

# Ordinance No. 00055

[Council Minutes 96/02/12](#)

## ORDINANCE NO. 55

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AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Chapter 9.30 of the Lakewood Municipal Code relating to false alarms

WHEREAS, as a part of Ordinance No 41, the City Council of the City of Lakewood adopted provisions dealing with false alarms and enforcement of false alarm violations; and,

WHEREAS, because the City would want to be able to coordinate the enforcement of false alarm problems consistently with the enforcement by the City of Tacoma and Pierce County, it would be appropriate to include the additional terms and provisions providing for enforcement in the provisions of Chapter 9.30 of the Lakewood Municipal Code; and,

WHEREAS, because the problems of false alarms and the enforcement of false alarm code provisions are things affecting many jurisdictions and because Pierce County and the City of Tacoma have coordinated efforts to provide a uniform approach to false alarm enforcement, and because those efforts have resulted in beneficial correction of many false alarm problems, it would be advantageous for the City of Lakewood to incorporate a consistent approach to addressing false alarms in the City of Lakewood; and,

WHEREAS, the amendments to Chapter 9.30 as set forth herein below propose to make the City of Lakewood=s false alarm provisions consistent the enforcement language of Pierce County and the City of Tacoma.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That Chapter 9.30 of the Lakewood Municipal Code be, and the same hereby is, amended as follows:

#### Chapter 9.30

#### FALSE ALARMS

Sections:

9.30.010 ~~Defined~~ Definitions.

9.30.020 ~~Unlawful when -- Penalty fee~~ Permit requirements.

9.30.030 ~~Fee payment responsibility~~ Permit revocation.

9.30.040 Permit reinstatement. 9.30.050 Service charges.9.30.060 Additional duties of permittee(s) and/or agents of permittee(s).

9.30.070 Impermissible system and uses.9.30.080

Impermissible system and uses.9.30.080 Violation - Penalty.

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9.30.010 Defined Definitions.

For the purpose of this Chapter, the term Afalse alarm@ means the activation of a burglary and/or robbery or fire alarm by other than a forced entry or attempted forced entry to the premises, or by other than a fire and at a time when no burglary or robbery is being committed or attempted on the premises, or when no fire exists on the premises.

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

AAlarm 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.

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ABurglary alarm system@ means an alarm system designed or used for detection and reporting of an unauthorized entry or attempted unauthorized entry, upon real property protected by the system.

Burglary alarm system@ means an alarm system designed or used for detection and reporting of an unauthorized entry or attempted unauthorized entry, upon real property protected by the system.

A. ARobbery 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.

B. ADepartment@ means the agency providing law enforcement services for the City, whether as a department of the City or as a contract service provider, unless another meaning is indicated therein.

AFalse 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 be deemed not to be false alarms.

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ACity Manager@ means the City Manager of the City of Lakewood or designee.

City Manager@ means the City Manager of the City of Lakewood or designee.

ASix-month period@ means any consecutive six-month period (180 days).

Six-month period@ means any consecutive six-month period (180 days).

APermittee@ means the person(s), corporation(s), or other business entity to whom a permit has been issued under this chapter.

Permittee@ means the person(s), corporation(s), or other business entity to whom a permit has been issued under this chapter.  
C. APremises@ means any area and any portion or any area protected by an alarm system.

D. ASystem subscriber@ means person(s), corporation(s), or other business entity who purchased or contracted for any alarm system. (Ord.41 ' 1 (part), 1996.)

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D. ASystem subscriber@ means person(s), corporation(s), or other business entity who purchased or contracted for any alarm system. (Ord.41 ' 1 (part), 1996.)

### 9.30.020 Unlawful when - Penalty fee Permit requirements.

It is unlawful for any person, business or legal entity having or conducting a private alarm system for fire, theft, burglary or other protection to have three or more false alarms within a ninety-day period. The owner of any residence, business or premises in which said alarm system exists shall pay a twenty-five dollar false alarm fee for the third false alarm in a ninety-day period and for each subsequent false alarm in a ninety-day period.

A. From and after February 28, 1996, no person shall operate or use an alarm system on any premises within the City of Lakewood under that person=s control without first having obtained from the City a separate permit for each premises 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.

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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. 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:

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.

A. Each permit shall be given a unique number which shall not be transferable. The City Manager shall charge a \$15.00 application fee, except that no fee shall be charged for alarms installed prior to February 28, 1996, if a permit application for such existing alarm systems has been filed with Pierce County prior to February 28, 1996. It shall be the responsibility of the permittee to establish that such fee has been paid. Permit fees shall be payable to the City Finance Department and deposited into the City=s General Fund to be used exclusively for the direct or indirect support of law enforcement activities.

B. Any person who owns, operates, or possesses any alarm system within the City limits of Lakewood, 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 February 28, 1996. (Ord.41 ' 1 (part), 1996.)

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2. Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the subscriber;

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B. Any person who owns, operates, or possesses any alarm system within the City limits of Lakewood, 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 February 28, 1996. (Ord.41 ' 1 (part), 1996.)

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B. Any person who owns, operates, or possesses any alarm system within the City limits of Lakewood, 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 February 28, 1996. (Ord.41 ' 1 (part), 1996.)

#### 9.30.030 Fee-payment responsibility Permit revocation.

~~The City shall notify the party responsible for paying the fee, and if said fee is not paid to the City within ten days, a summons and complaint shall be executed by the City and the responsible party shall thereby be brought within the jurisdiction of the court of limited jurisdiction in which venue lies.~~

A. The City Manager may revoke a permit of any permittee:

1. Whose alarm system has resulted in more than eight 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 9.30.050 of this Chapter, within 60 days of billing.

B. The City Manager shall notify such permittee in writing by first class mail of the revocation of his/her alarm permit and the grounds therefor.

B. The notice shall state the specific date of revocation (which shall be no sooner than 10 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. The permittee may obtain review of intended or actual revocation pursuant to the provisions of City Code relating to public disclosure. (Ord.41 ' 1 (part), 1996.)

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B. The notice shall state the specific date of revocation (which shall be no sooner than 10 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. The permittee may obtain review of intended or actual revocation pursuant to the provisions of City Code relating to public disclosure. (Ord.41 ' 1 (part), 1996.)

9.30.040 Permit reinstatement.

A. Reinstatement of the permit may be made upon receipt by the Department of a letter from an alarm company licensed by the City to do business in the City of Lakewood pursuant to the business license provisions of the City Code stating that the alarm system is operating properly and/or the permittee(s)= agents are properly trained in the alarm system operation. The City shall not be responsible for any costs incurred by the permittee to qualify for reinstatement.

B. Reinstated permittees will be billed for any false alarm responses after reinstatement, and will be subject to further revocation after five more false alarm responses during the remainder of the six-month period.

C. Permits will not be reinstated if there are any outstanding fees or service charges due.

9.30.050

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B. Reinstated permittees will be billed for any false alarm responses after reinstatement, and will be subject to further revocation after five more false alarm responses during the remainder of the six-month period.

C. Permits will not be reinstated if there are any outstanding fees or service charges due.

9.30.050 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 payable to the City Finance Department and deposited into the City=s General Fund to be used exclusively for the direct or indirect support of law enforcement activities.

C. A permittee may obtain review of a service charge pursuant to the provisions of the City Code relating to public disclosure; provided that it shall be a condition precedent to filing notice of appeal that the service charge be paid, and that notice of appeal be filed within 14 days of the date of mailing of billing. In the event the Hearing Examiner modifies the service charge, refunds will be made accordingly.

9.30.060

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B. Service charges shall be payable to the City Finance Department and deposited into the City=s General Fund to be used exclusively for the direct or indirect support of law enforcement activities.

C. A permittee may obtain review of a service charge pursuant to the provisions of the City Code relating to public disclosure; provided that it shall be a condition precedent to filing notice of appeal that the service charge be paid, and that notice of appeal be filed within 14 days of the date of mailing of billing. In the event the Hearing Examiner modifies the service charge, refunds will be made accordingly.

9.30.060 Additional duties of permittee(s) and/or agents of permittee(s).

A. The premises shall display the permit at or near the main entrance, which shall be clearly visible and readable from the

exterior of the premises.

B. The premises 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 premises.

C. All telephone calls from a private monitoring company requesting police 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.

9.30.070

A. The premises shall display the permit at or near the main entrance, which shall be clearly visible and readable from the exterior of the premises.

B. The premises 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 premises.

C. All telephone calls from a private monitoring company requesting police 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.

9.30.070 Impermissible 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 15 minutes.

B. No person shall use an alarm system 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 City Manager.

D. No person shall operate or use any alarm system which automatically dials the Department directly and delivers a prerecorded message.

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C. No person shall operate or use any alarm system for which the permit has been revoked by the City Manager.

D. No person shall operate or use any alarm system which automatically dials the Department directly and delivers a prerecorded message.

9.30.080 Violation - Penalty.

In addition to the penalties and regulations provided herein, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

Section 2. 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.

Section 3. Effective date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 12th day of February, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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