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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 02-059

RELATING TO INTRUSION AND PANIC ALARM SYSTEMS,
AMENDING CHAPTER SCC 10.52

BE IT ORDAINED:

Section 1. The Title of Snohomish County Code Chapter 10.52, adopted by Ordinance No. 84-035 on March 21, 1984, is amended to read:

~~((BURGLARY, ROBBERY AND/OR))~~ INTRUSION AND PANIC ALARM SYSTEMS

Section 2. Snohomish County Code Section 10.52.010, adopted by Ordinance No. 84-035 on March 21, 1984, is amended to read:

10.52.010 ((Creation and Purpose)) Definitions.

~~((There is hereby established a Snohomish county chapter of the Snohomish County Code which shall regulate the use of burglary, robbery and/or intrusion type alarm systems. It shall be the purpose of this chapter to prevent the possible harm to police officers and citizens sometimes caused as a result of activated alarm systems, as well as to reduce the expense of police participation in responding to those alarms. These purposes shall be met by requiring the persons using the alarm to maintain current informational records with the sheriff's department and to immediately report false alarms to the sheriff's department as well as immediately correcting such faulty alarm system.))~~

When used in this chapter, and unless the context clearly requires otherwise, the following words and phrases shall have the meaning and construction set forth below:

(1) "Alarm system" means a system, device or mechanism that, when activated, transmits a message or signal to an alarm monitor, emits an audible or visible signal that can be heard or seen by persons outside the premises, or transmits a signal beyond the premises in some other fashion for the purpose of reporting a crime in progress or other emergency situation to the sheriff or other police agency.

(2) "Alarm user" means a person that owns, leases, or otherwise maintains possession or control over a premises protected by an alarm system.

(3) "Consecutive numbered response" means a sheriff dispatch to the premises of a false alarm when that dispatch has been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.

(4) "False alarm" means the activation of an intrusion or panic alarm when no crime is being committed or attempted on the premises and no medical emergency exists, unless the alarm is activated by an unusual occurrence, action of a telephone company, or a power outage lasting longer than four hours. Any number of false alarms in a single twenty-four hour period shall be considered a single false alarm unless intentionally caused by any person.

(5) "First response" means a sheriff dispatch to the premises of a false alarm when that response has not been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.

(6) "Intrusion alarm" means an alarm system designed to be activated automatically to warn of an unauthorized entry or other criminal act on or about a premises.

(7) "Panic alarm" means an alarm system designed to be activated manually to signal a medical emergency or the commission of an unlawful act on or about a premises.

(8) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity.

(9) "Premises" means a building, dwelling, structure, or real property protected by an alarm, including an individual unit in a multiunit building or complex when the individual unit is served by a separate alarm, but not including any motor vehicle.

(10) "Service costs" means the current average cost to the county to respond to a call for service, including staff and dispatch service costs, as calculated by the sheriff and approved by council motion. Until such time as council has approved a different amount, services costs shall be equal to seventy-five dollars.

(11) "Sheriff" means the sheriff of Snohomish County or any duly appointed deputy sheriff of Snohomish County

(12) "Unusual occurrence" means the extraordinary, sudden and unexpected manifestation of the forces of nature that cannot be prevented by reasonable human care, skill, or foresight.

Section 3. Snohomish County Code Section 10.52.020, adopted by Ordinance No. 84-035 on March 21, 1984, is repealed.

Section 4. Snohomish County Code chapter 10.52.030, adopted by Ordinance No. 84-035 on March 21, 1984, is repealed.

Section 5. Snohomish County Code Section 10.52.040, adopted by Ordinance No. 84-035 on March 21, 1984, is amended to read:

10.52.040 Unlawful activation (~~(or report)~~) of alarm system.

(1) It is unlawful for an alarm system to generate a false alarm, and the alarm user shall be considered the person responsible for the false alarm.

(2) It is unlawful for (~~(anyone)~~) any person to activate (~~(any robbery or burglary)~~) a panic alarm (~~((for purpose of summoning the sheriff except in the event of actual or attempted burglary or robbery))~~) or to intentionally activate an intrusion alarm when doing so is a false alarm.

Section 6. Snohomish County Code chapter 10.52.050, adopted by Ordinance No. 84-035 on March 21, 1984, is amended to read:

10.52.050 False alarms; Civil fines assessed.

~~((For the purposes of this section, the term "false alarm" shall mean the activation of a burglary or robbery alarm by other than forced entry or attempted forced entry to the premises at a time when no burglary or robbery is being committed or attempted on the premises. For a sheriff's response to any))~~ If the sheriff responds to a false alarm, the

sheriff may assess and collect ~~((from the person having such a burglary or robbery alarm on premises owned or occupied by him,))~~ fines from either the alarm user or, if the false alarm is generated by activation of a panic alarm or the intentional activation of an intrusion alarm, the person that activated the alarm system as follows:

(1) For a first response~~((to premises at which no other false alarm has occurred within the preceding six month period, hereinafter referred to as a "first response" no fine shall be assessed, but the person having such a burglary or robbery alarm, shall within three working days after notice to do so, make a written report to the sheriff on forms prescribed by him, setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman and such other information as the sheriff may reasonably require in order to determine the cause of such false alarm and corrective action necessary.))~~ —no fine.

(2) For ((a)) the first consecutive numbered response~~((to premises within six months after a first response, hereinafter referred to as a "second response" no fine shall be assessed, but a written report shall be required as for a first response and the sheriff shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action and shall give notice to the person having such alarm system of the conditions and requirements of this section.))~~ —a fine equal to twice the amount of service costs plus \$150.00.

(3) For ((a)) the second consecutive numbered response~~((to premises within six months after a second response, hereinafter referred to as a "third response" a fine of \$25.00 shall be assessed, and a written report to the sheriff or his designee shall be required within three working days, setting forth the cause of such false alarm, and the corrective action taken.))~~ —a fine equal to service costs plus \$325.00.

(4) For ((a)) the third consecutive numbered response~~((to premises within six months after a third response, and for all succeeding responses within six months of the last response, a fine of \$50.00 shall be assessed. and if such false alarm or any such succeeding false alarm is a result of failure to take necessary corrective action prescribed by the sheriff, the sheriff may order the disconnection of such alarm system and it shall be unlawful to reconnect such alarm system until such corrective action is taken; PROVIDED, That no disconnection shall be ordered for any premises required by law to have an alarm system in operation.))~~ —a fine equal to service costs plus \$500.00.

(5) For ((a)) the fourth and each succeeding consecutive numbered response —a fine equal to service costs plus \$1000.00.

The sheriff may assess and collect fines using all appropriate legal remedies, including the procedures set forth in SCC 10.52.070 and 10.52.080.

Section 7. Snohomish County Code Section 10.52.060, adopted by ordinance 84-035 on March 21, 1984, is amended to read:

10.52.060 ((Violation—Penalty)) Enforcement

((Anyone convicted of a violation of or failure to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500.00 per such violation.)) The sheriff is authorized and directed to enforce the terms and provisions of this chapter. If it is determined through

investigation, inspection, and or other means that any person has violated any provision of this chapter, then the sheriff may issue a notice and order.

Section 8. Snohomish County Code Section 10.52.070, adopted by ordinance 84-035 on March 21, 1984, is amended to read:

10.52.070 ((Severability)) Preliminary Finding Notice

~~((If any provision of this chapter is held invalid, the remainder of the chapter shall not be affected.))~~(1) No less than ten days before issuing a notice and order, the sheriff shall send a notice to the person determined to be responsible for a false alarm. The notice shall contain:

(a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;

(b) A statement that the sheriff has made a preliminary finding that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;

(c) A statement that the person determined to be responsible for the false alarm may, within ten days of the date appearing on the notice, provide information to establish that the incident identified as a false alarm is not a false alarm;

(d) A statement advising that, no earlier than ten days after the date appearing on the notice, the sheriff may issue a notice and order that may assess fines as provided in this chapter.

(2) The sheriff shall mail the notice to the person determined to be responsible for generating the false alarm by regular first class mail at the alarm system premises and the person's last known address, if any.

Section 9. A new section is added to Chapter 10.52 of the Snohomish County Code to read:

10.52.080 Notice and order.

(1) The sheriff shall issue a notice and order under SCC 10.52.060 directed to the person determined to be responsible for a false alarm. The notice and order shall contain:

(a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;

(b) A statement that the sheriff has found that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;

(c) If the sheriff has determined to assess fines under SCC 10.52.050, the order shall so state and shall require that the fines be paid within a certain time from the date of the order as determined by the sheriff;

(d) A statement advising:

(i) that the person determined to be responsible for the false alarm may appeal the notice and order to the Snohomish County hearing examiner pursuant to Chapter 2.02 SCC;

(ii) that failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under county code.

(2) The notice and order, and any amended or supplemental notice and order, shall be served upon the person determined to be responsible for the false alarm either personally or by mailing a copy of such notice and order by certified mail with return receipt requested to such person at the alarm system address or, if the notice is directed to a person other than the alarm user, at any address at which that person may be served with legal process under Washington law. Proof of service of the notice and order shall be made at the time of service by a notarized verification or a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

Section 10. A new section is added to Chapter 10.52 of the Snohomish County Code to read:

10.52.090 Appeals – Procedure.

(1) The person served with a notice and order under SCC 10.52.080 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of Chapter 2.02 SCC.

(2) At the hearing on a notice and order appeal, the sheriff shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence. A rebuttable presumption shall exist, however, that the factual statements and determinations made by the sheriff in the notice and order are correct.

(3) The decision of the hearing examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in Chapter 2.02 SCC and may then be reviewable by an action for writ of review filed with Snohomish County superior court as provided in Chapter 2.02 SCC.

Section 11. A new section is added to Chapter 10.52 of the Snohomish County Code to read:

10.52.100 No Criminal penalties.

Violations of this chapter shall not constitute a crime.

Section 12. A new section is added to Chapter 10.52 of the Snohomish County Code to read:

10.52.110 Remedies not exclusive

The remedies for violation of this chapter that are set forth in this chapter are not exclusive.

Section 13. A new section is added to Chapter 10.52 of the Snohomish County Code to read:

10.52.120 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.

PASSED this 20th day of November, 2002.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Sheila McCauley
Clerk of the Council *asst.*

Gary Nelson
Chairperson

- APPROVED
 EMERGENCY
 VETOED

DATE: 12/3/02

ATTEST:

Cynthia A. Rensel
Executive Member Assistant

[Signature]
County Executive

Approved as to form only:

Deputy Prosecuting Attorney

PUBLISH _____ AND _____