

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2002-107**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NO. O2000-52
TO INCREASE CIVIL PENALTIES FOR FALSE
SECURITY ALARMS; ESTABLISHING CIVIL PENALTIES
FOR FALSE FIRE ALARMS; AND REPEALING
ORDINANCE NO. 99-34.**

WHEREAS, during the calendar years 2000 and 2001, and for the first quarter of 2002, false burglary, robbery, and panic alarms accounted for 23%, 21%, and 22%, respectively, of dispatched calls for police department services; and

WHEREAS, false alarms similarly account for an excessive number of dispatched calls for fire department services; and

WHEREAS, the Council finds that false alarm responses are a drain on police and fire department resources; and

WHEREAS, the Council finds that a new fine schedule is necessary to deter false alarms; and

WHEREAS, the City's regulations relating to false alarms from electronic security devices, which were originally set forth in Ordinance No. 99-34, are now included in Section 26 of Ordinance No. O2000-52;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Section 26 of Ordinance No. O2000-52 Amended. Section 26 of Ordinance No. O2000-52 is amended to read as follows:

Section 26. False Alarms - Crimes Relating to; Entire Chapter. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.32 Electronic Security Devices; Entire chapter, with the exception of KCC 12.32.050, which is amended to read as follows:

12.32.050 False Alarm, Burglar/Intrusion - Civil Penalty.

A. Any person or business, through error, omission or mechanical/electrical failure that causes two or more false alarms in any consecutive six-month period commits

an infraction punishable by a civil penalty. The penalty for the second false alarm within the six-month period is one hundred dollars. The penalty for the third false alarm within the six-month period is one hundred fifty dollars, and the penalty for the fourth and succeeding false alarms within the six-month period is two hundred fifty dollars. Any succeeding false alarms within the six-month period resulting from failure to take corrective action or any nonpayment of any false alarm charges, or both, may result in the Police Chief ordering the disconnection of the alarm until either the corrective action is taken or any outstanding charges are paid, or both, or ordering no response to future alarms. However, a disconnection may not be ordered as to any premises required by law to have an alarm system in operation.

B. Any alarm system business or monitoring company, through error, omission or mechanical/electrical failure that violates K.C.C. 12.32.030 commits an infraction punishable by a civil penalty. The penalty shall be two hundred fifty dollars.

The intent of this Section is to incorporate Ordinance No. 99-34 into the Sammamish Criminal Code for ease of reference.

Section 2. Ordinance No. 99-34 Repealed. Ordinance No. 99-34 is hereby repealed.

Section 3. False Fire Alarms.

A. Purpose. It is the intent of this section to reduce the number of false fire alarms occurring within the City, and the resulting drain on City resources, by providing for corrective administrative action, including penalties and potential disconnection.

B. Definitions. For the purposes of this section, unless a different meaning is plainly required:

“Person” includes any natural person, partnership, joint stock company, unincorporated association or society, or a corporation of any character whatsoever.

“False fire alarm” includes the activation of a fire alarm by any means other than an actual fire, burning food or other combustible material. All other activations including non-fire heat activation, construction incidents, and accidental or malicious pulls will be considered false.

“First response” shall mean response to premises at which no other false fire alarm has occurred within the preceding six-month period.

C. Penalties; Corrective Action; Invalidation. For fire response to any false fire alarm, the City shall charge and collect from the person(s) having or maintaining such fire alarm on premises owned or occupied by them penalties as follows:

1. First Response. For a first response to a false fire alarm at a premises, no penalty shall be charged. Upon such first response, notice of conditions and requirements

of this section shall be given to the owner or occupant of the premises on which the false fire alarm occurred and upon which the fire alarm is located. Within thirty (30) days after such first response, the owner shall make a written report to the Fire Chief or designee, on forms provided by the Fire Department, stating the reasons for such false fire alarm and the corrective action to be taken to prevent a reoccurrence.

2. Second Response. For a second response to premises within six months after the first response, a penalty of one hundred dollars shall be charged. The person having or maintaining such fire alarm shall, within five (5) working days after notice to do so, make a written report to the Fire Chief or designee, on forms provided by the Fire Department, stating the reasons for such second false fire alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the Fire Chief or designee may reasonably require to determine the cause of such false fire alarm, any mitigating circumstances and corrective action necessary. The Fire Chief or designee may direct the person having or maintaining such fire alarm to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the Fire Chief or designee. All costs of inspection and corrective action shall be borne by the individual having or maintaining the alarm on said premises.

3. Third Response. For a third response to premises within six months after a second response, a penalty shall be charged in the amount of one hundred fifty dollars for residential properties and four hundred dollars for commercial properties.

4. Fourth and Successive Responses. For a fourth response to premises within six months after a third response, and for all succeeding responses within six months of the last response, a penalty shall be charged in the amount of two hundred fifty dollars for residential properties and six hundred dollars for commercial properties.

5. Invalidation. For a second or subsequent false fire alarms occurring at a premises within seven days of the first response, notwithstanding the aforementioned timelines and penalties, in order to reduce the amount of unnecessary fire department responses to the same address, the Fire Marshal, Fire Chief or their designees may declare the system invalid, shut down the alarm system and require the occupant of the property to post a fire watch, at the owners expense, until the system has been repaired by a licensed and bonded company and the repair validated by the Fire Marshal, Fire Chief or their designees.

D. Notice of Violation.

1. Responsibility for Issuance. The Fire Chief or designee shall be responsible for the issuance of written notices of infraction to the owner following the second and each succeeding false fire alarm in any calendar month. The Fire chief or designee shall notify the City Finance Department of the amount of the penalties to be collected. It shall be the responsibility of the Finance Department to collect such penalties.

2. Waive Imposition. In the event the Fire Chief or designee determines

that false alarm(s) occurred as a direct result of an interruption of electrical power, telephone system malfunction, an alarm equipment malfunction or other causes beyond the control of the owner, the Fire Chief or designee may waive imposition of the applicable false fire alarm penalty or administrative sanction.

E. Administrative Decision; Notice. Notice of imposition of any administrative sanction, including the imposition of a penalty, under the provisions of this section, shall be given to the person having or maintaining a fire alarm on premises owned or occupied by him, provided that with respect to business premises, the owner, manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false fire alarm shall be presumed to be the person having or maintaining said alarm on said business premises.

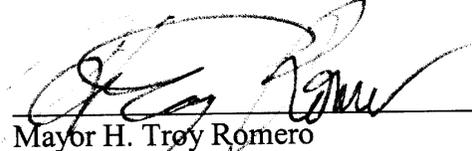
F. Appeal From Administrative Decision, Finality. Any person subject to the imposition of a penalty, order of discontinuation or other administrative sanction under the terms of this section shall have a right of appeal therefrom to the City Hearing Examiner. Unless notice of appeal is filed with the City Clerk within ten (10) days of receipt of notice of imposition of an administrative sanction, said sanction is deemed final.

Section 4. 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 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

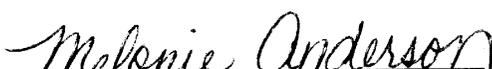
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6th DAY OF AUGUST, 2002.

CITY OF SAMMAMISH



Mayor H. Troy Romero

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend
Bruce L. Disend, City Attorney

Filed with the City Clerk:	June 27, 2002
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Passed by the City Council:	August 6, 2002
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