located in the City of Burien. This includes alarm system monitoring companies and alarm system operators that are located outside the city limits of Burien and which monitor alarms installed within the city limits of Burien.

(C) “Alarm System User” means the person having or maintaining a property, intrusion, burglary, robbery, panic, or other alarm system. It means only a subscriber when the system is connected to an alarm system monitoring company.

(D) “Burglary Alarm” has the same meaning as “Property Alarm” below.

(E) “Chief of Police” means the Chief of the Burien Police Department, or his or her designee.

(F) “Department” shall mean the Finance and Administrative Services Department of the City of Burien.

(G) “Director” shall mean the Director of Finance and Administrative Services, or his or her designee.

(H) “False Alarm” means the reporting of the activation of any monitored or non-monitored alarm system where police arrive at the premises and determine that there is no evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation. An alarm shall be presumed to be false if the responding police do not locate evidence of intrusion, commission of an unlawful act, or emergency on the premises that might have caused the alarm to sound. When responding police find unsecured doors or windows where there is no evidence of forced entry or other evidence of criminal intent, the alarm is presumed to be false. If earthquakes, hurricanes, tornadoes, or other acts of God set off a large number of alarms, a police supervisor may determine that no responses will be made to such alarms during the pendency of such event. No false alarm fees will be assessed during the time period for which no response is made as determined by the police supervisor.

(I) “Fire Alarm” means a signal initiated by a device such as a manual fire alarm box, automatic fire detector, waterflow switch, smoke detector, or other device which, when activated, is indicative of the presence of a fire or fire signature. Fire alarms shall be exempt from the provisions of this chapter except for fire alarms called in erroneously as an intrusion, burglary, robbery, property, or other alarm. In these situations, the alarm monitoring company or the property owner of the premises where the non-monitored alarm is located shall be assessed a false alarm response fee or call cancellation fee.

(J) “Monitored Alarm System” means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or communication to a private monitoring company, other number, or person who can then notify police that an alarm has been activated. This includes all systems, which transmit telephonic, wireless, electronic, video, or other form of message from an alarm installed within the city limits of Burien to any location outside of Burien (e.g., an alarm monitoring center located in a state other than Washington). All alarms that are monitored, except fire alarms, are included within the definition of “monitored alarm system”; e.g., any monitored burglary, intrusion, panic, premises, property, robbery, or other type of alarm device.

(K) “Panic Alarm” has the same meaning as “Robbery Alarm” below.

(L) “Person” means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons, but excludes the United States, the state of Washington, and any political subdivision or municipal corporation thereof.

(M) “Police Department” or “police” means the Burien Police Department, and includes other law enforcement agencies assisting the Burien Police Department.

(N) “Premises” means any area and any portion of any area protected by an alarm system.

(O) “Property Alarm”, “Intrusion Alarm”, and “Burglary Alarm” mean any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques and, when activated, transmits a telephonic, wireless, electronic, video, or other form of message, 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 protected premises. For purposes of this ordinance, alarms on Automatic Teller Machines (ATMs) are included in this definition.

(P) “Responder” means a private guard, alarm company guard, private entity, or person contacted by an alarm system monitoring company, or any other person, who verifies that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that would warrant a call for police assistance or investigation for a property, intrusion, or burglary alarm. Responders for alarm system monitoring companies requesting police response will notify the police dispatcher what alarm system monitoring company requested them to respond. Responders will meet police at the premises.

(Q) “Robbery Alarm” and “Panic Alarm” (robbery/panic) mean any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

- 1.) The system is installed on real property (the “protected premises”);
- 2.) It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
- 3.) It transmits a telephonic, wireless, electronic, video, or other form of message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the protected premises; and
- 4.) It is intended to summon police assistance to the premises.

(R) “Valid Alarm” means a property/intrusion/burglary or robbery/panic alarm where responding police determine that there is evidence of intrusion, commission of an unlawful act, or emergency on the premises that might have caused the alarm to sound.

(S) “Verified Response” means on-site verification by a Responder to verify the need for police response to a property/intrusion/burglar alarm due to a crime, attempted crime, or other emergency occurring at the premises protected by the alarm. Verification of a crime or emergency may also be done through the use of an audio and video combination system monitored by the alarm system monitoring company.

#### **9.40.030 Verified Response Required**

A. Police response to Property Alarms, Intrusion Alarms and Burglary Alarms shall occur after a Verified Response as defined by this Chapter.

B. Police response to Robbery Alarms and Panic Alarms do not require a prior Verified Response.

#### **9.40.040 Fees.**

A. False Alarm Response Fee. An alarm System Monitoring Company shall be assessed a False Alarm fee of one hundred fifty dollars (\$150.00) for each False Alarm. In the case of non-Monitored Alarm Systems, the property owner of the premises where the False Alarm is located shall be assessed the False Alarm Response Fee.

B. Call Cancellation Fee. An Alarm System Monitoring Company shall be assessed a call cancellation fee of one hundred dollars (\$100.00) if the Alarm System Monitoring Company contacts Police dispatch and requests Police response to an alarm and subsequently cancels the Police response prior to Police arrival at the alarmed premises. In the case of non-Monitored Alarm Systems, the property owner of the premises where the alarm is located shall be assessed the call cancellation fee.

C. Prohibited Call Fee. An Alarm System Monitoring Company shall be assessed a prohibited call fee of one hundred dollars (\$100.00) for a call to Police dispatch by an Alarm System Monitoring Company or a property owner of the premises where a non-Monitored Alarm System is located, requesting Police response to an alarm that is not verified.

The Prohibited Call Fees, False Alarm Response Fees, and Call Cancellation Fees are cumulative and not exclusive.

The fees described above are summarized as follows:

|                                 |                           |
|---------------------------------|---------------------------|
| <b>False Alarm Response Fee</b> | \$150.00 per occurrence   |
|                                 |                           |
| <b>Call Cancellation Fee</b>    | \$100.00 per cancellation |
|                                 |                           |
| <b>Prohibited Call Fee</b>      | \$100.00 per occurrence   |

**9.40.050 Certain devices, systems, uses prohibited.**

A. No person shall operate or use an Alarm System that emits an audible sound where such emission does not automatically cease within ten minutes.

B. No person shall operate or use an Alarm System, which automatically dials the Burien Police Department directly and delivers a prerecorded message.

C. No person shall operate or use an Alarm System or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision.

**9.40.060 Penalty for failure to pay.**

A. Payment of any fee(s) due under this chapter are due within thirty (30) days from the invoice date or within an extension of time granted by the Director. If payment is received between one (1) and thirty (30) days after the date it became due, there shall be added to the amount, a penalty of ten percent (10%) of the fees owing. If payment is later than thirty (30) days after the original date due, a penalty of twenty percent (20%) of the fees shall be assessed. If payment is not received within sixty (60) days of the original date due, then interest shall accrue on the fees and penalties at 1% per month.

B. The licensee shall be notified by mail of the amount of any penalties so added or assessed, and the same shall become due and shall be paid within ten days from the date of such notice.

**9.40.070 Appeals and Contested Fees.**

An Alarm System Monitoring company or a property owner with a non-Monitored Alarm System contesting the imposition of any Fee, above, shall file a written Notice of Appeal as that term is defined pursuant to BMC 2.20.060 except "Hearing Examiner" shall mean "Chief of Police." The Notice of Appeal shall be delivered to the Chief of Police within thirty (30) days after the date of the billing notice.

Appeals shall be governed by BMC 2.20.070. The Police Chief shall have the authority to prescribe rules and regulations for the conduct of hearings under BMC 2.20.070, to administer oaths, and to preserve order. The Chief of Police, or his/her designee shall issue a written ruling including factual findings and the Chief of Police's conclusion with supporting reasons, affirming or reversing the notice. The decision of the Chief of Police shall be the final administrative decision, with appeals to superior court.

**9.40.080 Mailing of Notices.**

Any notice required by this chapter to be mailed shall be sent by ordinary mail, addressed to the address as reflected in the records of the Director. Failure to receive such notice shall not relieve the obligation to pay any fee, interest, or penalty, nor shall such failure extend any time limit. It is the responsibility of the alarm monitoring company to inform the Director in writing about a change in address.

**9.40.090 No Duties.**

Nothing in this chapter imposes or creates any specific or implied duties or obligations on the part of the City or any of its departments, including its contracted law enforcement agency.

**Section 2. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This ordinance shall be effect on and after October 1, 2004.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 21<sup>ST</sup> DAY OF JUNE, 2004, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 21<sup>ST</sup> DAY OF JUNE, 2004.

CITY OF BURIEN  
/s/ Noel Gibb, Mayor

ATTEST/AUTHENTICATED:  
/s/  
Janice Roegner, City Clerk

Approved as to form:  
/s/ Lisa Marshall, City Attorney

Filed with the City Clerk: June 17, 2004  
Passed by the City Council: June 21, 2004  
Ordinance No. 399  
Date of Publication: June 25, 2004